

2010

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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October 15, 2010
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INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register. The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings. The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

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 AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Egg and Egg Products Act
- 2) Code Citation: 8 Ill. Adm. Code 65
- 3) Section Number: 65.210 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to PA 96-1310, the Agency is increasing the amount of inspection fee paid per case of shell eggs from 6 cents per case to 11 cents per case.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the Illinois Register. Please mail written comments on the proposed rulemaking to the attention of:

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

217/785-5713

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/785-4505 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Shell egg packers or handlers (distributors) shipping eggs within or into the State of Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedure for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: Rulemaking was not anticipated at the time of the January 2010 regulatory agenda.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 65
EGG AND EGG PRODUCTS ACT

Section

65.10	Definitions and Incorporations
65.20	Packaging Material, Master Containers, Packing Material and Consumer-Size Containers
65.30	Consumer Container Labeling Requirements
65.40	Restrictions
65.50	Master Container Labeling Requirements
65.60	Advertising
65.70	Brand or Firm Name
65.80	Food Preparation
65.90	Holding Temperature
65.100	Application for License or Renewal; Revocation or Suspension of License
65.110	Licenses
65.120	Surety Bond or Certificate of Deposit (Repealed)
65.130	Required Forms and Records
65.140	Minimum Sanitation, Building and Labeling Requirements for Egg Breaking Establishments
65.150	Minimum Sanitation and Operating Requirements for Shell Egg Grading Plants, Not Under Federal Inspection, Engaged in the Grading, Storage, Packaging and Distribution of Eggs
65.160	Minimum Sanitation Requirements for Retailers and Institutional Consumers
65.170	Retail Egg Inspection
65.180	Enforcement
65.190	Restricted Eggs (Definition, Labeling, Handling, Disposition)
65.200	Denaturants
65.210	Egg Inspection Fee
65.220	Illinois Grade Standards
65.230	Administrative Hearings (Repealed)

AUTHORITY: Implementing and authorized by Section 13 of the Illinois Egg and Egg Products Act [410 ILCS 615/13].

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

SOURCE: Rules and Regulations for the Illinois Egg and Egg Products Act, filed October 28, 1975, effective November 1, 1975; amended March 2, 1976, effective March 12, 1976; amended December 29, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10449; amended at 7 Ill. Reg. 2311, effective February 14, 1983; amended at 17 Ill. Reg. 6749, effective April 27, 1993; amended at 19 Ill. Reg. 16933, effective January 1, 1996; amended at 21 Ill. Reg. 900, effective January 7, 1997; amended at 28 Ill. Reg. 2072, effective February 1, 2004; amended at 29 Ill. Reg. 14774, effective October 1, 2005; amended at 35 Ill. Reg. _____, effective _____.

Section 65.210 Egg Inspection Fee

- a) An inspection fee of ~~11¢6¢~~ per case (30 dozen equals a case) or fraction of a case shall be imposed on all eggs bearing a designated size and grade that are offered for sale or sold in the State of Illinois.
- b) The first handler in Illinois who packed and sold the eggs shall pay the prescribed inspection fee on the eggs. In the event that the eggs are shipped into Illinois, the handler who invoiced the eggs to Illinois shall pay the fee.
- c) The handler paying the inspection fee shall indicate on each sales invoice the amount of the inspection fee for the transaction in addition to the price of the eggs.
- d) Eggs sold or shipped out of the State of Illinois are exempt from inspection fees.
- e) The inspection fee shall be paid only once on the same quantity of eggs, so long as the eggs maintain their identity by remaining in their original case, carton or container. If eggs are removed from the original case, carton or container, they are now reidentified, and a second inspection fee (same rate as the first fee) shall be paid on the eggs to the Department.
- f) Persons responsible for the payment of the inspection fees shall report every three months the number of master containers (cases of 30 dozen eggs per case) of eggs subject to the inspection fee on forms supplied by the Department. Exception: Persons selling less than 600 master containers of eggs per year subject to the inspection fee shall report the number of master containers sold and remit fees on an annual basis at the time of license renewal. [TheSuch](#) reports shall be accompanied by a remittance in an amount corresponding to the number of master containers at the rate prescribed per master container.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) The Director shall summon the delinquent person or firm to an administrative hearing in Springfield in which the license may be suspended or revoked if:
 - A) the quarterly report is established as being false or incorrect; or
 - B) the report is not received within 30 days after the due date.
- 2) The quarters are as follows: January 1 to March 31; April 1 to June 30; July 1 to September 30; October 1 to December 31.
- g) The inspection fee applies to all eggs identified with a consumer Grade "AA", "A", or "B" packed loose or packaged in cartons.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, Organization and Personnel
- 2) Code Citation: 2 Ill. Adm. Code 2675
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2675.10	Amendment
2675.230	Amendment
2675.240	Amendment
2675.250	Amendment
2675.APPENDIX A	Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)] and Section 5-15(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)(1)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes express the Executive Director's authority to issue certifications of representatives, certifications of the results of elections, and dismissals of representation petitions and otherwise update the description of the organization of the agency. This rulemaking updates the address of the agency's Springfield office. This rulemaking also updates the agency's organization chart.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed

rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170
Fax No.: 312/793-3369
Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 2675
PUBLIC INFORMATION, RULEMAKING, ORGANIZATION AND PERSONNEL

SUBPART A: PUBLIC INFORMATION

- Section
- 2675.10 General Information
- 2675.20 Procedural Information
- 2675.30 Access to Board Materials

SUBPART B: RULEMAKING

- Section
- 2675.110 Procedures
- 2675.120 Petitions for Rulemaking

SUBPART C: ORGANIZATION

- Section
- 2675.210 Composition of the IELRB
- 2675.220 Executive Director and General Counsel
- 2675.230 Office of the Executive Director
- 2675.240 Office of the General Counsel
- 2675.250 Administrative Operations
- 2675.260 Advisory Committee

2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 14 Ill. Reg. 4158, effective March 2, 1990; amended at 28 Ill. Reg. 12818, effective September 7, 2004; amended at 35 Ill. Reg. _____, effective _____.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: PUBLIC INFORMATION

Section 2675.10 General Information

The Illinois Educational Labor Relations Board (IELRB or Board) has jurisdiction of labor relations matters involving educational employees and educational employers within Illinois. The IELRB maintains offices at ~~One Natural Resources Way 320 West Washington, Suite 260~~, Springfield, Illinois ~~6270262701~~, (217) 782-9068, and 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, (312) 793-3170. General information regarding the IELRB and its activities may be obtained by writing or telephoning the IELRB at either office. Information regarding the docket of cases pending before the IELRB or pending hearings may be obtained by contacting the IELRB's General Counsel at the Chicago Office. Information regarding the docket of cases pending investigation may be obtained by contacting the Executive Director at the Chicago Office. The IELRB's office will be open to the public from 8:30 a.m. to 5:00 p.m. on days other than Saturdays, Sundays and legal holidays.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: ORGANIZATION

Section 2675.230 Office of the Executive Director

The Board, through the Office of the Executive Director under the general supervision and direction of the Executive Director, performs the following operations:

- a) Investigating unfair labor practice charges pursuant to 80 Ill. Adm. Code 1120.30, 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1120;
- b) Conducting all necessary investigations of voluntary recognition and representation petitions pursuant to 80 Ill. Adm. Code 1105 and 80 Ill. Adm. Code 1110;
- c) Issuing certifications of representatives, certifications of the results of elections, and dismissals of representation petitions;
- d) Issuing complaints and notices of hearing and dismissals of unfair labor practice charges;
- e)e) Advising the Board on legal issues ~~that~~which may arise in the course of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

Board's official duties;

- ~~f)~~ Training of arbitrators and mediators as directed by the Board;
- ~~g)~~ Implementing and maintaining the Board's Labor Mediation Roster;
- ~~h)~~ Administering the Board's public information officer program;
- ~~i)~~ Serving as the Board's Freedom of Information Officer.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2675.240 Office of the General Counsel

The members of the IELRB, personally, and through the Office of the General Counsel under the general supervision and direction of the General Counsel, perform the following operations:

- a) Reviewing all recommended decisions of its hearing officers, Administrative Law Judges and Executive Director;
- b) Drafting and issuing all unfair labor practice and representation decisions of the Board;
- c) Advising the Board on legal issues ~~that~~which arise in the course of the Board's official duties;
- d) Assisting the ~~Office~~Officeer of the Attorney General in representing the Board in all legal matters pending in the courts;
- e) Representing the Board in legal proceedings before other agencies and courts;
- f) Conducting representation and unfair labor practice hearings and issuing recommended decisions and orders;
- g) Reviewing and revising the Board's Rules and Regulations.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2675.250 Administrative Operations

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

a) The following administrative operations are performed by the staff of the IELRB under the general supervision and direction of the Executive Director:

~~1a)~~ Administering all financial transactions, including the processing of all ~~Statestate~~ vouchers and related fiscal matters;

~~2b)~~ Preparing the budget for the IELRB and appropriation requests for review by the IELRB and submission to the Office of Management and Budget and General Assembly;

~~3)~~ Processing all personnel matters;

~~4)e)~~ Assigning all clerical and administrative staff within the offices of the IELRB.

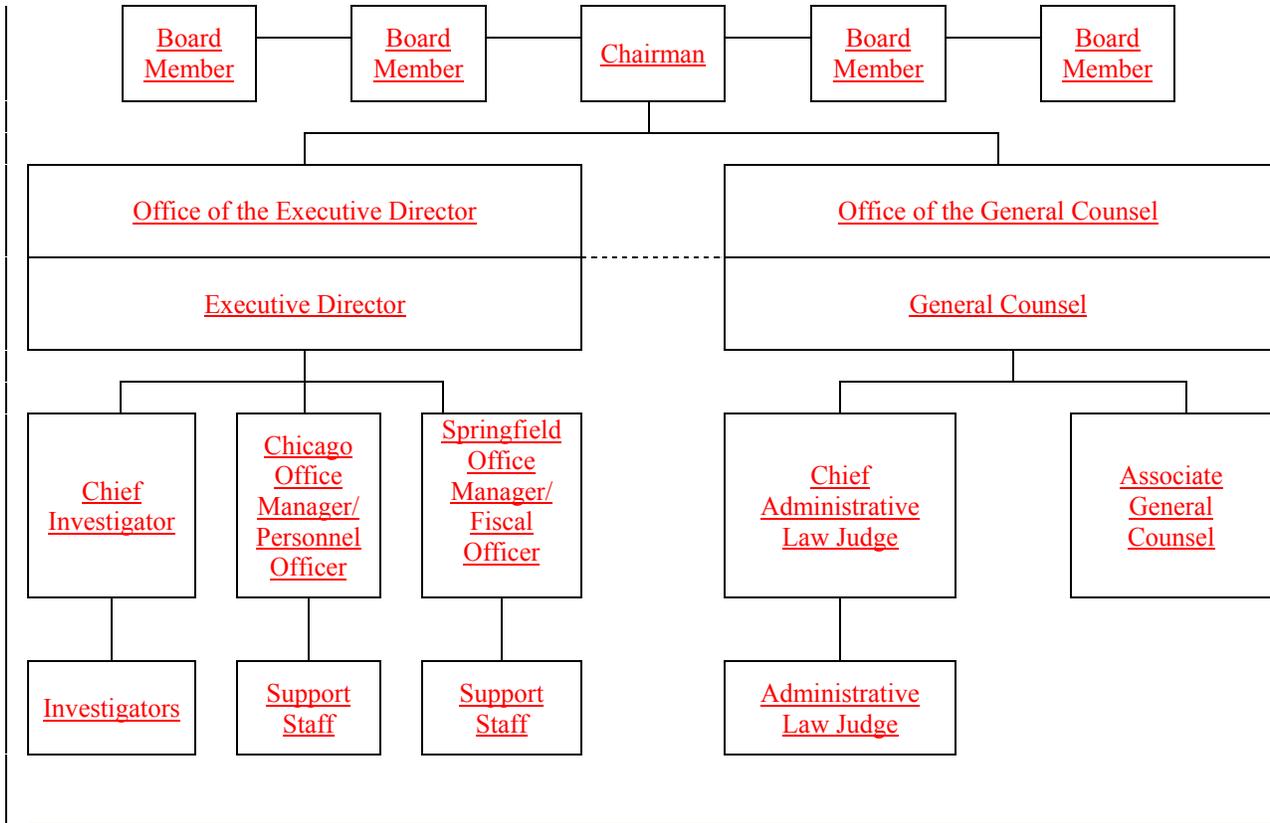
b) The IELRB's staff is organized as depicted in Appendix A.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

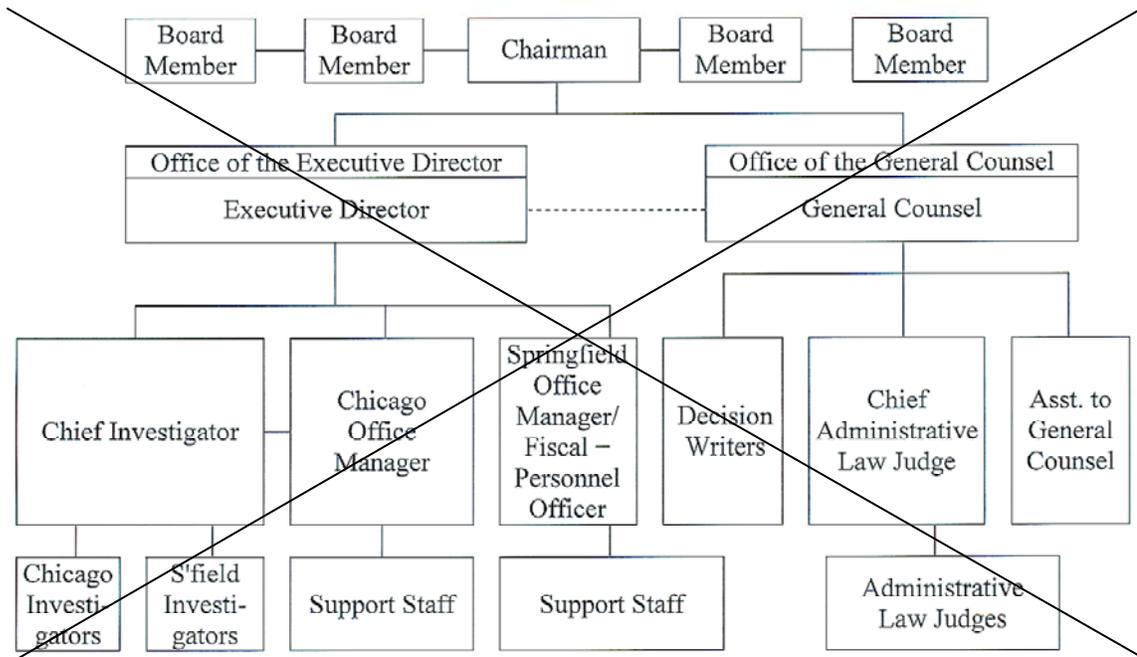
NOTICE OF PROPOSED AMENDMENTS

Section 2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart



ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS



(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 2676
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2676.10	Amendment
2676.30	Amendment
2676.40	Amendment
2676.50	Repeal
2676.60	Amendment
2676.70	Amendment
2676.80	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the Illinois Educational Labor Relations Board's Freedom of Information Act rules to reflect recent changes in the Freedom of Information Act. This rulemaking will also update the address of the Board's Springfield office.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. In addition, any interested person

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170
Fax No.: 312/793-3369
Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 2676
 FREEDOM OF INFORMATION

Section

2676.10	General Categories of Board Records
2676.20	Availability of Certain Records
2676.30	Requests for Access to Records
2676.40	Initial Response to Request
2676.50	Appeal of Denial of Access <u>(Repealed)</u>
2676.60	Place and Time of Inspection
2676.70	Copies
<u>2676.80</u>	<u>Records of Freedom of Information Act Requests</u>

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 5(i) of the Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 14 Ill. Reg. 4151, effective March 2, 1990; amended at 28 Ill. Reg. 7921, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

Section 2676.10 General Categories of Board Records

- a) The Illinois Educational Labor Relations Board (the Board) maintains the following general categories of records:
- | 1) Case records, covering the processing and disposition of representation and unfair labor practice cases.
 - | 2) Mediation/~~arbitration~~Arbitration records, including the Board's roster of mediators/arbitrators, requests for panels from the roster~~therefrom~~, and related records.
 - | 3) Collective bargaining agreement~~Bargaining Agreements~~ filed with the Board by employers under the Board's jurisdiction.
 - | 4) Minutes and agendas of Board meetings~~Meetings~~.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 5) Administrative, fiscal and personnel files, covering the Board's internal business affairs.
 - 6) General ~~correspondence~~ Correspondence.
 - 7) Legislative and rulemaking files, covering analyses of bills and proposed rules, comments on proposed bills and rules ~~thereon~~, and related records.
 - 8) Files and records concerning the appeal of Board decisions to the Appellate Court and other litigation involving the Board.
 - 9) Files and records concerning mediations conducted by Board employees.
- b) Within these general categories, some records are ~~readily~~ available to the public for inspection, others are available ~~upon notice or~~ subject to limitations, and some are deemed confidential and exempt from disclosure under any circumstances. ~~The following~~ Section 2676.20 provides examples.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2676.20 Availability of Certain Records

- a) The following records maintained by the Board are ~~readily~~ available for public inspection. Records within categories 1 through 6 shall be immediately disclosed upon request, meaning they are subject to disclosure and copies are maintained in such a fashion as to ordinarily be accessible for inspection on short notice:
- 1) Dockets of cases filed with the Board.
 - 2) Pending Representation Petitions (including for certification, decertification, clarification and amendment of certification).
 - 3) Current certifications of exclusive bargaining representatives and certifications of result.
 - 4) Pending unfair labor practice charges.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- 5) Decisions and Orders rendered by hearing officers, Administrative Law Judges, the Executive Director and the Board.
 - 6) The Labor Mediation Roster, including vitae of roster members.
 - 7) Open Session Minutes and Agendas of Board meetings.
 - 8) Freedom of Information Requests and the records showing their dispositions.
 - 9) Files in unfair labor practice and representation cases, except for the information described in subsection (b) that have been closed for six months or more.
 - 10) Hearing records, including transcripts, exhibits, briefs filed to hearing officers and Administrative Law Judges, exceptions and briefs filed with the Board, and other record materials from Board-conducted hearings in both representation and unfair labor practice cases.
 - 11) Mediation/arbitration records, other than those dealing with mediations conducted by Board personnel.
 - 12) Rulemaking files, except for preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except to the extent that a record or a relevant portion of a record is publicly cited and identified by the Chairman of the Board.
 - 13) Collective bargaining agreements filed with the Board by covered employers.
 - 14) Records relating to the obligation, receipt and use of public funds of the State and school districts.
- b) ~~The following records are deemed accessible for public inspection, but may not be available on short notice; advance arrangements should be made:~~
- 1) ~~Hearing Records, including transcripts, briefs filed to hearing officers and exceptions and briefs filed with the Board and other record materials from~~

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Board conducted hearings in both closed representation and unfair labor practice cases.~~

- ~~2) Mediation/Arbitration records, including requests to the Board for the appointment of mediators, fact finders and arbitrators pursuant to Section 12 of the Act, the Board's responses to such requests, and the reports filed with the Board by fact finders and interest arbitrators.~~
- ~~3) Rulemaking files, covering the Board's proposal, review and adoption of regulations.~~
- ~~4) Collective Bargaining Agreements filed with the Board by covered employers.~~
- ~~5) Files in unfair labor practice and representation cases that have been closed less than 6 months.~~

b)e) The following records are regarded as confidential and exempt from disclosure under all circumstances.:

- 1) Showings of Interest submitted to the Board in conjunction with petitions in representation cases, and materials generated by the Board's investigations of ~~thosesueh~~ showings.
- ~~2) Files in pending unfair labor practice and representation cases.~~
- ~~2)3)~~ Records in representation cases potentially identifying voters (or non-voters) and the character of their votes in secret ballot elections conducted by the Board.
- ~~3)4)~~ InformationInternal Personnel Files regarding Board employees that constitutes private information as defined in Section 2(c-5) of the Freedom of Information Act [5 ILCS 140] is prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40] is exempted from disclosure under the State Officials and Employees Ethics Act [5 ILCS 430], constitutes examination data used to determine the qualifications of an applicant for employment, or relates to the Board's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

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- 4)5) Preliminary drafts, notes, recommendations, ~~and~~ memoranda and other records by Board members or Board personnel in which opinions are expressed or policies or actions are ~~proposed or~~ formulated, except when a record or a relevant portion of a record is publicly cited and identified by the Chairman of the Board.
- 5)6) Drafts, notes, recommendations, memoranda and other materials, including communications between Board personnel and attorneys representing the Board, relating to pending litigation involving the Board.
- 6) Information contained in files in representation and unfair labor practice cases that constitutes private information as defined in Section 2(c-5) of the Freedom of Information Act or personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy as defined in Section 7(c) of the Freedom of Information Act, unless the disclosure is consented to in writing by the individual subjects of the information.
- 7) Affidavits submitted in unfair labor practice cases and the identity of the persons giving the affidavits.
- 8) Communications made during mediations conducted by employees of the Board, other than settlement agreements entered into by or on behalf of a public body.
- 9) Proposals and bids for any contract or agreement, or information prepared by or for the Board in preparation for a bid solicitation, including information that, if it were disclosed, would frustrate procurement or give an advantage to any person proposing to enter into a contract agreement with the Board.
- 10) Information received by an educational employer under its procedures for evaluation of faculty members by their academic peers, and course materials or research materials used by faculty members.
- 11) Closed Session Minutes of Board meetings.

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- 12) Administrative or technical information associated with automated data processing operations that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt from disclosure under Section 7 of the Freedom of Information Act.
- 13) Records relating to collective negotiating matters between public bodies and their employees or representatives, except for any final contract or agreement.
- 14) Materials prepared or compiled with respect to internal audits of the Board.

c)d) All other records maintained by the Board shall be available for public inspection, to the extent mandated by the Freedom of Information Act ~~[5 ILCS 140]~~, pursuant to the procedures specified in Section 2676.30.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2676.30 Requests for Access to Records

Requests under the Freedom of Information Act for access to public records of the Illinois Educational Labor Relations Board shall be submitted in writing to the Executive Director, Illinois Educational Labor Relations Board, 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601. Written requests may be submitted in any means available to the Board. Each request submitted by mail should be enclosed in an envelope clearly marked "FOIA REQUEST".

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2676.40 Initial Response to Request

a) Timelines

- 1) The Board will respond, through its staff, to the request within 57 working days after its receipt unless, within that period, the staff notifies the requester that it will require an extension of up to 57 additional working days. A notice of such an extension shall state the reasons why the extension is needed and the date by which the response will be forthcoming.

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- 2) Unless the requester and the Board agree to extend the time for the Board to comply with the request, the Board may extend the time for responding to the request only if:
 - A) the requested records are stored in whole or part at other locations than the office having charge of them;
 - B) the request requires the collection of a substantial number of specified records;
 - C) the request is made in categorical terms and requires an extensive search for the records responsive to it;
 - D) the records have not been located in the course of routine search and additional efforts are being made to locate them;
 - E) the requested records require examination and evaluation to determine whether they are exempt from disclosure under Section 7 of the Freedom of Information Act or should be revealed only with appropriate deletions;
 - F) the Board cannot comply with the request for records within 5 working days after receipt of the request without unduly burdening or interfering with the operations of the public body, or
 - G) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of the Board having a substantial interest in the determination of the subject matter of the request.
 - 3) The Board and the requester may also agree in writing to extend the period for complying with the request for public records for a period to be determined by the Board and the requester.
- b) The Board shall comply with all requests seeking all records within a category unless compliance with the request would be unduly burdensome for the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board shall afford the requester an opportunity to confer with it in an attempt to reduce

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the request to manageable proportions. If the Board responds to a request by invoking this exemption, it shall do so in writing, specifying the reasons why it would be unduly burdensome to comply with the request and the extent to which compliance will burden the operations of the Board. Repeated requests by the same person for the same records that are unchanged or are identical to records that have been previously provided or properly denied shall be deemed unduly burdensome.

- c)b) If the staff approves a request for the inspection of public records, it will notify the requester when and where the records will be made available for inspection. ~~If the request is for copies of records, the copies shall be provided after the requester has tendered payment in full to the Board for the applicable copy fees specified in Section 2676.70 of this Part.~~
- d)e) If the Board, through its staff, denies in whole or in part a written request for records, notice of the denial shall be given in writing stating the reasons for the denial~~therefore, including a detailed factual basis for the application of any exemption claimed.~~ The notice shall also identify by name and title the staff ~~person~~person(s) responsible for the denial,~~and shall advise the requester that the denial may be appealed to the Board.~~ The notice shall also inform the requester of the right to review by the Public Access Counselor established in the Office of the Attorney General, provide the address and telephone number of the Public Access Counselor, and inform the requester of his or her right to judicial review. When the Board denies a request for records on the basis that the records are exempt under Section 7 of the Freedom of Information Act, the notice shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. If the denial goes to only a portion of the requested records, the notice shall advise how and when the request will otherwise be granted. ~~A request for categories of records which is unduly burdensome to the Board will be denied only after affording the requester an opportunity to confer and to narrow the request to manageable proportions.~~
- e)d) The Board's failure to respond to a request within the period of time prescribed in subsection ~~2676.40(a) of this Part~~ may be treated by the requester as a denial of the request.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 2676.50 Appeal of Denial of Access (Repealed)

- a) ~~A person whose written request for public records has been denied by the staff of the Board may appeal the denial to the Board. The appeal must be in writing and must include a copy of the original request, a copy of the denial (if any), and a statement of the reasons why the denial should be overturned.~~
- b) ~~An appeal to the Board shall be addressed to it, to the attention of the General Counsel, at 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, and shall be clearly designated: "ATTN: FOIA APPEAL".~~
- e) ~~The Board shall determine a requester's appeal within 7 working days after its receipt. If the Board grants the appeal, a written notice to that effect shall inform the requester how and when the records will be made available. If the Board denies the appeal, in whole or in part, a written notice shall inform the requester that judicial review of the denial is available under Section 11 of the Freedom of Information Act [5 ILCS 140/11].~~
- d) ~~The Board's failure to determine an appeal within 7 working days after its receipt may be treated by the requester as a denial of the appeal.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 2676.60 Place and Time of Inspection

Public records maintained by the Board will be made available for inspection pursuant to this Part at the Board's offices at either One Natural Resources Way 320 West Washington Street, Suite 260, Springfield, Illinois 6270262704 or 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601, during regular office hours (8:30 a.m. to 5:00 p.m.) on days other than Saturdays, Sundays and legal holidays. The Board will determine at which office the records will be available.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2676.70 Copies

Upon proper request, the Board will furnish and certify copies of public records that which are available for public inspection. No fees will be charged for the first 50 pages of copies. The fee for additional copies will be 15 cents per page. The Board will furnish copies of documents

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without charge or at a reduced charge if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public, and is not for the principal purpose of personal or commercial benefit. In the case of a public record maintained in an electronic format, the Board will furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the record in the format in which it is specified by the requester, the Board will furnish it the format in which it is maintained by the Board or in paper format, at the option of the requester. The Board will charge the requester for the actual cost of purchasing a recording medium, at a charge of fifteen cents per page, plus appropriate postage if the copies are to be mailed. Copies will not be released to the requester until payment in full, by check or money order, of the copying and postage fees has been received.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 2676.80 Records of Freedom of Information Act Requests

The Board's Freedom of Information Officer shall maintain an electronic or paper copy of a request for public records, including all documents submitted with the request. The Freedom of Information Officer shall create a file containing the original request for public records, a copy of the Board's response, and a copy of all other communications related to the request for public records. The Freedom of Information Officer shall also create a single file in which copies of all notices of denials of requests for public records shall be retained. This file shall be open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records request.

(Source: Added at 35 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1100
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1100.30	Amendment
1100.70	Amendment
1100.120	New Section
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking deletes the three days added to time periods when service is by first-class mail. This rulemaking provides for subpoena requests and motions to revoke subpoenas to be filed with the hearing officer or Administrative Law Judge rather than the Chief Administrative Law Judge. This rulemaking provides standards for granting oral argument in the general procedures part, rather than in the unfair labor practice proceedings part.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170
Fax No.: 312/793-3369
Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1100
GENERAL PROCEDURES

Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers
1100.50	Recording of Hearings
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage
1100.105	Qualifications of Administrative Law Judges
1100.110	Conflict of Interest
<u>1100.120</u>	<u>Oral Argument</u>

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 26 Ill. Reg. 11472, effective July 23, 2002; emergency amendment at 28 Ill. Reg. 971, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7932, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

Section 1100.30 Computation and Extensions of Time

- a) In computing any period of time prescribed by the Act or this Part or 80 Ill. Adm. Code 1105, 80 Ill. Adm. Code 1110, 80 Ill. Adm. Code 1120, 80 Ill. Adm. Code 1125, 80 Ill. Adm. Code 1130, and 80 Ill. Adm. Code 1135, except for objections to an election, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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computed shall be included. If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.

- b) When a time period prescribed under the Act or this Part is less than seven days, intervening Saturdays, Sundays, or legal holidays shall not be included.
- ~~e) Whenever a time period begins running upon the service of notice or other document upon a party, and service is effected by first class mail, three days shall be added to the prescribed period. However, three days shall not be added if any extension of time has been granted.~~
- cd) In all proceedings before the Board, extensions of time will be granted only upon timely written motion to the General Counsel, if the matter is before the members of the Board, or the presiding hearing officer if the matter is before a hearing officer, and only upon a specific showing that compliance with the deadline would be unduly burdensome for the party seeking the extension, and the extension will not unduly delay the proceeding (undue delay to be determined by factors including the length of the requested extension, the length of time the matter has been pending, whether the party has previously requested extensions and the impact of delay on other parties).

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1100.70 Subpoenas

- a) ~~All subpoenas~~Subpoenas, including subpoenas duces tecum, shall be issued by the Board upon written application of a party to the ~~Chief~~ Administrative Law Judge or hearing officer. The application shall contain the name and address of the party and its representative, and the name of the person to be subpoenaed, and, ~~when~~where applicable, a description of any documents to be produced.
- b) A person objecting to the subpoena may file a motion to revoke the subpoena. ~~Any Prior to the opening of a hearing, any motion to revoke a subpoena shall be filed with the Chief Administrative Law Judge. After the opening of a hearing,~~ any motion to revoke a subpoena shall be filed with the hearing officer or Administrative Law Judge. The motion must be filed by the date on which the person is required to appear, and, in any event, no later than five days after service of the subpoena. Grounds for revocations of subpoenas shall include such factors

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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as irrelevance, burdensomeness of compliance or privilege.

- c) Witnesses appearing at a hearing pursuant to subpoenas are entitled to the same fees and mileage as are allowed witnesses in civil cases in the courts of the State of Illinois, pursuant to Section 4.3 of the Circuit Courts Act [705 ILCS 35/4.3]. Witness fees and mileage shall be paid by the party at whose request the subpoena was issued.
- d) A subpoena duces tecum shall specify the date for production of the documents. If the date so specified is other than at the hearing, the date specified for production shall be a date in advance of the hearing, which shall be no less than 10 days after the receipt of the subpoena by the person or entity to whom it is directed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1100.120 Oral Argument

Oral argument shall be allowed only at the discretion of the Board. The Board shall direct oral argument when it determines that oral argument will assist determination of the issues.

(Source: Added at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1105
- 3) Section Number: 1105.80 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking corrects a citation to the rule stating time limits for issuing hearing officers' decisions in representation cases.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: This rulemaking will be on the agenda of the Board's Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

312/793-3170

Fax No.: 312/793-3369

Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1105
HEARING PROCEDURES

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section	
1105.10	General Statement of Purpose
1105.20	Setting of Representation Hearing
1105.30	Authority of Hearing Officer
1105.40	Rights of Parties
1105.50	Conduct of Hearing
1105.60	Admissible Evidence
1105.70	Official Notice
1105.80	Decisions and Exceptions

SUBPART B: CONTESTED CASES

Section	
1105.90	General Statement of Purpose
1105.100	Setting of Contested Case Hearing
1105.110	Parties
1105.120	Authority of Hearing Officer
1105.130	Requests for Documents (Repealed)
1105.140	Pre-Hearing Memorandum
1105.150	Rights of Parties
1105.160	Order of Hearing
1105.170	Conduct of Hearing
1105.180	Confidentiality
1105.190	Admissible Evidence
1105.200	Official Notice
1105.210	Examination of Hostile Party or Adverse Witness
1105.220	Decisions and Exceptions
1105.230	Motions for Production of Documents

AUTHORITY: Implementing and authorized by Section 5(i) of the Illinois Educational Labor

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Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 9 Ill. Reg. 9491, effective June 11, 1985; amended at 14 Ill. Reg. 1278, effective January 5, 1990; amended at 28 Ill. Reg. 8710, effective June 6, 2004; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section 1105.80 Decisions and Exceptions

- a) The hearing officer shall issue a decision and give reasons for that decision in writing pursuant to the time limits established in 80 Ill. Adm. Code 1110.100 ~~(g)(h) of the rules of the Board~~. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.
- b) The parties may file exceptions to the hearing officer's recommended decisions and briefs in support of those exceptions no later than ~~14~~fourteen days after receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have ~~14~~fourteen days from receipt of the exceptions and supporting brief to file a response with the General Counsel. ~~The Such~~ response shall be served on all parties and a certificate of service shall be attached. A party may also file cross-exceptions and a supporting brief no later than 14 days from receipt of another party's exceptions and supporting brief. Those cross-exceptions and supporting brief shall be filed with the General Counsel. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have 14 days from receipt of the cross-exceptions and supporting brief to file a response with the General Counsel. ~~The Such~~ response shall be served upon all parties and a certificate of service shall be attached. Parties shall file the original and seven copies of their exceptions, cross-exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, cross-exceptions, briefs, and ~~the~~ recommended decision.
- c) The Board shall review the hearing officer's decision and any exceptions pursuant

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to 80 Ill. Adm. Code 1110.100(j) and will issue and serve upon all parties a written decision giving the Board's reasons for its determination. *An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order* (Section 7(d) of the Act). An order of the Board dismissing or granting a petition for clarification of an existing bargaining unit, or dismissing or granting an amendment of certification, is a final order.

- d) If no exceptions have been filed within 14 days after the parties' receipt of the Hearing Officer's decision, the parties will be deemed to have waived their exceptions.
- e) In cases removed to the Board pursuant to 80 Ill. Adm. Code 1110.100(e) ~~of the Rules of the Board~~, the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This decision and order shall include the Board's reasons for its decision.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Representation Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1110
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1110.40	Amendment
1110.70	Amendment
1110.90	Amendment
1110.100	Amendment
1110.105	Amendment
1110.140	Amendment
1110.160	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking creates the same window period during collective bargaining agreements for filing petitions for bargaining units containing and not containing professional instructional personnel. This rulemaking provides that a hearing will not be conducted on unit appropriateness or exclusion issues in majority interest cases if no issues of material fact are raised. This rulemaking provides for notice to be provided to bargaining unit members through agreed-upon alternative means if the posting would occur during a period when a substantial number of bargaining unit members are not working. This rulemaking provides procedures in majority interest cases in which the proposed unit includes professional and nonprofessional or craft and noncraft employees, and the employee organization has not demonstrated majority status in each group, but has demonstrated majority status in a combined unit. This rulemaking provides procedures for self-determination majority interest cases. This rulemaking provides that voluntary recognition procedures may not be used when another employee organization has lawfully attained representation rights. This rulemaking provides that the Executive Director or the hearing officer may direct an election when the only issues remaining between the parties are logistical. This rulemaking provides that, when there is a vote on whether there should be a unit combining professional and nonprofessional employees or a unit combining craft and noncraft employees in a majority interest case, the Board is not required to certify the exclusive representative within 30 days after service of the petition. This rulemaking adds the new statutory deadlines for ruling on unit clarification and majority interest petitions, but deletes the requirements that the Board issue decisions

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within 45 days in majority interest cases. This rulemaking corrects the spelling of "insure" to "ensure".

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

312/793-3170
Fax No.: 312/793-3369
Susan.Willenborg@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1110
REPRESENTATION PROCEDURES

Section

1110.10	General Statement of Purpose
1110.15	Investigations
1110.20	Employee Organizations Seeking Recognition
1110.30	Employer Responses to Recognition Requests
1110.40	Voluntary Recognition Procedures
1110.50	Representation Petitions
1110.60	Decertification Petitions
1110.70	Timeliness of Petitions and Bars to Elections
1110.80	Showing of Interest
1110.90	Posting of Notice
1110.100	Processing of Petitions Seeking an Election
1110.105	Processing of Majority Interest Petitions
1110.110	Consent Elections
1110.120	Bargaining Unit Determinations
1110.130	Eligibility of Voters
1110.140	Conduct of the Election
1110.150	Objections to the Election
1110.160	Petitions for Clarification of the Bargaining Unit
1110.170	Petitions to Amend Certification
1110.180	Petitions for Self-Determination
1110.APPENDIX A	Model Authorization Card

AUTHORITY: Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 9].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 14 Ill. Reg. 1297, effective January 5, 1990; emergency amendment at 28 Ill. Reg. 975, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7938, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

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Section 1110.40 Voluntary Recognition Procedures

- a) Voluntary recognition procedures may not be used under the following circumstances:
- 1) whenever ~~another~~ employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
 - 2) whenever there has been a valid representation election or a majority interest petition has been dismissed within the preceding 12 months;
 - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.
- b) An employee organization is not required to follow voluntary recognition procedures prior to employing majority interest procedures.
- c) Whenever a party intends to use the voluntary recognition procedures, the party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the reasons why the employee organization appears to represent a majority of the employees;
 - 6) the date on which the employer posted or intends to post the voluntary recognition notice; and
 - 7) a copy of the voluntary recognition notice that has been or will be posted.

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- d) The employer must post the voluntary recognition notice on the date specified in the notification filed with the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. The notice must be on a form developed by the Board, and must contain the following:
- 1) a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
 - 2) the name and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the date of posting; and
 - 5) the date by which a competing claim of representation must be filed with the Board, which is the date that the posting period is scheduled to terminate.
- e) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized, or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to ~~ensure~~insure that the notice is not removed or defaced and shall replace any notice ~~that~~which is removed or defaced.
- f) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:
- 1) the name, address, and affiliation, if any, of the employee organization;
 - 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;

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- 3) a description of the proposed bargaining unit;
 - 4) the date the voluntary recognition notice was posted; and
 - 5) the date the posting period is scheduled to terminate.
- g) A competing employee organization's petition must be supported by a showing of interest by *at least 15 percent of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized* (Section 7(b) of the Act).
- h) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 [through](#) 1110.150 ~~of this Part~~.
- i) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employee organization shall file with the Board a request for voluntary recognition certification. In the alternative, the employer may file such a request. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:
- 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization;
 - 3) a description of the proposed bargaining unit;
 - 4) the number of employees in the proposed bargaining unit;
 - 5) the dates and locations of the posting of the voluntary recognition notice;
 - 6) a statement that the notice was not removed or defaced during the posting period; and
 - 7) a statement describing why the employee organization represents the majority of the employees in the bargaining unit.
- j) The petition must be supported by objective evidence that a majority of the

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employees in the bargaining unit wish to be represented by the employee organization.

- 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d) ~~of this Part~~, will not be considered sufficient evidence of majority status.
 - 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.
- k) The Board will investigate the voluntary recognition request:
- 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.
 - 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.70 Timeliness of Petitions and Bars to Elections

- a) Election bar: With respect to any bargaining unit, *no election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period* (Section 7(d) of the Act). The Board will dismiss majority interest petitions for a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period. However, petitions seeking an election filed within the last three months of the 12 month period will be processed, and any resulting election will be conducted after the 12 month period has elapsed. Petitions seeking an election filed in the first 9 months of the 12 month period will be dismissed.
- b) Certification bar: With respect to any bargaining unit, absent unusual

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circumstances the Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of voluntary certification, majority interest proceeding or representation election. Unusual circumstances include when the exclusive representative dissolves or becomes defunct; when as a result of a schism, substantially all of the members and officers of the exclusive representative transfer their affiliation to a new local or international; or the size of the bargaining unit fluctuates radically within a short time.

- c) ~~Representation~~With respect to petitions with proposed bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsection (a) or (b) ~~of this Section.~~
- d) ~~With respect to petitions with proposed bargaining units not containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less, or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.~~
- d)e) A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition, majority interest or representation election procedures specified in the Act and this Part.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.90 Posting of Notice

Following the filing of a representation or decertification petition, the Board shall provide the employer with a notice that shall be posted, by the day after the employer receives the notice, on bulletin boards and other places where notices for employees in the bargaining unit are customarily posted, or in conspicuous places in the absence of a customary posting location. If the posting would occur during a period when a substantial number of bargaining unit members are not working, notice shall be provided to bargaining unit members through alternative means agreed to by the parties and the Executive Director or Board agent.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.100 Processing of Petitions Seeking an Election

- a) All parties served with a representation petition seeking an election or a decertification petition shall respond to the petition within seven days after service. The response shall set forth the party's position with respect to the matters asserted in the petition, including, but not limited to, the appropriateness of the bargaining unit. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- b) Upon receipt of the petition, the Board or its agent shall investigate the petition. If the investigation discloses that *there is no reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the petition will be dismissed; provided that, the dismissal may be appealed within 14 days to the Board. If the investigation discloses that *there is reasonable cause to suspect that a question of representation exists*, as defined in Section 7(c)(1) or (2) of the Act, the matter will be set for hearing before a hearing officer. All parties shall be given a minimum of seven days notice of the hearing. However, if the only issues remaining between the parties are logistical, e.g., the date of the election, the Executive Director or hearing officer may issue an order directing an election.
- c) Petitions to intervene may be filed with the Board no later than 14 days prior to the date set for the election. Any intervenor who files after the date set for

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hearing, or if no hearing is held, after the approval of a consent election agreement or the direction of an election pursuant to subsection (j) ~~of this Section~~, shall have waived objections to the bargaining unit.

- d) Interested persons who wish to participate in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his or her decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- e) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his or her own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- f) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.
- g) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. TheSueh additional time shall not exceed 90 days.
- h) Parties may file exceptions to the hearing officer's recommendation and briefs in

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support of those exceptions no later than 14 days after receipt of the recommendation. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. [TheSueh](#) response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be filed with the Board and served on all parties. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. [TheSueh](#) response shall be filed with the Board and served upon all parties. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- i) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted. An election shall not be held on a date on which a substantial portion of the regularly scheduled work force in the bargaining unit is not scheduled to work.
- j) Within seven days following the direction of an election, the employer shall furnish all other parties and the Executive Director with a list of the names and addresses of the employees eligible to vote in the election.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.105 Processing of Majority Interest Petitions

- a) Majority interest procedures may not be used when another employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit.
- b) The employer shall provide to the Board and the employee organization a list of employees as of the date of the petition within seven days after receipt of the petition, unless more time, not to exceed 14 days, is granted by the Board due to the size of the unit.

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- c) Upon request of the Board, the employer shall provide to the Board and to the employee organization examples of the employees' signatures within 14 days after the Board's request, unless more time, not to exceed 21 days, is granted by the Board due to the size of the unit. If the employer does not provide the list of employees or the signature examples within the allotted time, the Board shall administratively determine the adequacy of the showing of interest, based upon the evidence submitted by the employee organization. A grant of more time to provide a list of employees or signature examples shall, if necessary, extend the time limitation for certifying an employee organization as exclusive representative.
- d) Within 21 days after receipt of the petition, parties served with the petition shall file a written response to the petition. The response shall set forth the party's position with respect to the appropriateness of the unit, any proposed exclusions from the unit, any allegations of fraud or coercion in obtaining the showing of interest, and any other issues raised by the petition. A party that fails to file a timely response without good cause shall be deemed to have waived its right to a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely response.
- e) Upon receipt of the petition, the Board or its agent shall investigate the petition. The Board shall certify the employee organization as the exclusive representative within 30 days after service of the petition if:
- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 2) there are no issues of fraud or coercion in obtaining the showing of interest;
 - 3) the petition is otherwise consistent with the Act and with this Part; and
 - 4) either there are no unit appropriateness or exclusion issues or the number of contested positions or employees is not sufficient to affect the determination of majority status.

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- f) Where fraud or coercion in obtaining the showing of interest is alleged, the party or employee alleging fraud or coercion must provide its evidence of fraud or coercion to the Board and to the other parties, including a synopsis of any affidavits submitted to the Board, within 21 days after receipt of the petition or the posting of notice, unless additional time is granted by the Executive Director for good cause shown, such as a joint request, an emergency or whenever the Executive Director believes that it would further the purposes of the Act. The petitioner may file a response no later than seven days following the receipt of that evidence, unless additional time is granted by the Executive Director for good cause shown. The Executive Director shall issue his or her decision within 21 days following the receipt of the petitioner's response.
- g) The employee who alleges fraud or coercion or the parties may file exceptions to the Executive Director's decision and briefs supporting those exceptions no later than seven days after receipt of that decision, and a response to those exceptions may be filed no later than seven days after receipt of thesueh exceptions and briefs. ~~The Board shall issue its decision no later than 45 days from the date that the last brief must be filed pursuant to this subsection.~~ If no exceptions are filed within the seven-day period, the parties and any employee who alleges fraud or coercion will be deemed to have waived their exceptions. The filing of exceptions shall not stay the certification if the alleged fraud or coercion is not sufficient to affect the majority status of the petition.
- h) If the Executive Director determines that there is clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a determination, an election will be conducted according to the procedures set forth in this Part. The election shall be conducted within 45 days after the Executive Director's or the Board's determination, unless proceedings concerning the appropriateness of the unit, exclusions from the unit sufficient to affect majority status, or the timeliness of the petition are pending.
- i) If the Executive Director determines that there is not clear and convincing evidence of fraud or coercion sufficient to affect the majority status of the petition and no exceptions are filed to that determination, or if the Board makes such a determination, the Board shall certify the employee organization as the exclusive representative immediately after the Board's determination or within 10 days after service of an unappealed Executive Director's decision if:

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- 1) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 2) the petition is otherwise consistent with the Act and with this Part; and
 - 3) there are no unit appropriateness or exclusion issues, those issues have been resolved, or the number of contested positions or employees is not sufficient to affect the determination of majority status.
- j) If there are unit appropriateness or exclusion issues, but the number of contested positions or employees is not sufficient to affect the determination of majority status, a party may invoke the Board's unit clarification procedures. Invocation of the Board's unit clarification procedures shall not stay the issuance of a certification.
- k) If there are unit appropriateness or exclusion issues, and the number of contested positions or employees is sufficient to affect the determination of majority status, a hearing shall be conducted to resolve these issues. However, no hearing shall be conducted if no issues of material fact are raised, and the employee organization shall be certified as the exclusive representative if otherwise proper. A hearing shall also be conducted when there are issues of material fact concerning the timeliness of the petition under Section 1110.70 of this Part. The hearing shall commence no later than 30 days from service of the petition. The Board shall proceed in accordance with 80 Ill. Adm. Code 1105.10 through 1105.80, except that:
- 1) The hearing officer's recommended decision shall be issued not later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
 - 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any party to the proceeding may file a response to any exceptions and supporting briefs within seven days from receipt of a party's exceptions and supporting brief. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. A party may also file cross-exceptions and a supporting brief within seven days

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from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief within seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the Board and served on the parties. ~~The Board shall issue its decision no later than 45 days from the date that the last brief must be filed.~~ If no exceptions have been filed within seven days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within seven days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- l) Interested persons who wish to participate in the hearing shall direct [that such](#) requests to the hearing officer. The request shall be in writing and shall state the grounds for participation. In determining whether to grant the request, the hearing officer shall base his [or her](#) decision on the timeliness of the request, the degree to which the person requesting participation has a real interest at stake, the ability of the parties to represent the interests of the person requesting participation and the complexity of the proceeding.
- m) The hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his [or her](#) own motion within seven days after the close of the record. If the hearing officer orders a case removed, he [or she](#) shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.
- n) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule for briefs to be submitted to the Board. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.

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- o) The Board shall certify the employee organization as exclusive representative immediately upon issuance of the Board's opinion and order, or upon expiration of the time for filing exceptions to the hearing officer's recommended decision, if:
 - 1) the bargaining unit found to be appropriate by the Board is sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient;
 - 2) the employee organization agrees to represent the bargaining unit found to be appropriate;
 - 3) the Board concludes that the employee organization represents a majority of the employees in the bargaining unit;
 - 4) there is not clear and convincing evidence of fraud or coercion in obtaining the showing of interest; and
 - 5) the petition is otherwise consistent with the Act and this Part.
- p) If the bargaining unit approved by the Board is not sufficiently similar to the petitioned for bargaining unit that the showing of majority interest remains sufficient, the petitioner may submit a supplemental showing of interest within seven days after receipt of the Board's ruling, may participate in an election according to subsection (r), or may withdraw the petition.
- q) Petitions to intervene may be filed no later than 14 days after the notice is posted. Intervention shall only be allowed when, as a result of the evidence submitted by the intervenor in support of its showing of interest, the original petitioner no longer has a valid showing of majority interest.
- r) If the valid evidence presented by the employee organization to support its claim of majority status does not constitute a majority showing of interest, but demonstrates that at least 30 percent of the employees in the unit found appropriate desire to be represented for collective bargaining by the employee organization, the Board shall conduct an election in the unit found appropriate if the petition is otherwise consistent with the Act and this Part.
- s) Upon the filing of a petition or at any time thereafter that the case is pending, a party may allege that the dues deduction authorizations and other evidence

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submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer (Section 7(c-5) of the Act). The party must submit its evidence in support of the allegation at the time that it makes the allegation, unless additional time is granted by the Executive Director for good cause shown. Any other party may submit its response to the allegation no later than seven days from receipt of the submission of the party making the allegation, unless additional time is granted by the Executive Director for good cause shown. The Board or its agent shall investigate the allegation. If the Executive Director finds that there is an issue of law or fact that such conduct occurred, the matter shall be set for hearing. The hearing shall be conducted according to the Board's procedures for contested case hearings (80 Ill. Adm. Code 1105.90 [through](#) 1105.220), except that:

- 1) The Administrative Law Judge's recommended decision shall be issued no later than 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time (not to exceed 21 days) is required due to the length of the record or the complexity of the issues involved.
- 2) The parties may file exceptions to the recommended decision and briefs in support of those exceptions no later than seven days after receipt of the decision. Any other party may file a response to the exceptions and briefs no later than seven days after receipt of those exceptions and briefs. Exceptions and briefs shall be simultaneously filed with the Board and served on the parties. A party may also file cross-exceptions and a supporting brief within seven days from receipt of another party's exceptions and supporting brief. Any other party may file a response to the cross-exceptions and supporting brief no later than seven days from receipt of the cross-exceptions and supporting brief. Cross-exceptions and briefs shall be simultaneously filed with the Board and served on the parties. ~~The Board shall issue its decision within 45 days from the date that the last brief was due.~~
- t) If the Administrative Law Judge, or the Board on review, determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election (Section 7(c-5) of the Act).

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- u) In order for an employee's dues deduction authorization, authorization card, signature on a petition or other evidence to be counted in determining whether an employee organization has demonstrated a majority interest, the employee must be in the bargaining unit on the date the petition was filed.
- v) In cases in which where the proposed unit includes professional and nonprofessional employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of each group desires a combined unit. If the majority does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of each group desire a combined unit. If the majority do not vote for a combined unit, the Board will issue a separate certification when the employee organization has demonstrated majority status.
- w) In cases in which where the proposed unit includes craft and non-craft employees, the Board will determine majority status separately for each group. If the employee organization has demonstrated majority status for each group, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of the craft employees does not vote for a combined unit, the Board will issue separate certifications for the resulting units. If the employee organization has not demonstrated majority status in each group but has demonstrated majority status in a combined unit, the Board will conduct a vote to determine whether a majority of the craft employees desire a combined unit. If the majority of craft employees do not vote for a combined unit, the Board will issue a separate certification when the employee organization has demonstrated majority status.
- x) If a majority interest self-determination petition seeks to accrete employees into an existing unit, the employee organization must demonstrate majority status only among the petitioned-for employees (the employees sought to be added to the existing unit). Assuming that majority status has been demonstrated, the Board will conduct a vote to determine whether a majority of the petitioned-for employees and a majority of the existing bargaining unit desire a unit combining professional and nonprofessional employees if the existing unit contains only professional employees and the petitioned-for employees include, in whole or

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part, nonprofessional employees, or if the existing unit contains only nonprofessional employees and the petitioned-for employees include, in whole or part, professional employees. If a majority of both groups do not vote for a unit combining professional and nonprofessional employees, the Board will issue a separate certification for a stand-alone unit or units of the petitioned-for employees, ensuring that no certification is issued for a unit when the employee organization has not demonstrated majority status.

- y) When a vote on whether there should be a combined unit is conducted pursuant to subsection (v), (w) or (x), the Board shall not be required to certify the employee organization as the exclusive representative within 30 days after service of the petition.
- z) When a hearing is necessary, the Board shall conclude the hearing process and issue a certification of the entire appropriate unit, if the employee organization has demonstrated majority status in that unit, no later than 120 days after the petition was filed. However, this 120-day period may be extended one or more times by agreement of all the parties to a date certain. In other cases, the Board shall ascertain the employees' choice within 120 days after the petition was filed. However, the Board may extend this 120-day period by 60 days on its own motion or on the motion of a party to the proceeding.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.140 Conduct of the Election

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.
- b) Absentee ballots will be allowed only where an individual submits a written request to the Board no later than 10 days prior to the election and demonstrates in that request that he or she is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the factual basis for the claim. Mere inconvenience to the individual shall not be cause for the issuance of an absentee ballot.
- c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the

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number of polling locations and the number of eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to ~~ensure~~^{insure} that voters are free from interference, coercion, or intimidation.

- d) The Board's agent is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.
- e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative, and the choice of "No Representative".
- f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.
- g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional-nonprofessional unit and a second for indicating choice of representative, except as provided for in Section 1110.105(v) ~~of this Part~~.
- h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.
- i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside by the Board's agent with appropriate markings.
- j) A voter shall mark a cross (X) or check (✓) in the circle or block designating his ~~or her~~ choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that

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it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he or she may return it to the Board's agent, who shall give the voter another ballot and shall preserve the spoiled ballot.

- k) A voter shall fold his or her ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his or her ballot.
- m) Prior to the close of the polls, each party shall designate a representative to observe the tallying of the ballots.
- n) Immediately upon the conclusion of the polling, the votes shall be tallied as follows:
 - 1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.
 - 2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.
 - 3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled, and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.
 - 4) The Board's agent shall count the number of challenged ballots separately. If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.

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- 5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the challenged ballots shall be investigated by the Executive Director, who shall issue a recommended decision concerning the application of Sections 2, 7, 8 and 9 of the Act and this Part to the challenged ballots. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. ~~The~~ ~~Such~~ response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion.
- 6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative shall be tallied together.
- 7) When the election includes a vote on a combined professional-nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.
- 8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.
- o) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.
- p) When there are three or more choices on the ballot (two or more employee

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organizations and "No Representative") and no choice receives a majority, the Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional-nonprofessional units shall be binding on the runoff election.

- q) Where there are three or more choices on the ballot, and either the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election inconclusive and shall order a new election. The results of the craft severance and combined professional-nonprofessional unit votes in the first election shall be binding on the rerun election.
- r) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1110.160 Petitions for Clarification of the Bargaining Unit

- a) An exclusive representative or an employer may file a petition to clarify an existing bargaining unit. The Board shall serve the petition on the other party. The petition shall be signed and shall contain the following:
 - 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the exclusive representative;
 - 3) a description of the existing bargaining unit; and
 - 4) the nature of the proposed clarification and the reasons [for the clarification](#)~~therefor~~.
- b) The exclusive representative or employer may file an answer to the petition within 14 days following service of the petition. Failure to answer without good cause shall be deemed a waiver of objections to the petition and a waiver of a hearing. Good cause will include when there is no prejudice to another party or the other parties have consented to a hearing without the filing of a timely answer.

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- c) The Executive Director or his [or her](#) agent shall investigate the petition and, if the petition does not present unresolved questions of material fact, the Executive Director shall then issue a Recommended Decision and Order. Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. [TheSuch](#) response shall be filed with the Board and served on all parties. If no exceptions have been filed within the 14 day period, the parties will be deemed to have waived their exceptions. The Board will review the Executive Director's recommendation upon request by a party or on its own motion. If the petition presents unresolved questions of material fact, the Executive Director shall set it for a hearing.
- 1) Interested persons desiring to intervene in the hearing shall submit a written request to the hearing officer. The hearing officer shall base his [or her](#) decision on whether to allow intervention upon the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, the ability of the parties to represent the interests of the person requesting intervention, and the complexity of the proceeding.
 - 2) The hearing officer shall inquire into all matters in dispute and shall obtain a full and complete record. The hearing officer shall file and serve upon the parties a recommended disposition of the matter.
 - 3) Parties may file exceptions to the hearing officer's recommendations and briefs in support of their exceptions within 14 days after receipt of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. [TheSuch](#) response shall be filed with the Board and served on all parties. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of all cross-exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any other party may file a response to any cross-exceptions and supporting briefs within 14 days from receipt of a party's cross-exceptions

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and supporting brief. [TheSuch](#) response shall be filed with the Board and served on all parties. If no exceptions have been filed within 14 days after service of the hearing officer's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- 4) The Board will review the hearing officer's recommendation if a party has filed exceptions pursuant to Section 1105.80(b), or on the Board's own motion. The Board will issue its decision in accordance with 80 Ill. Adm. Code 1105.80(c) and (e).
- d) The parties may clarify the composition of the bargaining unit by stipulation. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 school days. The employer shall attempt to insure that the notice is not removed or defaced during the posting period and shall replace any notice [thatwhich](#) is removed or defaced.
- e) During the posting period, interested persons may file objections with the Board. Objections shall be served on the employer and the exclusive representative prior to, or simultaneously with, their filing with the Board.
- f) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the clarification depending upon whether the clarification is consistent with the Act. If objections have been filed, the Board shall proceed in accordance with subsection (c).
- g) The Board will issue a certification of the clarified unit or dismiss the petition no later than 120 days after the petition was filed. However, if all parties agree, this 120-day period may be extended one or more times to a date certain.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- 1) Heading of the Part: Unfair Labor Practice Proceedings
- 2) Code Citation: 80 Ill. Adm. Code 1120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1120.50	Amendment
1120.70	Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides that a compliance investigation will be conducted if a party asserts that compliance has not occurred. This rulemaking provides that a compliance hearing shall be conducted when compliance has not occurred or there is an issue of law or material fact as to whether compliance has occurred. This rulemaking provides that the compliance hearing will be conducted in accordance with the Board's Rules for hearing procedures in contested cases and that testimony may be presented. This rulemaking provides for the Complainant to present a specification of the amount of backpay, but for the subpoena power to continue during compliance proceedings. This rulemaking allows the 30-day period for issuance of the Recommended Decision and Order to be extended on agreement of the parties. This rulemaking eliminates the exclusion of factual issues turning exclusively on witnesses' demeanor from the issues to be resolved in the Recommended Decision and Order. This rulemaking removes the rule on oral argument from the Part on unfair labor practice proceedings. (This rule is being moved to the Part on general procedures.)
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed rulemaking no later than 45 days after publication of this Notice in the *Illinois Register* to:
- Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601
- 312/793-3170
Fax No.: 312/793-3369
Susan.Willenborg@illinois.gov
- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
- C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1120

UNFAIR LABOR PRACTICE PROCEEDINGS

Section

1120.10	General Statement of Purpose
1120.20	Filing of a Charge
1120.30	Charge Processing and Investigation, Complaints and Responses
1120.40	Hearings
1120.50	Consideration by the Board
1120.60	Requests for Preliminary Relief
1120.70	Compliance Procedures
1120.80	Sanctions

AUTHORITY: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 14 Ill. Reg. 1322, effective January 5, 1990; emergency amendments at 16 Ill. Reg. 6052, effective March 30, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13500, effective August 25, 1992; amended at 28 Ill. Reg. 7973, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

Section 1120.50 Consideration by the Board

- a) In cases in which there is a recommended decision, the parties may file exceptions to the Administrative Law Judge's recommendation and briefs in support of those exceptions. Briefs and exceptions shall be filed no later than 21 days after service of the recommendation. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 21 days from receipt of a party's exceptions and supporting brief. ~~TheSuch~~ response shall be filed with the Board and served on all parties. A party may also file cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions

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shall be filed with the Board and served on all other parties, and a certificate of service shall be attached. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. ~~The~~Such response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached. If no exceptions have been filed within 21 days after service of the Administrative Law Judge's recommended decision, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- b) The Board will review the Administrative Law Judge's recommendation if a party has filed exceptions pursuant to 80 Ill. Adm. Code 1105.220(b) or on the Board's own motion. In cases removed to the Board, the parties will file briefs in the manner directed by the Board, the manner to include the dates on which briefs will be due and the subjects to be addressed in the briefs, as specified by the Board. In cases in which exceptions are filed and those ~~that~~which are removed to the Board, the Board shall issue and serve on all parties its decision and order in accordance with 80 Ill. Adm. Code 1105.220(c) through (e).
- ~~e) Oral argument shall be allowed only at the discretion of the Board. The Board shall direct oral argument when it determines that oral argument will assist determination of the issues.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1120.70 Compliance Procedures

- a) The compliance procedures set forth ~~in this Section~~herein shall commence once a Respondent:
- 1) has failed to file exceptions to a Recommended Decision and Order of an Administrative Law Judge;
 - 2) has failed to appeal a final order of the Board; or
 - 3) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a Respondent to take certain affirmative action or to refrain from engaging in any action.

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- b) ~~If, upon the occurrence of any of the events designated in Section 1120.70(a), a party asserts that compliance has not occurred, a compliance investigation shall be conducted.~~
- ~~cb)~~ If the investigation discloses that ~~If, upon the occurrence of any of the events designated in Section 1120.70(a),~~ compliance has not occurred, ~~or if there is an issue of law or material fact as to whether compliance has occurred,~~ a compliance hearing shall be conducted.
- ~~de)~~ The compliance hearing shall be conducted by the Executive Director or his ~~or~~ her designee and shall be conducted in accordance with the Board's Rules for hearing procedures in contested cases. ~~in the nature of a fact-finding hearing, be recorded stenographically or by other appropriate means, at which~~ At the hearing, the parties to the matter shall be afforded the opportunity to present testimony, documents, affidavits, and/or any other information, in addition to their positions, on the matter of Respondent's compliance with the order. If backpay is at issue, Complainant shall present a specification of the amount due, supported by evidence if necessary. The subpoena power shall continue during compliance proceedings.
- ~~ed)~~ Within 30 days after the compliance hearing described in ~~subsection (d)Section 1120.70(e),~~ or a determination made under ~~subsection (c)Section 1120.70(b)~~ that compliance has taken place, the Executive Director shall cause to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved. The 30-day period may be extended upon agreement of the parties.
- e) ~~For purposes of Section 1120.70(d), issues of fact are all issues bearing on the question of Respondent's compliance with the order other than those factual issues turning exclusively on the demeanor of a witness or witnesses.~~
- f) Parties may file exceptions to the Executive Director's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. Copies of all exceptions and briefs shall be served upon all other parties and a certificate of service shall be attached. Any party to the proceeding may file a response to any exceptions and supporting briefs within 14 days from receipt of a party's exceptions and supporting brief. ~~The~~ Such response shall be filed with the Board and served on all parties. A party may also file

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cross-exceptions and a supporting brief within 14 days from receipt of another party's exceptions and supporting brief. Copies of the cross-exceptions and supporting brief shall be served upon all other parties and a certificate of service shall be attached. Any other party may file a response to the cross-exceptions and supporting brief within 14 days from receipt of the cross-exceptions and supporting brief. ~~The~~~~Such~~ response shall be filed with the Board and served upon all parties, and a certificate of service shall be attached. If no exceptions have been filed within 14 days after service of the Executive Director's recommendation, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.

- g) The Board will review the Executive Director's recommendation upon request by a party or on its own motion.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fair Share Fee Objections
- 2) Code Citation: 80 Ill. Adm. Code 1125
- 3) Section Number: 1125.80 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes clear when the close of the record is for fair share hearings.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

312/793-3170

Fax No.: 312/793-3369

Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 1125
FAIR SHARE FEE OBJECTIONS

Section

1125.10	General Statement of Purpose
1125.20	Notice of Fair Share Fees
1125.30	Objections to Fair Share Fees
1125.40	Escrow Accounts
1125.50	Responses to Objections (Repealed)
1125.60	Consolidation of Fair Share Fee Objections
1125.70	Investigation of Fair Share Fee Objections
1125.80	Hearings
1125.90	Consideration by the Board (Repealed)
1125.100	Internal Review Procedure

AUTHORITY: Authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)]

SOURCE: Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amended at 13 Ill. Reg. 1784, effective January 31, 1989; emergency amendments at 13 Ill. Reg. 15469, effective September 13, 1989, for a maximum of 150 days; amended at 14 Ill. Reg. 2873, effective February 9, 1990; amended at 28 Ill. Reg. 7984, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

Section 1125.80 Hearings

- a) Except as [otherwise](#) provided [in this Section below](#), hearings on fair share fee objections shall proceed in the same manner as hearings in both contested cases, as set forth in 80 Ill. Adm. Code 1105, Subpart B, and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1120.40.
- b) The Chief Administrative Law Judge shall appoint a fair share Administrative Law Judge to hold an evidentiary hearing and render a Recommended Decision

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and Order on the fair share fee objections.

- c) The burden of proof shall be on the exclusive representative.
- d) The hearing set forth in subsection (b), shall commence no later than 60 days from the last day for filing of an objection pursuant to Section 1125.30(a) ~~of this Part~~. When objections involving two or more bargaining units are consolidated pursuant to Section 1125.60 ~~of this Part~~, the hearing shall commence no later than 60 days from the last day for filing of an objection for any of the bargaining units. A Recommended Decision and Order shall be issued within 60 days ~~after~~ of the close of the record, unless additional time (up to 30 days) is required due to the length of the record and/or the complexity of the issues involved. The close of the record does not occur until the Administrative Law Judge orders that it be closed, either at the hearing or after holding the record open for a period for purposes such as allowing an exclusive representative to provide additional evidence or to attempt to settle objections. The Recommended Decision and Order or a summary of the Recommended Decision and Order shall be served on all parties to the proceeding. A party receiving a summary of the Recommended Decision and Order shall be entitled to receive a copy of the full Recommended Decision and Order on request.
- e) Within 21 days after receipt of the Recommended Decision and Order, any party may file exceptions and briefs in support of those exceptions with the Board. A party may also file cross-exceptions and a supporting brief within 14 days after receipt of another party's exceptions and supporting brief. If no exceptions have been filed within 21 days after service of the Recommended Decision and Order, the parties will be deemed to have waived their exceptions. If no cross-exceptions have been filed within 14 days after receipt of another party's exceptions and supporting brief, the parties will be deemed to have waived their cross-exceptions.
- f) If timely exceptions are filed, the Board shall issue and serve on all parties a copy or a summary of its decision and order. A party receiving a summary of the Board's decision and order shall be entitled to receive a copy of the full decision and order on request.
- g) Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the objector's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board shall disburse the amount held in escrow to the employee and the exclusive

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representative in accordance with its determination in the case. Interest earned by disputed fees during the time they were held in escrow shall be apportioned pro rata between the employee and the exclusive representative.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: University of Illinois Bargaining Units
- 2) Code Citation: 80 Ill. Adm. Code 1135
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1135.20	Amendment
1135.30	Amendment
- 4) Statutory Authority: Authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 5/9]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides for bargaining units for faculty at the University of Illinois that are consistent with the statute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The proposed revisions to the agency's Rules will be on the agenda of the Advisory Committee meeting on October 21, 2010. In addition, any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Susan Willenborg
Associate General Counsel
Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, Illinois 60601

312/793-3170

Fax No.: 312/793-3369

Susan.Willenborg@illinois.gov

- 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: Small businesses, small municipalities and not for profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not for profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008, July 2010

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE C: LABOR RELATIONS
 CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1135
 UNIVERSITY OF ILLINOIS BARGAINING UNITS

Section

1135.10	General Statement of Purpose
1135.20	Presumptively Appropriate Bargaining Units
1135.30	Bargaining Unit Determinations

AUTHORITY: Implementing and authorized by Sections 5(i) and 9 of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i), 9].

SOURCE: Adopted at 13 Ill. Reg. 14969, effective September 8, 1989; amended at 28 Ill. Reg. 7993, effective May 28, 2004; amended at 35 Ill. Reg. _____, effective _____.

Section 1135.20 Presumptively Appropriate Bargaining Units

- a) With respect to educational employees employed at the Urbana-Champaign campus or employed in units located outside Urbana-Champaign ~~that~~^{which} report administratively to the Urbana-Champaign campus, the following units shall be presumptively appropriate for collective bargaining:
- 1) Unit 1: All ~~tenured and tenure-track non-supervisory academic faculty employed more than half-time in all undergraduate, graduate and professional schools and degree and non-degree programs~~^{full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty; all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the faculty member is employed; and all full-time, nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms,} but excluding all faculty members of the College of Law and the College of Veterinary Medicine. ~~A terminal degree is the highest degree attainable in a discipline.~~
 - 2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenure or tenure track faculty members of the

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College of Law.

- 3) Unit 3: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenure or tenure track faculty members of the College of Veterinary Medicine.
 - 4) Unit 4: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act [110 ILCS 70/36e] who have a .50 or greater appointment in that position.
 - 5) Unit 5: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act [115 ILCS 5/2(k)] who are not exempt from the State Universities Civil Service Act.
 - 6) Unit 6: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act ~~[110 ILCS 70/36e]~~. A technical and paraprofessional employee is a person who performs work that is typically laboratory or field work.
 - 7) Unit 7: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.
 - 8) Unit 8: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.
- b) With respect to educational employees employed at the Chicago campus or employed in units located outside Chicago ~~that~~^{which} report administratively to the Chicago campus, the following units shall be presumptively appropriate for collective bargaining:
- 1) Unit 1: All ~~tenured and tenure-track non-supervisory academic faculty employed more than half-time in all undergraduate, graduate and professional schools and degree and non-degree programs~~^{full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenured or tenure-track faculty; all full-time, nontenure-track faculty who possess a terminal degree appropriate to the academic unit in which the}

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~~faculty member is employed; and all full-time, nontenure-track faculty without the appropriate terminal degree who have been employed for four consecutive semesters, excluding summer terms~~, but excluding all faculty members of the College of Pharmacy, the College of Medicine and the College of Dentistry.

- 2) Unit 2: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenure or tenure-track faculty members of the College of Dentistry.
- 3) Unit 3: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenure or tenure-track faculty members of the College of Medicine.
- 4) Unit 4: All full-time (i.e., employees who have .51 or greater appointment as a faculty member) tenure or tenure track faculty members of the College of Pharmacy.
- 5) Unit 5: All full-time non-visiting academic professionals exempted as Principal Administrative Employees from Section 36e of the State Universities Civil Service Act who have a .50 or greater appointment in that position.
- 6) Unit 6: All full-time and regular part-time professional employees, as that term is defined in Section 2(k) of the Illinois Educational Labor Relations Act [\[115 ILCS 5/2\(k\)\]](#) who are not exempt from the State Universities Civil Service Act.
- 7) Unit 7: All full-time and regular part-time technical and paraprofessional employees not exempt from the State Universities Civil Service Act.
- 8) Unit 8: All full-time and regular part-time non-professional administrative and clerical employees not exempt from the State Universities Civil Service Act.
- 9) Unit 9: All full-time and regular part-time service and maintenance employees not exempt from the State Universities Civil Service Act.

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- c) With respect to educational employees employed at the Springfield campus or employed in units located outside Springfield that report administratively to the Springfield campus, the following unit shall be presumptively appropriate for collective bargaining: all tenured and tenure-track non-supervisory academic faculty employed more than half-time in all undergraduate, graduate and professional schools and degree and non-degree programs.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1135.30 Bargaining Unit Determinations

- a) The units set forth in Section 1135.20 are presumptively appropriate. Petitions for units other than those set forth in this Part, with the exception of the units of tenured and tenure-track academic faculty, may be filed and shall be processed in accord with the regular rules of the Educational Labor Relations Board~~this agency~~ concerning representation cases (80 Ill. Adm. Code 1110). Units of educational employees of the Board of Trustees of the University of Illinois other than those set forth in this Part~~herein~~ shall be established only if the petitioner can show the following by clear and convincing evidence:
- 1) that the unit is otherwise appropriate under Section 7 of the Illinois Educational Labor Relations Act;
 - 2) that special circumstances and compelling justifications make it appropriate for the Illinois Educational Labor Relations Board to establish a unit different from those set forth in Section 1135.20~~above~~;
 - 3) that establishment of a different unit will not cause undue fragmentation of bargaining units or proliferation of bargaining units. Undue fragmentation of bargaining units or proliferation of bargaining units means that the number of bargaining units is such as to threaten to interrupt services, cause labor instability, and cause continual collective bargaining and a multitude of representation proceedings.
- b) Nothing in this Part shall be construed to prohibit a representation petition combining two or more of the bargaining units set forth in Section 1135.20(a)(5), (6), (7) and (8) or Section 1135.20(b)(6), (7), (8) and (9), respectively.
- c) With respect to the bargaining units listed in Section 1135.20(a)(5), (6), (7) and

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(8) or Section 1135.20(b)(6), (7), (8) and (9), the individual units may be added to existing units by means of self-determination elections.

- d) Notwithstanding the [other provision of this Section above](#), nothing shall prevent the Illinois Educational Labor Relations Board from holding hearings concerning the specific job classifications to be included in, or excluded from, each of the units listed in Section 1135.20 and from establishing additional rules about such matters.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Coe 1455
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1455.10	Amendment
1455.110	Amendment
1455.150	Amendment
1455.160	Amendment
1455.230	Amendment
1455.240	Amendment
1455.250	Amendment
1455.270	Amendment
1455.290	Amendment
1455.315	New Section
1455.320	Amendment
1455.350	Amendment
1455.360	Amendment
1455.370	Amendment
1455.390	Amendment
1455.400	Amendment
1455.410	Amendment
1455.420	Amendment
1455.440	Amendment
1455.450	Repealed
1455.460	Repealed
1455.470	Repealed
1455.480	Repealed
1455.490	Repealed
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-844, effective December 23, 2009, made extensive updates and revisions to the Real Estate Appraiser Licensing Act; this proposed rulemaking updates this Part to reflect and implement those changes. The proposed amendments will clarify the growing relationship between licensed appraisers and appraisal management companies. New language is added to Section 1455.250 requiring licensees to identify appraisal

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management companies and additional intended users. New language is added requiring appraisers to ascertain the relationship between a financial institution and the client, when a financial institution is identified as an additional intended user. Appraisers will also be required to display the fee received from an appraisal management company in the certification. Clarification is made to Section 1455.290 by further defining full cooperation to include providing requested documentation within 30 days of the Department's request. Section 1455.310, Unprofessional Conduct, is also being amended to include delivering a report in a manner that the appraiser knows or should know will not be delivered to all intended users. Section 1455.315 has been added to outline the supervisor and trainee requirements. Section 1455.400 is amended to allow AQB Certified USPAP instructors to be exempt from taking the 7-hour National USPAP Update Course. Obsolete language is also being removed, including Subparts I (Transition Provisions) and J (Hearings).

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785/0813 Fax: 217/557-4451

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All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Real estate appraisal schools and businesses that use real estate appraisers will be affected, but appraisers are required by federal law to operate under the most current version of USPAP.
 - B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being proposed at this time.
 - C) Types of professional skills necessary for compliance: Appraiser education and experience is necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Expiration Date

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

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

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

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real

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Estate [Trainee](#) Appraiser, ~~and State Licensed Real Estate Appraiser~~; Non-Resident Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section

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

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

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

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct
[1455.315 Supervisor and Trainee Requirements](#)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
1455.330 Granting of Variances

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1455.340 Duties of the Secretary

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

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

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions (~~Repealed~~)
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (~~Repealed~~)

SUBPART J: HEARINGS

Section

- 1455.470 Applicability (~~Repealed~~)
- 1455.480 Administrative Law Judges (~~Repealed~~)
- 1455.490 Disqualification of an Administrative Law Judge (~~Repealed~~)

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

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

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

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SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Applicant" means a person applying for licensure under this Act as a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser. Any applicant or any

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person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal management company" means any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:

administers networks of independent contractors and/or employee appraisers to perform real estate appraisal assignments for clients;

receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request; or

otherwise serves as a third-party broker of appraisal management services between clients and appraisers. For the purposes of [this Part](#), a corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity owned by one or more Illinois State Certified General Real Estate Appraisers or State Certified Residential Real Estate Appraisers holding more than 50% interest in the corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity is not an appraisal management company.

"Board" or "AQB" means the Appraiser Qualification Board.

"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by the Division.

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Department" means the Department of Financial and Professional Regulation.

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"Direct supervision" means that an appraiser is directing and overseeing the production of each appraisal assignment pursuant to Section 1455.315.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"License" means a certificate of authority, permit or registration issued by the Division.

"Licensee" means a person who has been issued a license under the Act or this Part. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Supervising appraiser" means a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser in good standing with the Division. A supervising appraiser shall not have been subject to discipline within the last two years. The supervising appraiser shall possess a minimum of 2 years of experience as a practicing certified licensed appraiser. A State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser may engage in direct supervision of an Associate Real Estate Trainee Appraiser. A State Certified General Real Estate Appraiser may engage in direct supervision of a State Certified Residential Real Estate Appraiser.

"USPAP" the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) and incorporated by reference in Section 1455.240.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement/Reciprocity

- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying pre-license education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the qualifying education and pre-license experience requirements as provided by Subpart D; and
 - 5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Trainee Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying pre-license education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of

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the examination authorized by the Division.

- c) Each non-resident applicant for a State Certified General Real Estate Appraiser license or a State Certified Residential Real Estate Appraiser ~~real estate appraiser license applying by endorsement issued pursuant to Section 5-30 of the Act from a jurisdiction with which the Division has a valid reciprocal agreement~~ shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov; ~~and 4) Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), the Division shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Expiration Date

- a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on

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which all questions have been answered;

- 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee and late penalty as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.
- d) Any person who fails to submit a renewal application pursuant to this Section within 2 years after the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and this Part.
- e) License renewals shall not be processed until proof of successful completion of continuing education is submitted and awarded credit by the Division. Licensees unable to provide satisfactory evidence of completed continuing education for the prescribed renewal cycle shall have their license automatically suspended.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: EDUCATION REQUIREMENTS

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

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| Estate Trainee Appraiser; Non-Resident Qualifying Pre-License Education

- a) Residential – No Experience Prior to July 1, 2006 – Application After December 31, 2007
An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.
- 1) 2500 hours of AQB Appraisal Experience;
 - 2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
 - 3) Associates degree or equivalent as outlined by AQB; and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.
- b) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of qualifying education pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All qualifying pre-license education requirements shall only be accepted from education providers and courses approved by the Division.
- c) The Division may accept evidence of successful completion of qualifying pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for qualifying pre-license education courses not licensed by the

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Division shall submit to the Division:

- 1) An application provided by the Division requesting approval for ~~qualifying pre-license~~ education credit, signed by the applicant, on which all questions are answered;
- 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested ~~qualifying pre-license~~ education credit, or any other evidence to be considered by the Division; and
- 3) The fee as provided in Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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

a) CE Credit

- 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate ~~Trainee~~ Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period. Continuing education credit will only be accepted from education providers and courses approved by the Division.
- 2) If a real estate appraiser was issued an initial license for less than 185 days prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license 185 days or more prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. ~~A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part~~

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~~shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.~~

- 3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days prior to the expiration date. A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent within 6 months after the effective date of USPAP. Those real estate appraisers issued a license more than 6 months after the effective date of USPAP shall complete the 7-hour National USPAP Update Course within 6 months after licensure.
- b) CE Credit from Another Jurisdiction
The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:
 - 1) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
 - 3) The fee as provided in Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

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Section 1455.230 Address Change; Street Address

It is the responsibility of the licensee to notify the Division in writing of a change of address within 15 days after the change. ~~The~~A licensee ~~shall provide~~may use a Post Office Box number, e.g., P.O. Box 1001, as a mailing address, but must additionally notify the Division of a street address of the licensee's residence or business location. The licensee's address shall not be a Post Office Box or a mailbox located within a retail postal business.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 10-10 of the Act, the ~~2010~~2008 Uniform Standards of Professional Appraisal Practice (USPAP), effective January 1, ~~2010~~2008, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may ~~be~~subject a licensee to discipline as provided for in the Act and this Part:

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- a) An appraiser shall identify an appraisal management company as the client if the appraisal management company is engaging the appraiser. If an appraisal management company is acting as an authorized agent for a financial institution, the appraiser shall identify the financial institution as the additional intended user.
- 1) An authorized agent is defined as one approved by the board of directors for the financial institution and **who** has a specified level of authority relating to the appraisal process.
 - 2) An institution's board of directors is responsible for reviewing and adopting policies and procedures that establish and maintain an effective, independent real estate appraisal and evaluation program for all of its lending functions. ~~In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.~~
- b) If a financial institution is identified as an additional intended user, the appraiser shall ascertain the relationship between the client/authorized agent and the financial institution by doing one of the following: ~~Work File~~
- 1) obtain a copy of the agreement between the client/authorized agent and the financial institution. This agreement shall set out the responsibilities and authority of the authorized agent. ~~An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users, true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP.~~
 - 2) obtain a letter written by the client/authorized agent **in which** the agent sets forth its level of responsibility and authority. If the client/authorized agent cannot provide the appraiser with documentation identifying them

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~~as a duly authorized agent for the financial institution, a statement must be included in the appraisal indicating that the report may not comply with the Interagency Appraisal and Evaluation Guidelines, adopted October 27, 1994 by the OCC, FRB, FDIC, and OTCA work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to the Division within 30 days after request.~~

- ~~3) directly communicate with the financial institution to determine the scope of the appraisal assignment.~~
- c) ~~When an appraisal management company engages an appraiser by employment or contract for a specific assignment, the appraiser shall prominently display the appraisal fee received from the appraisal management company in the certification as follows: "The compensation for this appraisal assignment is \$ _____. An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.~~
- d) ~~When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.~~
- e) Letter of Transmittal
- 1) ~~An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.~~
- 2) ~~For the purposes of this subsection (e), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.270 Additional Education; Reporting Requirements

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The Division may require a licensee, pursuant to a compliance agreement or order:

- a) To complete additional continuing education or qualifying pre-license education coursework; and
- b) To provide any reports, records or other documents pertaining to appraisal activity that the Division may deem necessary to maintain standards of professional conduct, the competency of a licensee, and the protection of the public.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.290 Cooperation Required with the Division

Pursuant to Section 15-10(a)(17) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's appraisal practice or application for licensure. Full cooperation includes, but is not necessarily limited to providing to the Division within 30 days after its request:

- a) A complete copy of a signed appraisal as it was transmitted to the client, including file memoranda, work files, supporting and/or verification documentation that are required to be maintained by the Act;
- b) Continuing education certificates or experience/work log that are required to be maintained by the Act or this Part; or
- c) A complete answer to any written interrogatory or request for clarification submitted to a licensee or applicant.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.310 Unprofessional Conduct

Dishonorable, unethical or unprofessional conduct includes, but is not limited to, the commission of any one of the following:

- a) Aiding or assisting another in the violation of the Act or this Part;
- b) Failing to satisfy a material term of a consent to administrative supervision order or consent order; ~~or~~

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- c) Aiding, assisting or facilitating another in using or appropriating credentials or a license for the purpose of preparing an appraisal report; ~~or-~~
- d) Delivering an appraisal report in a manner in which the appraiser knows, or should know, a true copy of the report will not be delivered to all intended users.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.315 Supervisor and Trainee Requirements

- a) Requirements of a Supervising Appraiser
- 1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
 - 2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience shall be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.
- b) Requirements of an Associate Real Estate Trainee Appraiser
- 1) An Associate Real Estate Trainee Appraiser shall provide to the Division in writing the name and address of each supervising appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
 - 2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the

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following in the log for each appraisal:

- A) Type of property;
- B) Date of report;
- C) Property description;
- D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;
- E) Number of actual work hours by the trainee on the assignment; and
- F) The signature and State license number of the supervising appraiser.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license.
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Trainee Appraiser shall be \$225.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser; or a State Certified Residential Real Estate Appraiser ~~or a State Licensed Real Estate Appraiser~~ shall be calculated at \$250 per year, which shall include the National Registry fees.

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- 2) The application to renew an Associate Real Estate Trainee Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee Appraiser, ~~or a State Licensed Real Estate Appraiser~~, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee for temporary practice permit.
The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- d) Initial application fee for a license as an education provider, a qualifying education~~pre-license~~ course, and a continuing education course.
- 1) The application fee for a license as an education provider shall be \$1050, plus course application fees.
 - 2) The application fee for a license for a qualifying education~~pre-license~~ course shall be \$150.
 - 3) The application fee for a license for a continuing education course shall be \$100.
- e) Application fee to renew a license as an education provider, a qualifying education~~pre-license~~ course, and a continuing education course.
- 1) The application fee to renew a license as an education provider shall be calculated at \$550 per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 3) The application fee to renew a license as a qualifying education~~pre-license~~ course shall be calculated at \$100 per year.

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- 4) The application fee to renew a license that has expired as a qualifying education pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course shall be calculated at \$75 per year.
 - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- f) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.
- g) ~~General:~~
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
 - 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
 - 6) Applicants for an examination as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an

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

- 7) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 8) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 9) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide **qualifying educationpre-license** and/or continuing education courses shall submit an application on forms provided by the Division along with the appropriate fee required by Section 1455.320.
- b) The program of **qualifying educationpre-license** and/or continuing education for a licensed education provider shall:
 - 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors to instruct such courses as, but not limited to:
 - A) **qualifyingpre-license** education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from

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another jurisdiction, or a full time faculty member of a college or university);

- B) qualifying education~~pre-license~~ courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Trainee Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
- C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or
- D) all instructors teaching USPAP courses shall be AQB certified instructors who also hold a current appraiser certification from a state; and

- 3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.

c) Facilities

- 1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.
- 2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.
- 3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.
- 4) No education provider shall maintain an office, or conduct education courses, in a private residence.
- 5) An education provider shall only conduct education courses in locations

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that are conducive to learning.

- d) Administration
- 1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may indicate that it is licensed by, and the course of study has been approved and licensed by, the Division.
 - 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
 - 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
 - 4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.
 - 5) Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.
 - 6) Each education provider shall notify the Division of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.370 of this Subpart.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall qualifying pre-license education program for each license category; e.g., an education provider must have a 75 hour qualifying education pre-license program approved for an Associate Trainee Real Estate Appraiser, a 200 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 300 hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.
- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

| **Section 1455.370 Qualifying Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser**

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- a) ~~Qualifying Pre-license~~ education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of 300 classroom hours of instruction, which may include the 75 hour requirement for ~~a State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for~~ an Associate Real Estate Trainee Appraiser License, or the 200 hour requirement for a State Certified Residential Real Estate Appraiser License. The content for ~~qualifying education pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.
- b) ~~Qualifying Pre-license~~ education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200 classroom hours of instruction, which may include the 75 hour requirement for ~~a State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for~~ an Associate Real Estate Trainee Appraiser License. The content for ~~qualifying education pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for ~~qualifying education pre-license instruction~~ courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.
- c) ~~Qualifying Pre-license~~ education course work to obtain a license as an Associate Real Estate Trainee Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:
- 1) influences on real estate value;
 - 2) legal considerations in appraisal;
 - 3) types of value;
 - 4) economic principles;
 - 5) real estate markets and analysis;

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- 6) valuation process;
- 7) property description;
- 8) highest and best use analysis;
- 9) appraisal statistical concepts;
- 10) sales comparison approach;
- 11) site value;
- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by the Division.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.390 Continuing Education Course Requirements of Education Providers

- a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section 1455.400 of this Subpart.
- b) Each education provider who seeks approval of a continuing education course shall submit to the Division an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.
- c) An education provider who also offers ~~qualifying pre-license~~ education courses may submit ~~qualifying education pre-license~~ courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those ~~qualifying education pre-license~~ courses that have been approved and licensed by the Division as continuing education courses shall be approved for

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continuing education credit.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser, ~~or State Licensed Real Estate Appraiser~~ shall include the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who holds a current appraiser certification by a state during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:
- 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) Courses related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) Dispute resolution;
 - 6) Ethics and standards of professional practice;
 - 7) Land use planning, zoning;
 - 8) Management, leasing, timesharing;
 - 9) Property development partial interests;
 - 10) Real estate appraisal;
 - 11) Real estate law, easements, legal interests;

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- 12) Real estate litigation, damages, condemnation;
 - 13) Real estate financing and investment;
 - 14) Real estate appraisal related computer applications; and
 - 15) Real estate securities and syndication.
- b) Up to one-half of an individual's continuing education requirement may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. AQB Certified USPAP Instructors, who have taught the 7-hour National USPAP Update Course or its equivalent, as qualifying education or continuing education, within the current renewal cycle, are exempt from taking the 7-hour National USPAP Update Course as a student. AQB Certified USPAP Instructors may be granted a maximum of 7 hours of continuing education per renewal cycle for teaching the 7-hour National USPAP Update Course or its equivalent. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.410 Distance Education

- a) For qualifying pre-license education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, e.g., CD ROM, on-line learning, correspondence courses, video conferencing, etc.
- b) Distance education courses may be approved and licensed by the Division if:

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- 1) the course is given by a licensed education provider;
 - 2) the education provider is approved and licensed by the Division;
 - 3) the distance education course meets the requirements for qualifying pre-license education and continuing education as provided in the Act and this Part and criteria established by the AQB;
 - 4) the education provider provides a means for a student to contact an instructor to answer questions.
- c) If the course given is for continuing education credit, the education provider shall be required to submit to the Division, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination.
- d) The education provider will be required to submit a policy indicating the manner in which distance education course examinations are to be taken. Examinations shall be proctored by a representative of the education provider. The policy must be approved by the Division.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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

- a) All education provider and qualifying education pre-license and continuing education course licenses shall expire on December 31 of even numbered years.
- b) Every education provider who wishes to renew his, her or its license and qualifying education pre-license and continuing education course licenses shall submit to the Division:
 - 1) an application, provided by the Division, in which all questions have been answered;
 - 2) any course materials must be submitted to the Division for review during the renewal application process; and

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- 3) the fees as required by Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved qualifying education~~pre-license~~ or continuing education course a certified transcript or certificate of completion. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

- a) the student's name, address and license number (if applicable);
- b) the name and license number of the education provider;
- c) the name and license number of the course; and
- d) the approved hours completed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: TRANSITION PROVISIONS

Section 1455.450 Appraiser Applicants – Transition Provisions (Repealed)

- a) ~~An applicant for a State Certified General Real Estate Appraiser or a State Certified Residential Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite hours of pre-license education from courses previously approved and licensed by the Division, which license expired on or prior to December 31, 2002. Any course work taken~~
- b) ~~An applicant for an Associate Real Estate Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite 75 hours of pre-license education from courses previously approved and licensed for a State Licensed Real Estate Appraiser, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved and licensed under, the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

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(Source: Repealed at 35 Ill. Reg. _____, effective _____)

**Section 1455.460 Education Providers, Pre-License and Continuing Education Courses –
Transition Provisions (Repealed)**

- a) ~~All education providers and pre-license and continuing education courses approved and licensed with an expiration date of December 31, 2002 shall be accepted to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part at the discretion of the Division until December 31, 2002, e.g., a pre-license course previously approved and licensed by the Division to meet the requirements to sit for a State Licensed Real Estate Appraiser examination may be used to allow an applicant to sit for an Associate Real Estate Appraiser License.~~
- b) ~~Any initial application for license as an education provider or pre-license or continuing education course submitted after July 1, 2002 shall meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- c) ~~Any approved and licensed education provider with a license expiration date of December 31, 2002 may renew his, her or its license, but must meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- d) ~~Any existing approved and licensed pre-license or continuing education course with an expiration date of December 31, 2002 or later shall only be approved to be renewed if the course meets the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- e) ~~Any education provider who must modify or amend a pre-license or continuing education course approved under a previous Act to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part shall submit the course as if it were an initial course application.~~
- f) ~~The Division shall waive the renewal fees for a period of two years for existing approved and licensed pre-license or continuing education courses with an expiration date of December 31, 2002 or later and renewed pursuant to subsection (d) of this Section.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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SUBPART J: HEARINGS

Section 1455.470 Applicability (Repealed)

- a) ~~This Subpart shall govern contested cases as defined in Sections 1-30, 1-35 and 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/1-30, 1-35 and 10-65].~~
- b) ~~This Subpart shall apply to all hearings conducted under the jurisdiction of the Division (Real Estate Appraisal Administration) and the Secretary. Except as otherwise provided in this Subpart, hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1455.480 Administrative Law Judges (Repealed)

~~In any contested case, the Secretary shall employ an attorney, licensed to practice law in Illinois, to serve as an Administrative Law Judge (ALJ). The ALJ has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The ALJ shall have all powers necessary to conduct a hearing, including the power to:~~

- a) ~~Administer oaths and affirmations;~~
- b) ~~Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized administrative law;~~
- c) ~~Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;~~
- d) ~~Rule upon offers of proof and receive relevant evidence;~~
- e) ~~Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct prehearing conferences;~~

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- ~~f) Dispose of procedural requests or similar matters;~~
- ~~g) Continue the hearing from time to time when necessary;~~
- ~~h) Prepare for the Real Estate Appraisal Board written Findings of Fact, Conclusions of Law and Recommended Action for submission to the Secretary.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1455.490 Disqualification of an Administrative Law Judge (Repealed)

- ~~a) Any interested party to a proceeding may, following notice and an opportunity to object, move to disqualify the assigned Administrative Law Judge on the basis of bias or conflict of interest. An adverse ruling rendered against the party or its representative in any previous matters shall not, in and of itself, constitute sufficient grounds for disqualification under this Section. The Secretary shall determine this issue as part of the record of the case. When an ALJ is disqualified, or it becomes impractical for him/her to continue, another presiding officer may be assigned unless it is further shown that substantial bias will result from the assignment.~~
- ~~b) No motion for disqualification shall be permitted after any substantive ruling has been made on the case by the ALJ, unless it pertains to a conflict of interest not previously disclosed.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.120	Amendment
148.122	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking proposes changes in methods and standards for setting certain payment rates for inpatient hospital reimbursement. The proposed changes are being made pursuant to implementation of the State fiscal year 2011 budget. HFS has determined that in order to provide for the expeditious and timely implementation of the State's fiscal year 2011 budget, it is necessary to immediately amend the rules. The proposed changes include:

Clarifying the definition of "obstetric services" used in the Disproportionate Share (DSH) and Medicaid Percentage Adjustment (MPA) payment programs. This clarification will require eligible hospitals to provide non-emergency inpatient delivery services. This clarification is believed to be in line with the requirements for DSH programs as specified in the Social Security Act and reduces the risk of losing federal funds associated with disproportionate share payments.

Allowing DSH payments for Government-owned hospitals to be calculated using a hospital specific inflator rather than the CMS Hospital Price Index. This change, in conjunction with changes in the Medicaid State Plan, will allow HFS to increase the amount of federal funds available to Illinois without increasing State or local expenditures.
- 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

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- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.20	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.25	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.140	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.117	Amendment	34 Ill. Reg. 691; January 15, 2010
148.126	Amendment	34 Ill. Reg. 691; January 15, 2010
148.295	Amendment	34 Ill. Reg. 691; January 15, 2010
148.462	New Section	34 Ill. Reg. 691; January 15, 2010

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

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

Jeanette Badrov
 General Counsel
 Illinois Department of Healthcare and Family Services
 201 South Grand Avenue E., 3rd Floor
 Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

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

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status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Government-owned hospitals and Medicaid-funded hospitals
 - 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 2010

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments that appear in this issue of the *Illinois Register* on page 15856:

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- 1) Heading of the Part: Standard Health Applications
- 2) Code Citation: 50 Ill. Adm. Code 2030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2030.10	New Section
2030.20	New Section
2030.30	New Section
2030.40	New Section
2030.APPENDIX A	New Section
2030.APPENDIX B	New Section
2030.APPENDIX C	New Section
- 4) Statutory Authority: Implementing Section 359b and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359b and 401]
- 5) A Complete Description of the Subjects and Issues Involved: On January 5, 2010, Governor Quinn signed into law the "Illinois Insurance Fairness Act" [Public Act 96-857] which, in part, provides for the creation of standardized health insurance applications for use by all carriers offering health benefit plans in the individual and small group markets. As mandated by the Act, a Working Group was formed, comprised of a diverse group of health care experts and consumer advocates, small business owners, insurance agents, and insurance company representatives, and tasked with the creation of these applications. The Working Group developed two standard health applications, one for employees of small businesses, and the other for individual and family health insurance coverage. Meetings of the Working Group were open to the public and the final draft applications were made available for public comment and revised accordingly.

The purpose of this rulemaking is to implement the standard health applications created by the Working Group. As envisioned by the Working Group, this rulemaking provides guidance for the use of the standard health applications by carriers, specifically establishing criteria for the required content, filing, and use of the standard health applications. This rulemaking also establishes criteria for use of the standard health applications electronically, as well as for its translation into other languages.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Josef Weimholt
Assistant Director for Health Policy
Illinois Department of Insurance
100 West Randolph St, Suite 9-301
Chicago, IL 60601

phone: 312/814-5436
fax: 312/814-5416
Joe.Weimholt@Illinois.gov | Jean Park
Staff Attorney
Illinois Department of Insurance
100 West Randolph St, Suite 9-301
Chicago, IL 60601

phone: 312/814 -0919
fax: 312/814-5416
Jean.Park@Illinois.gov |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Part 2030 applies to small employers as defined in the Illinois Health Insurance Portability and Accountability Act.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not anticipated.

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

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCEPART 2030
STANDARD HEALTH APPLICATIONS

Section

2030.10	Purpose
2030.20	Definitions
2030.30	Illinois Standard Health Applications
2030.40	Administrative Sections
2030.APPENDIX A	Illinois Standard Health Employee Application for Small Employers
2030.APPENDIX B	Illinois Standard Health Application for Individual & Family Health Insurance Coverage
2030.APPENDIX C	Certification of Compliance

AUTHORITY: Implementing Section 359b and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359b and 401].

SOURCE: Adopted at 35 Ill. Reg. ____, effective _____.

Section 2030.10 Purpose

The purpose of this Part is to implement Section 359b of the Illinois Insurance Code that, in part, provides for the creation of a standard health application to be used by all carriers offering health benefit plans in the small group market and individual health insurance coverage in the individual market. This Part establishes criteria and provides guidance to carriers for the use of the standard health applications. This Part also establishes criteria for use of the standard health applications electronically, as well as for their translation into other languages.

Section 2030.20 Definitions

The following definitions shall apply to this Part:

"Applicant" means, in connection with an application for a health benefit plan or health insurance coverage, any person requesting coverage, including, with respect to a small employer, the employer's individual employees and their dependents.

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"Carrier" or "health insurance issuer" means any entity that provides health insurance in this State. For the purposes of this Part, carrier includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or any other entity providing a health benefit plan or health insurance coverage subject to State insurance regulation.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Health benefit plan" or "health plan" means any hospital or medical expense-incurred policy, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health benefit plan shall not include individual, accident-only, credit, dental, vision, Medicare supplement, hospital indemnity, long term care, specific disease, stop loss or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

"Health insurance" or "health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term limited duration insurance.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

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Application of aggregation rule for small employers. All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 (26 USC 414(b)) shall be treated as one employer.

Employers not in existence in preceding year. In the case of an employer that was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based on the average number of employees that it is reasonably expected the employer will employ on business days in the current calendar year.

Predecessors. Any reference in this Part to a small employer shall include a reference to any predecessor of that employer.

"Small employer carrier" means a carrier that offers health benefit plans covering employees of one or more small employers in this State.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health benefit plan maintained by a small employer.

Section 2030.30 Illinois Standard Health Applications

- a) Applicability. All small employer carriers shall use a version of the Illinois Standard Health Employee Application for Small Employers (Appendix A), and shall not use any alternative application form, in connection with a small employer's application for a new health benefit plan. All carriers offering health insurance coverage in the individual market shall use a version of the Illinois Standard Health Application for Individual & Family Health Insurance Coverage (Appendix B), and shall not use any alternative application form, in connection with an application for new individual health insurance coverage. Carriers not subject to this Part may use the standard health applications on a voluntary basis, subject to the requirements of this Part.
- b) Filing and Use

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- 1) No version of the standard health application, including an unmodified version of Appendix A or Appendix B, may be used by a carrier until the application is filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Carriers may use a standard health application upon filing with the Department if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C). An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.
- 2) Online versions of the standard health applications must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Filings shall include screen shots of every application page that an applicant could encounter when completing the online application, as well as a copy of a sample completed application as required by subsection (c)(1). Carriers may use online versions of the standard health application upon filing if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C). An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.
- 3) Versions of the standard health applications that have been translated into another language must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Carriers may use translated versions of the standard health applications upon filing if the filing is accompanied by:
 - A) a properly completed and executed officer's Certification of Compliance (Appendix C); and
 - B) documentation proving that the application is a certified translation and is contextually identical to Appendix A or Appendix B. An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.

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- c) Form and Content. A standard health application filed pursuant to subsection (b) shall contain verbatim the text of Appendix A or Appendix B. A standard health application shall not vary from the format of Appendix A or Appendix B, including font size, use of bold character and underlining, line spacing, and the order of questions or sections within the application, except as provided in this subsection (c) and subsection (e)(1).
- 1) Online versions of the standard health applications may vary from the format of Appendix A or Appendix B to the extent the variation allows an applicant to more easily complete and submit the online application. An electronic copy of the completed online application shall be made available to applicants for printing or saving upon completion, and the electronic copy shall be substantially similar to the form and content of Appendix A or Appendix B.
 - 2) In order to allow applicants to apply for coverage from multiple carriers using a single application, a standard health application filed pursuant to subsection (b) shall not contain logos, addresses, or other carrier-specific information or identifiers, except that the carrier's NAIC number shall appear in the bottom right hand corner of each page.
 - 3) Instruction #4 on page 1 of Appendix B shall only be included in online versions of the standard health applications.
 - 4) A carrier's name may be preprinted in one of the six designated spaces for carrier names on page 1 of Appendix A or page 11 of Appendix B.
 - 5) The format of a standard health application filed pursuant to subsection (b) of this Section may vary from the format of Appendix A or Appendix B in other ways at the discretion of the Director.
- d) The Department will maintain a dedicated portion of its website to facilitate use of the standard health applications by both applicants and carriers. The website will also provide links to additional information about health insurance rights under State and federal law, as referenced throughout Appendix A and Appendix B, as well as an example of a properly completed question as referenced in Section F of Appendix B. PDF versions of the Illinois Standard Health Employee Application for Small Employers and the Illinois Standard Health Application for

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Individual & Family Health Insurance Coverage will be available for use or download from the Department's website. The PDF versions will allow applicants to complete and submit the standard health application to a carrier or carriers electronically, or to print the application out and complete by hand. All carriers subject to this Part shall allow for the electronic submission of the standard health applications.

- e) The Illinois Standard Health Employee Application for Small Employers (Appendix A) shall be used by small employer carriers for underwriting and enrolling a new small employer group and for adding new enrollees to an existing small employer group health benefit plan. A carrier is not required to use the standard application when adding new enrollees to an existing small employer group health benefit plan if the carrier does not request information about the health status or health history of the individual employees or dependents to be added.
 - 1) A small employer carrier that uses a separate enrollment form for adding new enrollees to an existing small employer group health benefit plan may modify the "To Be Completed by Employer" box of Appendix A as necessary.
 - 2) Any such separate enrollment form for adding new enrollees to an existing small employer group health benefit plan must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916.
- f) Reciprocity. All carriers subject to this Part shall implement policies and procedures necessary to use the standard health applications. Applicants for a health benefit plan in the small group market may complete any version of the Illinois Standard Health Employee Application for Small Employers (Appendix A) filed by any carrier pursuant to subsection (b), or the version available on the Department's website (as described in subsection (d)), and no small employer carrier may refuse to accept or may discriminate in the processing of that standard health application. Applicants for health insurance coverage in the individual market may complete any version of the Illinois Standard Health Application for Individual & Family Health Insurance Coverage (Appendix B) filed by any carrier pursuant to subsection (b), or the version available on the Department's website (as described in subsection (d)), and no carrier offering individual health

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insurance coverage may refuse to accept or may discriminate in the processing of that standard health application.

- g) The information contained within a completed standard health application shall be considered current by the carrier for a minimum of 60 days from the date the carrier receives the signed and completed application. For the period of time that the information contained within a standard health application is considered current, carriers may not require an applicant to complete a new standard health application. However, carriers may require an applicant to certify that the information contained in the completed standard health application is current. A carrier shall accept and utilize information provided by an applicant subsequent to the date the applicant signed the completed application if the applicant is providing the carrier with additional or modified information.
- h) A producer shall forward, within 5 business days after receipt of a completed standard health application, copies of the application to all carriers identified within the application, or to an authorized representative of each carrier, without requiring that a fee be paid for the photocopying or delivery of the copies. The producer may withhold distribution to a carrier, or the carrier's authorized representative, at the request of an applicant. Upon written request from an applicant, a carrier shall forward copies of a completed standard health application to other carriers identified within the application, or to an authorized representative of the carriers, within 5 business days after receipt of the request, without requiring that a fee be paid for the photocopying or delivery of the copies. The carrier shall notify the applicant, as soon as practicable, if the carrier is unable to comply with the request because the applicant has requested that information be sent to a carrier not identified within the application.

Section 2030.40 Administrative Sections

- a) Carriers subject to this Part may require applicants to complete, in addition to the standard health application, a separate administrative section as necessary to address plan selection, billing, and other carrier-specific needs related to the application and enrollment process. All such administrative sections shall be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916, and shall be subject to the following requirements:
 - 1) Administrative sections shall not contain questions that inquire about the health status or health history of any applicant.

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- 2) Administrative sections may be attached to the front or back of a standard health application, but shall constitute a separate and distinct section that may be detached from the standard health application. Administrative sections shall contain carrier-specific logos and addresses to distinguish those sections from the standard health applications.
 - 3) Administrative sections shall comply with all applicable provisions of the Illinois Insurance Code and related laws and regulations.
- b) Carriers may use administrative sections upon filing with the Department if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C).

A. Employee Information

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Section 2030.APPENDIX A Illinois Standard Health Employee Application for Small Employers



Illinois Standard Health Employee Application for Small Employers

INSURER USE ONLY

Policy/Group No.

Section No.

Effective Date

New Hire Waiting Period

For assistance in completing this application, please contact your employer or insurance agent. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance toll free at (877) 527-9431.

This standard application is intended to simplify your health insurance application process. You will only need to complete this one application, even when your employer has requested quotes from multiple insurance companies.

The information you provide in this application will be sent to the following insurance companies:

(To be completed by employer)

Insurer: _____ Insurer: _____ Insurer: _____
Insurer: _____ Insurer: _____ Insurer: _____

TO BE COMPLETED BY EMPLOYER

Employer Name: _____ Phone #: _____

Address: _____

Reason for Enrollment (Mark all that apply)

New Enrollment: New Group Open Enrollment New Hire (Date: _____)
 Late Enrollee

Special Enrollment: Adoption Court Order Dependent Addition Divorce Domestic Partner
 Loss of Coverage Marriage Newborn Other Date of Event: ____/____/____

Employment Status: Active Retiree (Retirement Date: ____/____/____)
 Illinois Continuation COBRA
 Employee Dependent
Qualifying Event: _____
Start Date ____/____/____ Projected End Date ____/____/____

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Name (Last)	(First)	(MI)
Job Title:	Hire Date:	Hrs/Week:
Marital Status: <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Domestic Partner		
Home Address:		Apt #:
City:	State:	Zip:
Home (or Cell) Phone: ()		Business Phone: ()
Email Address (optional):		

B. Coverage Requested

Medical

Employee: <input type="checkbox"/> Yes <input type="checkbox"/> No	Spouse/Domestic Partner: <input type="checkbox"/> Yes <input type="checkbox"/> No	Child(ren): <input type="checkbox"/> Yes <input type="checkbox"/> No
Plan Choice:	Plan Choice:	Plan Choice:

If you are **waiving (declining)** coverage for yourself or any member of your family, you must complete Section C below.

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

C. Waiver of Coverage

Please complete this section only if **you are waiving (declining) coverage** for yourself or one or more of your family members.

I acknowledge that I have been given the opportunity to apply for group coverage available to me and my dependents through my employer.

I understand and agree:

- ◆ If I am declining coverage for myself, my spouse/domestic partner, or my dependent child(ren) because of other coverage, I may in the future be able to enroll myself, my spouse/domestic partner, or my dependent child(ren) provided that I request enrollment within 31 days after the other coverage ends.
- ◆ If I have a new spouse/domestic partner or child as a result of marriage, birth, adoption, or placement for adoption, I may be able to enroll myself and my new spouse/domestic partner or child provided that I request enrollment within 31 days after the marriage, birth, adoption, or placement for adoption.
- ◆ If I decide to request coverage in the future, for a reason other than the termination of other coverage or the addition of a new spouse/domestic partner or child, I may be considered a late enrollee, if applicable, or I may have to wait until the plan's next open enrollment period. I also understand that as a late enrollee, coverage for preexisting conditions may be excluded for up to a period of 18 months. This period may be offset by the time I, my spouse/domestic partner, or my dependent child(ren) was covered under a qualified health plan.

I certify that I was not pressured, forced, or unfairly induced by my employer, the agent, or the insurer(s) into waiving or declining the group coverage.

I **DO NOT** want, and hereby waive, coverage for (**initial** next to all that apply):

Medical for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
--------------------	-------------------	---------------------------------------	------------------------------------

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Dental ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Vision ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Basic Life ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Dependent Life ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Voluntary Life ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Short-Term Disability ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)
Long-Term Disability ® for	[] Myself	[] My Spouse/Domestic Partner	[] My Dependent Child(ren)

If offered.

I am **declining** group coverage for the following reason(s): (**check** all that apply)

Spouse/Domestic Partner's Employer Plan Individual Coverage (Non-Group Plan)

COBRA/State Continuation Medicare or other Government Program

Other (please explain): _____

If you are declining ALL coverage for ALL persons, please skip to the Acknowledgement & Signature section on page 10 of this application.

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

D. Individuals Requesting Coverage

List yourself and all eligible family members to be included under coverage.

- ◆ Please check with your employer or insurance agent about who may qualify as an eligible family member under the policy.
- ◆ Illinois' Young Adult Dependent Coverage law allows parents to cover children up to the age of 26, and up to age 30 for military veteran dependents, regardless of whether the child may be considered a dependent for tax or other purposes. For more information, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

Note: For purposes of this application, an "eligible military veteran" is a veteran who served in the active or reserve components of the U.S. Armed Forces, including the National Guard, and who received a release or discharge other than a dishonorable discharge.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Employee Name (Last) _____ (First) _____ (MI) _____

Social Security Number: _____ Date of Birth: / /

Weight: lbs. Height: ft. in. Gender: Male Female

HMO only (if/when applicable): Primary Care Physician: _____ Physician ID: _____

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____

Social Security Number: _____ Date of Birth: / /

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Weight:	lbs.	Height:	ft.	in.	Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
HMO only (if/when applicable): Primary Care Physician:					Physician ID:		
Dependent Name (Last) _____		(First) _____		(MI) _____			
Social Security Number:					Date of Birth: / /		
Weight:	lbs.	Height:	ft.	in.	Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No							
HMO only (if/when applicable): Primary Care Physician:					Physician ID:		
Dependent Name (Last) _____		(First) _____		(MI) _____			
Social Security Number:					Date of Birth: / /		
Weight:	lbs.	Height:	ft.	in.	Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No							
HMO only (if/when applicable): Primary Care Physician:					Physician ID:		
Dependent Name (Last) _____		(First) _____		(MI) _____			
Social Security Number:					Date of Birth: / /		
Weight:	lbs.	Height:	ft.	in.	Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No							
HMO only (if/when applicable): Primary Care Physician:					Physician ID:		
Dependent Name (Last) _____		(First) _____		(MI) _____			
Social Security Number:					Date of Birth: / /		
Weight:	lbs.	Height:	ft.	in.	Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No							
HMO only (if/when applicable): Primary Care Physician:					Physician ID:		

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

E. Current/Prior Coverage Information

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Please indicate for EACH person listed on this application any health coverage, including Medicare or Medicaid, in effect within **24 months** prior to the proposed effective date of this coverage. Each person applying for coverage must be listed below. If no health care coverage was in effect within the **past 24 months**, please indicate **NONE**. If coverage is provided for a dependent from a previous marriage or relationship, please attach a copy of the court documentation showing who is responsible for the dependent(s)' health care coverage so that the insurer can determine whose coverage is primary.

Note: If you have had health care coverage within the last 63 days, your Pre-Existing Condition (PEC) waiting period limitation may be partially or completely waived. To determine if this applies to you, you must provide proof of prior coverage, such as a Certificate of Creditable Coverage from your previous insurer. Submission of prior coverage information does not automatically waive any PEC limitation. You will be subject to an automatic PEC Waiting Period of up to 12 months until the insurer receives evidence of prior coverage.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Employee Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? Yes No

▶ **Prior Coverage (if any):** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? Yes No

▶ **Prior Coverage (if any):** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? Yes No

▶ **Prior Coverage (if any):** Group Medical Dental Individual Medical None

Dates of Coverage: From: _____ / _____ / _____ To: _____ / _____ / _____

Policyholder Name: _____ Insurer Name: _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Medicare <input type="checkbox"/> Part A <input type="checkbox"/> Part B <input type="checkbox"/> Part D Effective Date: _____/_____/_____ Reason for Medicare Entitlement: <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> ERSD <input type="checkbox"/> Dual Enrollment	Medicare Number (please include alpha prefix):
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

F. Health Statement

Instructions:

- The information you provide in this application is confidential. You should discuss with your employer if you prefer to submit the completed health statement directly to the insurance company or insurance broker.
- The health information you provide below will be used by the insurance company to determine the price to charge your group for the coverage applied for and whether a Pre-Existing Condition Waiting Period(s) will apply to your coverage. Coverage for pre-existing conditions cannot be limited or excluded for dependents under the age of 19.
- Each medical question below applies to all persons requesting coverage.
- Answer the questions below with either Yes or No. If you answer Yes to any question, you must provide additional information in Section G below.
- Do not leave any question unmarked.
- Neither your employer nor your insurance agent can waive these requirements or may authorize you to provide anything less than a complete and accurate response to each of the questions.
- After you submit this application, the insurance company may call you to obtain additional confidential information needed to evaluate and aid the processing of your application.

1 For the following conditions, **within the past 5 years**, have you or any dependents for whom you are requesting coverage:

- Been tested for or diagnosed with;
- Had medical treatment recommended;
- Received medical treatment, including prescription medications; or
- Been hospitalized for any illness, injury, or health condition related to any of the categories listed below?

A. Cardiovascular disease or heart attack, stroke, high blood pressure, or any other disease or disorder of the heart, arteries, blood, or blood vessels? Yes No

B. Cancer or cancerous tumor? Yes No

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C. Asthma, emphysema, tuberculosis, or any other disorder of the lungs or respiratory system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D. Diabetes? If yes, check all that apply: <input type="checkbox"/> Non-Insulin Dependent <input type="checkbox"/> Insulin Dependent <input type="checkbox"/> Insulin Pump	<input type="checkbox"/> Yes	<input type="checkbox"/> No
E. Hepatitis, or any disorder of the liver, stomach, colon, or intestines?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
F. Growth disorder or a disorder of the pancreas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G. Chronic kidney stones, or other disorders of the kidney, prostate, or bladder?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
H. Reproductive organ disorders or infertility?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I. Arthritis, or any other disorder of the joints, muscles, back, or bones?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
J. Mental or emotional disorder?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
K. Seizures/epilepsy, paralysis, or any other disorder of the brain or nervous system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
L. HIV positive, AIDS, diseases associated with AIDS, lupus, or other disorder of the immune system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
M. Alcohol, drug, or substance use or dependency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
N. Organ or bone marrow transplant?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2 Are you, your spouse/domestic partner, or any dependent for whom you are requesting coverage currently pregnant? Due Date: ____/____/____ (MM/DD/YYYY) If yes, are multiples (twins, triplets, etc.) expected? Are there any known complications, or is a cesarean section planned?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> No <input type="checkbox"/> No
3 Within the past 12 months , have you or your spouse/domestic partner used any tobacco products? Employee: Spouse/Domestic Partner:	<input type="checkbox"/> Yes <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> No
4 Within the past 12 months , has any applicant been prescribed medication (other than for the common cold or flu) that is not indicated elsewhere in this application ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5 Within the past 5 years , has any person applying for coverage been tested for or diagnosed with, had medical treatment recommended, received medical treatment, including prescription medications, or been hospitalized for any illness, injury or health condition not indicated above ?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

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Employer Name _____ Employee Name _____

G. Additional Information

**If you answered "Yes" to any of the questions above, you must complete this section.
If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.**

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____

Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____

Surgery, additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____

Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____

Surgery, additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

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Employer Name _____ Employee Name _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____

Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____

Surgery, additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Question Number: _____ Name of Individual: _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
 Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____
 Surgery, additional tests or treatment recommended? _____
 Medication Prescribed (if any): _____
 _____ Currently taking medication? Yes No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
 Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____
 Surgery, additional tests or treatment recommended? _____
 Medication Prescribed (if any): _____
 _____ Currently taking medication? Yes No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
 Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____
 Surgery, additional tests or treatment recommended? _____
 Medication Prescribed (if any): _____
 _____ Currently taking medication? Yes No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
 Treatment Received: _____

Treatment ongoing? Yes No Last Treatment Date: _____
 Surgery, additional tests or treatment recommended? _____
 Medication Prescribed (if any): _____
 _____ Currently taking medication? Yes No

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

I. Acknowledgement & Signature

I understand, agree, and represent that:

- ◆ I have read this document or it has been read to me.
- ◆ The answers provided within this entire application for coverage are, to the best of my knowledge and belief, true and complete.
- ◆ Neither my employer nor the agent has the authority to waive a complete answer to any question, determine coverage or insurability, alter any contract, or waive any of the insurance carrier's other rights and requirements.
- ◆ I understand that if I intentionally omit or provide false information on or in relation to this application, then this policy may be cancelled retroactively, in which case any claim I submit may not be paid by the insurer. I understand that if I intentionally omit or provide false information on or in relation to this application that I may face legal liability, including legal action based on fraud.
- ◆ If this application for coverage is accepted, coverage will be effective on the date specified by the insurance carrier on the certificate of coverage/certificate of insurance.

I hereby enroll for benefits as indicated in Section B and Section H of this application, for which I am presently eligible or for which I may become eligible under my employer's group contract(s). If any deductions are required for this coverage, I authorize such deductions from my earnings. I reserve the right to revoke this deduction authorization at any time upon written notice.

I understand that the information I have provided in this application will be used by the insurance carrier and its affiliates to make decisions regarding eligibility, enrollment, underwriting, and premium risk rating.

I understand that the medical information provided also includes my spouse/domestic partner and/or dependents' information.

I understand that I may be asked for authorization to disclose my medical, claim, or benefit records at a later time.

I understand that I should retain a duplicate copy of this application for my own records.

A photographic copy of this acknowledgment shall be as valid as the original.

I authorize the insurance carrier to electronically transmit the information contained herein.

If this application was taken over the phone or on the computer, I acknowledge that I, myself, have not actually signed this application but instead hereby authorize the insurance carrier to print "Electronically Acknowledged" on the signature line of the application and I agree that such printing shall be treated as a valid signature for all purposes of this form. I acknowledge that the insurance carrier has verified my identity for this purpose in accordance with any applicable law or regulation.

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By signing below, I acknowledge that I have read and understand this document and I am signing of my own free will.

Employee Signature _____ **Date** _____

For assistance in completing this application, please contact your employer or insurance agent. For information about your health care rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance toll free at (877) 527-9431.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Section 2030.APPENDIX B Illinois Standard Health Application for Individual & Family Health Insurance Coverage

Illinois Standard Health Application for Individual & Family Health Insurance Coverage

For assistance in completing this application, please contact your insurance agent or the insurance company directly. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance toll free at (877) 527-9431.

INSTRUCTIONS:

1. Any information you provide in this application is confidential.
2. The answers you provide in this application must be true and complete, to the best of your knowledge and belief. Do not leave any question unmarked.
3. An intentional misrepresentation may result in your policy being modified or terminated, or in claims being reduced or denied.
4. [For online version only] You should have the following information available, for each person requesting coverage:
 - ◆ Social Security Number, date of birth, and height/weight;
 - ◆ Information about any current or prior insurance coverage in effect within the last 12 months; and
 - ◆ Personal health information. If you do not have enough information to respond to a question, you should obtain any required information from your current or former health care provider(s).
5. For purposes of this application, the term "dependent" refers to any child up to age 26 (or age 30 for military veterans) for whom you are requesting coverage, regardless of whether the child may be considered a dependent for tax or other purposes. For information about Illinois' Young Adult Dependent Coverage law, which allows parents to cover children up to age 26, and up to age 30 for military veterans, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

A. Primary Applicant Information			
Name (Last)	(First)	(MI)	
Residential Street Address:			Apt #:
City:	State:	Zip:	
Mailing Address (if different):			Apt #:
City:	State:	Zip:	

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Primary Phone Number: ()	Best time to call: <input type="checkbox"/> Morning <input type="checkbox"/> Afternoon <input type="checkbox"/> Evening
Secondary Phone Number: ()	Best time to call: <input type="checkbox"/> Morning <input type="checkbox"/> Afternoon <input type="checkbox"/> Evening
Email Address (optional):	
Please check one of the following boxes: <input type="checkbox"/> New Application <input type="checkbox"/> Dependent Addition <input type="checkbox"/> Plan Change <input type="checkbox"/> Reinstatement	
Requested Effective Date: _____ (Coverage not in force until the insurance carrier approves your application and determines the effective date.)	

B. Employment Information

Occupation:	Job Title:
Spouse/Domestic Partner's Occupation:	Job Title:
Currently employed? (optional) Self: <input type="checkbox"/> Yes <input type="checkbox"/> No Spouse/Domestic Partner: <input type="checkbox"/> Yes <input type="checkbox"/> No	

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

C. Persons Requesting Coverage

List all family members you wish to include under the policy. Insurance companies may have different rules about who may qualify as an eligible dependent. For more information regarding the available coverage, please check with your insurance agent or insurance carrier.

Note: For purposes of this application, an "eligible military veteran" is a veteran who served in the active or reserve components of the U.S. Armed Forces, including the National Guard, and who received a release or discharge other than a dishonorable discharge.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Self Name (Last) _____ (First) _____ (MI) _____

Social Security Number (for internal use only): _____ Date of Birth: / /

State of Birth (country if born outside the U.S.): _____ Gender: Male Female

Percentage of time annually spent outside of Illinois for residence, work, or school:

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____

Social Security Number (for internal use only): _____ Date of Birth: / /

State of Birth (country if born outside the U.S.): _____ Gender: Male Female

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Eligible Military Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

D. Current/Prior Coverage Information

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For EACH person listed on this application, please indicate any public health insurance coverage (for example, Medicare, HFS Medical Card, All Kids, Family Care, or other federal and state programs) or private health insurance in effect within the last 12 months. Each person applying for insurance must be listed below. If health insurance coverage was not in effect within the last 12 months, please indicate NONE.

Self Name (Last) _____ (First) _____ (MI) _____

- ▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____
- ▶ Is the issuance of this coverage **replacing** your existing coverage?® Yes No

- ▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____

- ▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____
- ▶ Is the issuance of this coverage **replacing** your existing coverage?® Yes No

- ▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

Dependent Name (Last) _____ (First) _____ (MI) _____

- ▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____
- ▶ Is the issuance of this coverage **replacing** your existing coverage?® Yes No

- ▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

Dependent Name (Last) _____ (First) _____ (MI) _____

- ▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
- ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

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▶ Is the issuance of this coverage **replacing** your existing coverage? [⊗] Yes No

▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
 ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
 ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____
 ▶ Is the issuance of this coverage **replacing** your existing coverage? [⊗] Yes No

▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
 ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:**
 None Medicare Other Public Private (Insurer: _____)
 ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____
 ▶ Is the issuance of this coverage **replacing** your existing coverage? [⊗] Yes No

▶ **Prior Coverage (if any):**
 None Medicare Other Public Private (Insurer: _____)
 ▶ **Dates of Coverage:** From: ____/____/____ To: ____/____/____

⊗ If answering "YES" please carefully read the following notice.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT & HEALTH INSURANCE

According to information you have furnished, you intend to lapse or otherwise terminate existing accident and health insurance and replace it with a policy to be issued by the insurance carrier. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.
3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the insurance carrier to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, re-read it carefully to be certain that all information has been properly recorded.

4. It is recommended that you do not terminate your present contract until you are certain that your application for the new contract has been approved by the insurance carrier.

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ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately) _____

E. Health Statement

The federal **Genetic Information Nondiscrimination Act** prohibits health insurers from asking for and using "**genetic information**" when deciding whether to offer coverage and how much to charge for coverage. For more information on the Genetic Information Nondiscrimination Act, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

Instructions:

1. Each medical question below applies to each person requesting coverage.
2. Answer the questions below by checking Yes or No. If you answer Yes to any question, you must provide additional information in Section F below.
3. Do not leave any question unmarked.

Limited Privacy Available: Persons age 18 or older may submit a signed and dated separate health statement. The information provided in such separate health statement(s) will likely be disclosed to the primary applicant.

1 For any of the following conditions, **within the past FIVE (5) years**, has anyone applying for coverage:

- Been diagnosed with;
- Had treatment or testing recommended;
- Received treatment, including prescription medications; or
- Been hospitalized for any illness, injury, or health condition listed below?

If answering "**YES**," **check all that apply**.

A. Heart/Circulatory Conditions/Disorders: Yes No

- ▶ **Heart:** Heart attack Chest pain Heart murmur Irregular heartbeat
 High/elevated blood pressure* High/elevated cholesterol*
* If applicable, please provide last known blood pressure or cholesterol reading in Section F.
- ▶ **Circulatory:** Anemia Bleeding/clotting disorder Varicose/spider veins Phlebitis

B. Lymphatic Conditions/Disorders: Yes No

- Lymphadenopathy Enlarged lymph nodes Disease of the spleen

C. Cancer/Tumors/Growths: Yes No

- Cancer Tumors Cysts Polyps Lumps Other abnormal growths

D. Respiratory Conditions/Disorders: Yes No

- Asthma Bronchitis Emphysema Sleep apnea Pneumonia Tuberculosis
- Chronic obstructive pulmonary disease (COPD)

E. Intestinal/Digestive Conditions/Disorders: Yes No

- Acid reflux Ulcers Hernia (*indicate type*) Colitis Hemorrhoids Rectal bleeding Gallstones
- Irritable bowel syndrome Chronic diarrhea Hepatitis (*indicate type*) Elevated liver function test
- Jaundice Cirrhosis Gallbladder infection or inflammation Pancreatitis Crohn's disease

F. Urinary Conditions/Disorders: Yes No

- Kidney infection Kidney stones Bladder infection Cystitis Urinary reflux
- Urinary tract infection

G. Metabolic/Endocrine Conditions/Disorders: Yes No

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- Diabetes Thyroid disorder High/low blood sugar Adrenal, pituitary, or other glandular disorder
 Chronic fatigue syndrome Obesity/weight loss surgery

H. Brain/Nervous System Conditions/Disorders: Yes No

- Seizures Migraine headaches/Chronic severe headaches Head injury Paralysis Epilepsy
 Tremor Stroke or TIA Multiple sclerosis Parkinson's Restless leg syndrome
 Lou Gehrig's disease (ALS)

I. Immune System Conditions/Disorders: Yes No

- HIV positive AIDS Diseases associated with AIDS

J. Musculoskeletal Conditions/Disorders: Yes No

- Arthritis Gout Lupus Herniated disc Temporomandibular joint disorder (TMJ)
 Carpal tunnel syndrome Disease/disorder of the back or spine Other bone or joint disorder

K. Mental/Behavioral/Emotional Conditions/Disorders: Yes No

- Depression Anxiety disorder Attention deficit disorder Chemical imbalance
 Bi-polar disorder Obsessive compulsive disorder Eating disorder

L. Allergies: Yes No

- Allergies in any form Hay fever Hives Anaphylaxis

M. Eye Conditions/Disorders: Yes No

- Glaucoma Cataracts Strabismus (crossed eyes) Detached retina

N. Ear Conditions/Disorders: Yes No

- Hearing disorder Ear infection Loss of hearing

O. Nasal Conditions/Disorders: Yes No

- Deviated septum Adenoiditis Sinusitis

P. Throat Conditions/Disorders: Yes No

- Tonsillitis Strep throat

Q. Skin Conditions/Disorders: Yes No

- Acne Psoriasis Eczema Keratosis Pre-cancerous lesions Herpes Melanoma

R. Congenital Abnormalities/Developmental Disorders: Yes No

- ▶ Congenital Abnormality: Cleft palate/lip Club foot Heart/lung/kidney defect or malformation
 ▶ Developmental Disorder: Pervasive development disorder Down's syndrome
 Autism spectrum disorder Learning disability

S. Reproductive System Conditions/Disorders: Yes No

- ▶ **Female:** Infertility Abnormal menstrual bleeding Abnormal PAP smear Endometriosis
 Ovarian cyst Sexually transmitted disease Human papillomavirus (HPV)
 Pregnancy complications Uterine fibroid Breast infection or inflammation
 ▶ Is any female applicant currently pregnant, an expectant parent, or in the process of adopting?
 Yes No
 ▶ **Male:** Infertility Erectile dysfunction Sexually transmitted disease Prostate disorder
 Gynecomastia
 ▶ Is any male applicant an expectant parent or in the process of adopting? Yes No

T. Other Conditions: Yes No

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Within the **past 5 years**, has anyone applying for coverage been diagnosed with, had treatment or testing recommended, received treatment, including prescription medications, or been hospitalized for **any illness, injury, or health condition not indicated elsewhere in this application?**
Note: You must include any illness, injury, or health condition related to one of the categories above, even if your specific illness, injury, or condition is not listed above.

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately) _____

Within the past FIVE (5) YEARS:		
2	Has anyone applying for coverage received treatment or had treatment recommended for drug or alcohol abuse, or been convicted of a drug or alcohol related offense (including a DUI)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Other than indicated elsewhere on this application , has anyone applying for coverage had an implant (e.g., breast, chin, or penile implant), internal fixation (e.g., pins, plates, rods, screws), prosthesis, pacemaker, heart valve replacement, shunt, or monitoring device?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Has anyone applying for coverage had testing performed and are currently waiting for results , or been advised to have treatment, testing, counseling, therapy, or surgery which has not yet been performed ?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Within the past TWELVE (12) MONTHS:		
5	Has anyone applying for coverage experienced unexpected weight gain or loss of more than 20 pounds?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	Has anyone applying for coverage used any tobacco product (such as cigarettes, snuff, chewing tobacco, or any nicotine substitution product)? ▶ If yes, indicate who: <input type="checkbox"/> Primary Applicant <input type="checkbox"/> Spouse/Domestic Partner <input type="checkbox"/> Dependent Children	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Has anyone applying for coverage participated in any dangerous or extreme sport activities, including, but not limited to: organized automobile/motorcycle/powerboat racing, skydiving, bungee jumping, ultralight flying, scuba diving, hang gliding, or outdoor rock/mountain climbing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, indicate:		
Who & Which Activity	When/How Often	Do you plan continued participation?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

8 **Other than indicated elsewhere on this application**, has any person applying for coverage **EVER** been treated, hospitalized, or had surgery for:

DEPARTMENT OF INSURANCE

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◆ bypass?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ angioplasty?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ stent?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ aneurysm?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ valve replacement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ cancer?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ stroke?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ congenital abnormality?	<input type="checkbox"/> Yes <input type="checkbox"/> No
◆ organ or bone marrow transplant?	<input type="checkbox"/> Yes <input type="checkbox"/> No

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately) _____

9 For **EACH** person applying for coverage, complete the following information regarding his/her **last physical exam** (including checkups):

Self Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N
Spouse/Domestic Partner's Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N
Dependent's Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N
Dependent's Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N
Dependent's Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N
Dependent's Name: _____	Exam Date (MM/YY): ____/____	Routine preventive care/wellness visit? <input type="checkbox"/> Y <input type="checkbox"/> N

10 For **EACH** person applying for coverage, provide the following current information regarding his/her **height and weight**:

Self Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____
Spouse/Domestic Partner's Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____
Dependent's Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____
Dependent's Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____
Dependent's Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____
Dependent's Name: _____	Height (Feet/Inches): ____/____	Weight (in pounds): _____

F. Additional Information

If you answered "YES" to any of the questions in Section E, you must provide additional information below. For an example of how to fill out this section, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

Attach a separate sheet for additional information if necessary.

Question Number: _____ Name of Individual: _____

DEPARTMENT OF INSURANCE

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Condition/Diagnosis: _____

Treatment Received: _____

Treatment ongoing? Yes No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Physician Name _____

Phone # (_____) _____ City & State _____

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately) _____

Question Number: _____ **Name of Individual:** _____

Condition/Diagnosis: _____

Treatment Received: _____

Treatment ongoing? Yes No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Physician Name _____

Phone # (_____) _____ City & State _____

Question Number: _____ **Name of Individual:** _____

Condition/Diagnosis: _____

Treatment Received: _____

Treatment ongoing? Yes No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

DEPARTMENT OF INSURANCE

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_____ Currently taking medication? Yes No

Physician Name _____

Phone # (_____) _____ City & State _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

Treatment ongoing? Yes No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Physician Name _____

Phone # (_____) _____ City & State _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

Treatment ongoing? Yes No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? Yes No

Physician Name _____

Phone # (_____) _____ City & State _____

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately) _____

G. Prescription Information within the Last Twelve (12) Months

Within the past 12 months, has anyone applying for coverage been prescribed medication (other than for the common cold or flu) that is **not indicated elsewhere in this application**? Yes No

Attach a separate sheet for additional information if necessary.

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Name of Individual: _____

Name of Medication _____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? Yes No

Physician Name: _____

Phone # (_____) _____ City & State _____

Name of Individual: _____

Name of Medication _____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? Yes No

Physician Name: _____

Phone # (_____) _____ City & State _____

Name of Individual: _____

Name of Medication _____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? Yes No

Physician Name: _____

Phone # (_____) _____ City & State _____

Name of Individual: _____

Name of Medication _____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? Yes No

Physician Name: _____

Phone # (_____) _____ City & State _____

Name of Individual: _____

Name of Medication _____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? Yes No

Physician Name: _____

Phone # (_____) _____ City & State _____

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PRIMARY APPLICANT NAME _____ DATE _____

AFFIRMATION

Signature – Adult applicants must sign this form below. Parent or guardian signature is required for applicants under the age of 18. **By signing this form, you certify the following:**

1. I have read this entire application or it has been read to me.
2. No independent producer, agent, or employee of the insurer can change any part of this application or waive the requirement that I answer all questions completely and accurately.
3. I understand that if I intentionally omit or provide false information on or in relation to this application, then this policy may be cancelled retroactively, in which case any claim I submit may not be paid by the insurer. I understand that if I intentionally omit or provide false information on or in relation to this application that I may face legal liability, including legal action based on fraud.
4. **All of the answers provided within this application are, to the best of my knowledge and belief, true and complete.** For more information, please visit the Illinois Department of Insurance's website at www.insurance.illinois.gov.

I understand and agree that:

- ◆ The information I have provided in this application will be used by the insurer to determine whether to extend coverage and the premium amount for such coverage.
- ◆ No coverage shall be in force until approved by the insurer. If approved, coverage will be in force as of the effective date determined by the insurer.
- ◆ This application will become part of the contract between the insurer and me.
- ◆ Except for a dependent up to the age of 19, coverage for preexisting medical conditions may be excluded or be subject to a waiting period of up to 24 months.
- ◆ I am entitled to a copy of this application and the Authorization to Use and Disclose Protected Health Information that is a part of this application upon request. I agree that a photographic copy shall be as valid as the original. A legible facsimile signature shall have the same force and effect as the original.
- ◆ I authorize the insurer to transmit the information contained herein electronically.

AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION**I. Protected Health Information**

By signing this form, I authorize certain organizations and persons to use or disclose my protected health information. Protected health information includes, but is not limited to, hospital records, physician records, claim or benefit records, lab results, mental health records, as well as information regarding the use of drug, alcohol, HIV/AIDS, sexually transmitted disease, and reproductive health services. Protected health information may be written, oral, or electronic. This form does not permit the use or disclosure of psychotherapy notes.

II. Purpose of this Authorization Form

By signing this form, I authorize the use and disclosure of protected health information for the purposes of pre-enrollment underwriting or risk-rating of health insurance coverage, to determine eligibility for enrollment or benefits under a health plan, or to allow the insurer to conduct utilization review and

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NOTICE OF PROPOSED RULES

quality improvement activities ("Purpose").

III. Entities Authorized to Use and Disclose My Protected Health Information

Insurers: I hereby authorize the following insurers, their reinsurers, and their legal representatives ("Insurers") to receive, use, and disclose my protected health information for the Purpose listed above:

(Please list below the names of all the insurers to whom you are submitting this application.)

Insurer: _____ Insurer: _____ Insurer: _____
Insurer: _____ Insurer: _____ Insurer: _____

I authorize the Insurers to disclose my protected health information: between themselves, to reinsuring companies, and to insurance intermediaries or other persons or organizations performing business or legal services in connection with the Purpose above.

I further authorize any licensed physician, medical practitioner, health care provider, hospital, clinic, or other medical or medically related facility, insurance or reinsuring company, or other organization, institution, or person that has any record or knowledge of my health to disclose such information to the extent permitted by law to Insurers for the Purpose above.

I understand that protected health information described in this form may be used by, or disclosed to or by, organizations and persons who are not subject to federal or state privacy laws.

IV. Term of Authorization

I agree this Authorization shall be valid for two-and-one-half (2½) years from the latest signature date below.

V. Right to Revoke

I understand I may revoke this authorization at any time by giving advance written notice to Insurers. Revocation of this authorization form will not affect actions Insurers and others took in reliance on this form prior to the written notice of revocation.

If this application was taken over the phone or on the computer, I acknowledge that I, myself, have not actually signed this application but instead hereby authorize the insurance carrier to print "Electronically Acknowledged" on the signature line of the application and I agree that such printing shall be treated as a valid signature for all purposes of this form. I acknowledge that the insurance carrier has verified my identity for this purpose in accordance with any applicable law or regulation.

I HAVE READ AND CONSIDERED THE CONTENTS OF THIS FORM. BY SIGNING THIS FORM, I HEREBY AUTHORIZE THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION AS DESCRIBED IN THIS FORM.

Primary Applicant (or Authorized Legal Representative) Signature Date _____

Spouse / Domestic Partner Signature (ONLY if to be insured) Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured) Date _____

Date _____

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Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

_____ Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

_____ Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

For assistance in completing this application, please contact your insurance agent or the insurance company directly. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance, toll free at (877) 527-9431.

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

TO BE COMPLETED BY AGENT

I. Agent/Producer Information

I certify that:

- 1. All answers provided in this application were completed by or provided by the applicant.
- 2. I have reviewed this enrollment form to ensure that all required items have been completed.
- 3. I am not aware of any information not disclosed on this enrollment form relating to the health, habits, or reputation of any person listed on this enrollment form, which might have a bearing on the risk.

1. Producer/Writing Agent

Name:	ID#/Code:
Company:	Phone: ()
Email:	
Producer Signature: Date Signed: (A faxed signature shall be valid as an original signature.)	

2. Agent/Managing Agent

Name:	ID#/Code:
Company:	Phone: ()
Email:	
Agent Signature: Date Signed: (A faxed signature shall be valid as an original signature.)	

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Section 2030.APPENDIX C Certification of Compliance

State of Illinois

Illinois Standard Health Application Certification of Compliance

Company: _____ Company FEIN: _____

Form Number(s): _____ Form Title(s): _____

I, _____, am a duly authorized officer of the above insurer, and do hereby certify that I am knowledgeable as to the current laws and regulations applicable to the policy form(s) identified above that are the subject of this filing (hereafter "the policy forms"), including Section 359b of the Illinois Insurance Code and Part 2030 of Title 50 of the Illinois Administrative Code governing the use of standard applications, and that the policy forms are in compliance with such laws and regulations. I further certify that this submission is complete and contains all materials required by applicable laws and regulations.

I understand that the Illinois Department of Insurance will rely on this certification in approving the policy forms listed above, and should it subsequently be determined that the policy forms listed above do not comply with the applicable laws and regulations or that this certification is materially false or incorrect, corrective and disciplinary action, including retroactive disapproval, as authorized by law, may be taken by the Department against the company and the officer that completed this certification.

Signature of Corporate Officer: _____

Signature of Company Compliance Officer: _____

Name (typed or printed): _____

Title: _____ Direct Telephone Number: _____

Date: _____

(This certification does not change an insurer's responsibility to comply with the Insurance Code. Failure to comply with all applicable provisions of the Code will cause an insurer to be subject to penalties ranging from suspension of authority to utilize the expedited process, discontinuation of authority to use of the form(s), examination, monetary penalties, or limitation or revocation of their certificate of authority. Insurers should be

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aware that the assignment of such penalties will be liberal to ensure continued compliance with all Code requirements.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.10	Amendment
710.20	Amendment
710.22	Amendment
710.25	Amendment
710.50	Amendment
710.55	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: update season dates, group hunting requirements, sites open for hunting and youth hunting regulations and to clarify documents that must be provided for issuance of landowner permits to shareholders/members/beneficiaries/partners.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 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 2010

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1 st Season:	Monday, April 11 2-Friday, April 15 , 2011 14, 2010
2 nd Season:	Saturday, April 16 17-Thursday, April 21 , 2011 22, 2010
3 rd Season:	Friday, April 22 23-Wednesday, April 27 , 2011 28, 2010
4 th Season:	Thursday, April 28 29-Wednesday, May 4 , 2011 5, 2010
5 th Season:	Thursday, May 5 6-Thursday, May 12 , 2011 13, 2010

b) Southern Zone Season Dates:

1 st Season:	Monday, April 4 5-Friday, April 8 , 2011 9, 2010
2 nd Season:	Saturday, April 9 10-Thursday, April 14 , 2011 15, 2010

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- 3rd Season: Friday, April ~~15~~16-Wednesday, April ~~20, 2011~~~~21, 2010~~
- 4th Season: Thursday, April ~~21~~22-Wednesday, April ~~27, 2011~~~~28, 2010~~
- 5th Season: Thursday, April ~~28~~29-Thursday, May ~~5, 2011~~~~6, 2010~~

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Greene
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kankakee
- Kendall
- Knox

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La Salle
Lee
Livingston
Logan
Macon
Macoupin
Marshall-Putnam
Mason
McDonough
McHenry
McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay

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Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson
Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall

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be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits shall be completed and submitted by visiting one of the Illinois Department of Natural Resources' DNR-Direct License vendors, by applying on-line at www.dnr.state.il.us, by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648) or by mailing to:

Department of Natural Resources – Spring Turkey
One Natural Resources Way
P.O. Box 19446
Springfield, Illinois 62794-9446

- b) Applicants must supply all information necessary to complete the application. Incomplete applications will be rejected and fees returned. Each applicant must submit payment for his/her individual application at the time of application. Not more than 64 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).
- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. All resident permit applications will receive preference over non-resident applications.
- e) Any hunter who has not received a permit, and hunters that have received only

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one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.

- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.
- g) The following criteria must be met to obtain preference in the first computerized drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).
- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- j) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person.
 - 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.

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- 3) Apply for or receive more than three permits for the spring turkey season.
- 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.22 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:

Illinois Department of Natural Resources
POH Spring Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

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- e) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) Submittal of a copy of a Farm Service Agency 156EZ form.

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- i) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.
- j) Shareholder/Member/Beneficiary/Partner Landowner Permits
 - 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, current income beneficiaries of trusts and bona fide equity partners of general or limited partnerships owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations, trusts and limited liability companies. Only one permit for 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a free permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a free permit by the shareholders/members/partners of the trustee. If application is made for a free permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner as defined in subsections (j)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, trust or partnership lands.

A) In addition:

- i) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed

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stock certificate, articles of incorporation, corporate agreement, resolution or minutes;

ii) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

iii) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and

iv) general partnership applicants must submit a copy of the partnership agreement.

B) ~~These documents~~**This document** must be attached to the application upon submittal to the Permit Office. This shareholder/member/beneficiary/partner turkey permit shall be free to resident shareholders/members/beneficiaries/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

2) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

3) Bona fide equity member means an individual who:

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- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180].
 - B) intends to retain the membership for at least 5 years.
- 4) Current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 5) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5 years; and
 - C) is a resident of Illinois as defined in Section 2.26 of the Wildlife Code.
- k) For the purpose of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.25 Turkey Permit Requirements – Special Hunts

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- a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for turkey hunting, which issue turkey hunting permits through the statewide lottery process. The Permit Office issues turkey hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 710.50(c).

Crab Orchard National Wildlife Refuge (check-in and check-out required at Visitor Information Center, windshield card required, area closed ½ hour after sunset to 1½ hours before sunrise, scouting allowed after noon including the afternoon of the day prior to the permitted hunting season)

Joliet Army Training Area (Will County) (check-in and check-out required at central check station; an additional turkey permit must be purchased from the Joliet Army Training Area)

Lake Shelbyville Project – U.S. Army Corps of Engineers – Moultrie County

Lake Shelbyville Project – U.S. Army Corps of Engineers – Shelby County

Midewin National Tallgrass Prairie (an additional site hunting pass required; check-in, check-out and reporting of harvest required)

~~Savanna Army Depot (Jo Daviess County)~~

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department-Owned or -Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability

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that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.

- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that are followed by a (1).
- c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Wildlife Management Area

Copperhead Hollow State Wildlife Area

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

[Flag Pond State Natural Area](#)

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Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (except South Subunit) (1)

Pere Marquette State Park (designated area only)

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Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park – Thompson and Salem Units (1)

Beaver Dam State Park

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Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted seven days prior to season date listed on permit; hunters must have their permit in possession while scouting; only hunters with valid Burning Star 5 spring turkey permits may be on the property)

Butterfield Trail State Recreation Area (1)

Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Eagle Creek State Park (first two seasons only) (1)

Eldon Hazlet State Park

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

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Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (1)

Horseshoe Lake State Park (Madison County)

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before
sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through
Thursday only; hunting hours are from one-half hour before sunrise until
8:30 a.m.; if space is available after site permit holders have checked in or
if there have been no site specific permits issued, La Salle County permit
holders who have an unfilled permit for the current season may be allowed
on the site to hunt; if more La Salle County permit holders want to hunt
than there are vacancies, a daily drawing at the site hunter check station
will be held to determine who may enter the site to hunt; unauthorized
personnel may not be on the site outside of the posted check station
operating hours; hunters may only enter the site from designated parking
lots) (1)

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Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4th and 5th season) (1)

Morrison Rockwood State Park (closed during the fifth season) (1)

Mt. Vernon Game Propagation Center

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Rall Woods (Falling Down Prairie) State Natural Area (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will

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be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

South Shore State Park (must have Eldon Hazlet State Park permit)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (1)

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Wayne Fitzgerald State Recreation Area

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20, except as noted. Permits are only valid for the specific site and season indicated on the permit. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing.

Dixon Springs State Park

[Eldon Hazlet State Park](#)

Mermet Lake State Fish and Wildlife Area

Mississippi Palisades State Park (portion of site quota designated for disabled hunters; closed during the 5th season)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 710.70 Spring Youth Turkey Hunt

a) Hunting Dates

- 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.

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- 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters Illinois residents who have not reached their 16th birthday prior to the opening date of the youth season. Hunters must have an apprentice hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.~~All participating youths must have completed a Department approved Hunter Education course.~~
- d) Permit Requirements – Spring Youth Turkey Hunt
 - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).~~For permit application and other information write to:~~

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.~~Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.~~
 - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third

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~~Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing. Each applicant must complete the official Department Youth Wild Turkey Permit application.~~

~~4) Applications will be accepted through the second Monday in February.~~

~~4)5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.~~

~~6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.~~

~~5)7) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.~~

~~6)8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit. ~~Each youth must also possess a valid Illinois hunting license or apprentice hunting license and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].~~~~

~~7)9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .~~

e) Youth Turkey Hunting Regulations

1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

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- 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

~~Castle Rock State Park~~

Copperhead Hollow State Wildlife Area

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

~~Falling Down Prairie State Natural Area (1)~~

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Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

~~Kankakee River State Park~~

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

~~Momence Wetlands~~

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)

Pyramid State Park

Pyramid State Park – East Conant Unit

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Rall Woods State Natural Area (1)

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Tapley Woods State Natural Area (1)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

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Winston Tunnel State Natural Area (1)Wise Ridge State Natural Area

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting; ~~permit holders must display a parking card in the dash of their vehicle~~)

Butterfield Trail State Recreation AreaCastle Rock State Park

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

Iroquois County State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

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Kickapoo State Recreation Area

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)
Shelby County

Middlefork State Fish and Wildlife Area

Momence Wetlands

Sam Dale Lake State Fish and Wildlife Area

Sand Ridge State Forest

Sangchris Lake State Park

South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Automated External Defibrillator Code
- 2) Code Citation: 77 Ill. Adm. Code 525
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
525.100	Amend
525.200	Amend
525.300	Amend
525.400	Amend
525.500	Amend
525.600	Amend
252.700	Repeal
- 4) Statutory Authority: Automated External Defibrillator Act [410 ILCS 4]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-447 amended the Automated External Defibrillator Act [410 ILCS 4] to delete the requirement that a person acquiring an Automated External Defibrillator (AED) take reasonable measures to ensure that the AED is used only by trained AED users and instead added that a person acquiring an AED shall take reasonable measures to ensure that any person considered to be an anticipated rescuer or user has completed CPR/AED training. Public Act 95-447 also deleted the requirement that all AEDs be registered with the EMS System hospital. The AED Code currently requires the EMS System hospitals to collect incident reports for each use of an AED registered with them and then submit quarterly reports to IDPH summarizing their incident reports. In addition the hospitals are required to inform all ambulance providers of AEDs in their service areas. The proposed amendments will revise the statutory language and repeal requirements that are no longer included in the Act.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not impose a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 525
 AUTOMATED EXTERNAL DEFIBRILLATOR CODE

Section

525.100	Definitions
525.200	Incorporated and Referenced Materials
525.300	Approval of Training Programs
525.400	Recognition of Trained AED Users
525.500	Incident Reports <u>of AED Use</u>
525.600	Maintenance and Oversight of Automated External Defibrillators
525.700	Quality Assurance (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by the Automated External Defibrillator Act [410 ILCS 4].

SOURCE: Adopted at 24 Ill. Reg. 6409, effective April 1, 2000; amended at 26 Ill. Reg. 8914, effective June 21, 2002; amended at 35 Ill. Reg. _____, effective _____.

Section 525.100 Definitions

Act – the Automated External Defibrillator Act [410 ILCS 4].

Automated External Defibrillator (AED) – a medical device heart monitor and defibrillator that:

Has received approval of its premarket notification, filed pursuant to 21 USC 360(k), from the United States Food and Drug Administration;

Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual,

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or charges and delivers an electrical impulse at the command of the operator; and

In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Act)

Defibrillation – administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the Act)

Department – the Department of Public Health. (Section 10 of the Act)

Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)

~~*First Responder – a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Emergency Medical Services (EMS) Systems Act)*~~

~~*Hospital – has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85]. (Section 3.5 of the Emergency Medical Services (EMS) Systems Act)*~~

~~*911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.*~~

Person – an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not). (Section

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10 of the Act)

Trained AED user – a person who has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with this Part to use an automated external defibrillator, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the Act)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.200 Incorporated and Referenced Materials

a) The following private and professional organization standards are incorporated in this Part:

- 1) American Heart Association
~~2005 AHA Guidelines for CPR and ECC~~
~~Heartsaver AED for the Lay Rescuer and First Responder (1998)~~
~~Heartsaver Facts (1999)~~
~~Fundamentals of BLS for Healthcare Providers (2001)~~
~~BLS for Healthcare Providers (2001)~~
~~Heartsaver CPR and AED for Heartsaver CPR (2002)~~
~~Heartsaver AED and Heartsaver Pediatric CPR (2002)~~
~~Instructor's Manual for Basic Life Support (2002)~~
208 South LaSalle St.
Suite 900
Chicago, Illinois 60604-1197
- 2) American Red Cross
American Red Cross First Aid/CPR/AED ~~for the Program Manual:~~
~~Workplace (2006)~~
~~Section 12 Adult CPR/AED (2001)~~
~~Section 3 Standard First Aid with AED (2001)~~
~~AED Essentials (2001)~~
311 W. John Gwynn Avenue
Peoria, Illinois 61605-2566

b) All incorporations by reference of the standards of nationally recognized

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organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

- c) The following statutes are referenced in this Part:
- 1) Federal statutes:
21 USC 360(k): Registration of producers of drugs or devices; report preceding introduction of devices into interstate commerce.
 - 2) State of Illinois statutes:
 - A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
 - ~~B) Hospital Licensing Act [210 ILCS 85]~~
 - ~~B)C) Medical Practice Act of 1987 [225 ILCS 60]~~
 - 3) State of Illinois rules:
Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.300 Approval of Training Programs

The Department shall ~~recognize~~approve programs established to train individuals as AED users, in accordance with the following:

- a) *The curriculum of any program to train individuals shall include complete training in cardiopulmonary resuscitation (CPR) prepared according to nationally recognized guidelines (see Section 525.200(a)(1) and(2)). (Section 15 of the Act)*
- b) The Instructors shall have successfully completed an instructor training course for AED courses listed in Section 525.200(a)(1) and (2) of this Part, or equivalent curriculum ~~that follows nationally recognized guidelines approved by the Department.~~
- c) Instructors shall renew qualification every two years and shall meet the following

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criteria:

- 1) Maintain provider status;
 - 2) Teach the number of courses required by the American Red Cross or American Heart Association, or other nationally recognized guidelines; and
 - 3) Complete an update on new information regarding course content.
- d) The Department ~~recognizes~~will approve courses that meet the course objectives of American Heart Association or American Red Cross or other nationally recognized courses as appropriate training curriculum designed to train AED users.~~courses and that require at least the same number of hours for completion.~~
- e) The Department will investigate any complaints against a course that allegedly does not adhere to the requirements set forth in this Section. Complaints shall be in writing and include the name, address and telephone number of the complainant. Written complaints shall be submitted to the Illinois Department of Public Health at the following address:

Illinois Department of Public Health
Division of EMS and Highway Safety
422 South 5th Street, 3rd floor
Springfield IL 62701

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.400 Recognition of Trained AED Users

- a) To be recognized as a trained AED user, an individual shall:
- 1) *Successfully complete a course of instruction in cardiopulmonary resuscitation (CPR) in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association that incorporates instruction in the use of an automated external defibrillator (see Section 525.200(a)(1) and (2)); or*
 - 2) *Successfully complete a course of instruction in accordance with Section*

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525.300(b) of this Part; or

- 3) *Be licensed to practice medicine in all its branches in Illinois in accordance with the Medical Practice Act of 1987. (Section 10 of the Act)*
- b) Recognition of training completed in accordance with this Section shall be valid for a time period in accordance with the courses of instruction referenced in subsections (a)(1) and (2) of this Section, but not be valid for more than two years. To renew recognition as a trained AED user, the individual shall present proof of satisfactory completion of an American Red Cross or American Heart Association or other nationally recognized renewal course or equivalent curriculum approved by the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.500 ~~Incident Reports~~ of AED Use

AED use is reported in accordance with requirements for data collection and submission pursuant to 77 Ill. Adm. Code 515.350 (Emergency Medical Services and Trauma Center Code – Data Collection and Submission).

- a) ~~Each use of an AED shall be reported to the EMS System Resource Hospital.~~
- b) ~~The report shall include the following information:~~
 - 1) ~~Date of the incident;~~
 - 2) ~~Time of the incident;~~
 - 3) ~~Name of the person who determined the patient's unresponsiveness;~~
 - 4) ~~Time that 911 was called;~~
 - 5) ~~Initial heart rhythm;~~
 - 6) ~~Number of times the patient was defibrillated;~~
 - 7) ~~Name of the person who defibrillated the patient;~~

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- 8) ~~Final rhythm at the time of arrival of the first response vehicle:~~
- A) ~~Breathing, yes or no;~~
- B) ~~Pulse, yes or no.~~
- e) ~~Reports shall be faxed or mailed monthly to the local EMS System Resource Hospital.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.600 Maintenance and Oversight of Automated External Defibrillators

- a) *A person acquiring an automated external defibrillator shall take reasonable measures to ensure that:*
- 1) ~~The automated external defibrillator is used only by trained AED users;~~
- 12) ~~The automated external defibrillator is maintained and tested according to the manufacturer's guidelines;~~
- 23) ~~Any person considered to be an anticipated rescuer or user will have successfully completed a course of instruction in accordance with the standards of a nationally recognized organization, such as the American Red Cross or the American Heart Association, or a course of instruction in accordance with Section 525.400 to use an automated external defibrillator and to perform cardiovascular resuscitation (CPR); andThe automated external defibrillator is registered with the EMS System Resource hospital in the vicinity of where the automated external defibrillator will be located, which shall oversee utilization of the automated external defibrillator and ensure that training and maintenance requirements are met.~~
- A) ~~The owner of the AED shall provide a list of trained users at the site, including copies of their certification cards, to the Resource Hospital.~~
- B) ~~The owner of the AED shall provide a copy of the manufacturer's guidelines for maintenance and training, and documentation~~

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~~confirming that these guidelines were met as requested; and~~

~~34) Any person who renders out-of-hospital emergency care or treatment to a person in cardiac arrest by using an automated external defibrillator activates the EMS System as soon as possible and reports any clinical use of the automated external defibrillator to the responding emergency medical services personnel.~~in accordance with Section 525.500 of this Part.~~ (Section 20(a) of the Act)~~

b) ~~A person in possession of an automated external defibrillator shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the automated external defibrillator. (Section 20(b) of the Act)~~

e) ~~The EMS System shall notify local ambulance providers of AEDs in the ambulance provider's service area.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 525.700 Quality Assurance (Repealed)

a) ~~The EMS System Resource Hospital shall submit the following information to the Department on a quarterly basis, i.e., on or by June 30, September 30, December 31 and March 31 of each year:~~

~~1) The number of times that AEDs have been used;~~

~~2) The outcome of the incident; and~~

~~3) Adverse effects, if any.~~

b) ~~Tapes of conversations recorded by an AED shall be confidential.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.1	Amendment
1030.14	Amendment
- 4) Statutory Authority: 15 ILCS 335/11A and 625 ILCS 5/6-117.2
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 96-1168, which requires the Secretary of State to allow holders of identification cards and driver's licenses to enter disabilities and special needs into the previously established emergency contact database. Participation is strictly voluntary.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway

SECRETARY OF STATE

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Springfield, Illinois 62723
217-557-4462

- 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 2010

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

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

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License

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- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077,

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effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill.

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Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 35 Ill. Reg. _____, effective _____.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or

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a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

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problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

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

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

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"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or

has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or

is designed to transport 16 or more passengers, including the driver; or

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is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

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"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

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

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

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"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1) or who have a disability so severe that it precludes the individual from obtaining an Illinois driver's license.

"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" – a disqualification means any of the following three actions:

the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;

any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);

a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

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"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

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"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

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

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

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

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"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

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

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and

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Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

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

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit

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and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Homeless Person" – has the same meaning established by the federal McKinney-Vento Homeless Assistance Act (42 USC 11302 or 42 USC 11434a(2)).

"Homeless Status Certification" – a form that must be completed and signed by a representative of an agency that can verify the applicant's homeless status. The form must also be signed by the person making application for an identification card at no fee who identifies himself or herself as homeless.

"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

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"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cañalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

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"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Local Continuum of Care" – a local or regional system for helping people who are homeless or at imminent risk of homelessness by providing housing and services appropriate to the whole range of homeless needs in the community, from homeless prevention to emergency shelter to permanent housing.

"Mandatory Insurance" – the insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

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a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew,

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mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motorized Pedalcycle" – a motor-driven cycle with speeds attainable in one mile of 30 mph or less, equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50cc. The power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the

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First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

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"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last

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six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an

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incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

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

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of

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application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

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Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those

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motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f)].

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

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

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

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"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a

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motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

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"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1030.14 Emergency Contact Database

- a) The Illinois Secretary of State shall establish an emergency contact database. Eligible participants are any person for whom an instruction permit, driver's license, or identification card record exists and can be authenticated on the Secretary of State driver's license and identification card database.
- b) For the purposes of this Section, "emergency" is defined as a motor vehicle accident, accident involving another mode of transportation, a natural disaster, a criminal act, or similar unforeseen emergency circumstance in which a victim sustains injuries that render him or her unable to independently communicate with emergency contacts, contact information is not otherwise available, and immediate communication with a next of kin or other designated emergency contact is necessary in order to support the provision of needed emergency medical assistance or needed notification by law enforcement.
- c) Participation in the emergency contact database shall be made available through the Secretary of State's official web site. The applicant/participant shall be responsible for initiation of participation in the database, and for modification of and deletion of an existing emergency contact record and disability and special needs information. Emergency contact records may otherwise be modified only to update applicant/participant name information if it is changed by the applicant/participant on the Secretary of State's driver's license and identification card database. Emergency contact records shall otherwise not be modified and shall otherwise only be deleted when the driver's license or identification record no longer exists on the Secretary of State's driver's license and identification card database.
- d) No more than two contact persons may be selected by each applicant/participant. The applicant shall be responsible for the accuracy and completeness of all information submitted.

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- e) The applicant/participant in the emergency contact database shall provide sufficient information to allow for authentication of the instruction permit, driver's license or identification card record, and shall provide sufficient information regarding each contact's name, address, telephone number if the contact has a telephone, and relationship to the applicant/participant to allow for the identification of and location of his/her chosen contacts by law enforcement accessing the database.
- f) All requests to add, modify or delete a record in the emergency contact database, including disability or special needs information, shall be confidential. Information contained in the emergency contact database shall only be released to law enforcement in the course of official duties or pursuant to a court order. Law enforcement may share information contained in the emergency contact database, including disability and special needs information, with other public safety workers on scene, as needed to conduct official law enforcement duties.
- g) A participant in the emergency contact database may indicate that the participant has a disability or special needs. A participant in the emergency contact database is not required to indicate a disability or special need.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Affordable Housing Tax Credit Program
- 2) Code Citation: 47 Ill. Adm. Code 355
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
355.103	Amended
355.106	Amended
355.107	Amended
355.203	Amended
355.204	Amended
355.205	Amended
355.207	Amended
355.208	Amended
355.211	Amended
355.301	Amended
355.302	Amended
355.303	Amended
355.306	Amended
355.307	Amended
355.308	Amended
355.309	Amended
355.310	Amended
355.311	Amended
355.401	Amended
355.403	Amended
355.404	Amended
355.408	Amended
355.501	Amended
355.502	Amended
355.503	Amended
355.504	Amended
355.601	Amended
- 4) Statutory Authority: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805/7.28]
- 5) Effective Date of Amendments: September 28, 2010
- 6) Does this rulemaking contain an automatic repeal date? No

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- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file at the Illinois Housing Development Authority, located at 401 N. Michigan Ave., Ste. 700, Chicago, IL 60611, and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 34 Ill. Reg. 8029; June 18, 2010
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 355.103:

The definition of "Affordable Housing Project" was revised to delete the phrase "paid for by or on behalf of tenants" "Units that have rents" and to add the sentence "An Agency may consider a Project to be a rental project even where a tenant does not pay rent if a rental subsidy is received by the Project or tenant.".

The definition of "Certificate" was clarified to reference the delivery of the Certificate.

The definition of "Unit" was added.

Other minor typographical errors were corrected.

Section 355.106 was revised to use the defined term "Unit" where applicable.

Section 355.203 was revised to use the defined term "Unit" where applicable.

Section 355.207 was revised to use the defined term "Unit" where applicable.

Section 355.306 was revised to indicate that appraisals may also be ordered by the Sponsor.

Section 355.307 was revised to delete the reference to trade fixtures.

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Section 355.309 was revised to delete the sentence "An Agency shall not transfer the Certificate nor all or a portion of the Affordable Housing Tax Credits represented by the Certificate to another individual or entity absent a notarized letter of direction from the original Donor." and replace it with the sentence "Absent a notarized letter of direction for the original Donor, as Agency shall not deliver a Certificate nor all or a portion of the Affordable Housing Tax Credits represented by the Certificate to an individual or entity other than the original Donor."

Section 355.310 was revised to delete the reference to trade fixtures, and other typographical errors were corrected.

Section 355.601 was revised to use the defined term "Unit" where applicable.

- 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, the one provision that was the subject of an emergency rule, that school districts can be "Donors", expired on 9/17/10.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments involve the administration of the Illinois affordable housing tax credit program.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Kristi S. Poskus
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

312/836-5327
- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 355
ILLINOIS AFFORDABLE HOUSING TAX CREDIT PROGRAM

SUBPART A: GENERAL RULES

- Section
- 355.101 Authority
- 355.102 Purpose and Objectives
- 355.103 Definitions
- 355.104 Compliance with Federal Law
- 355.105 Forms and Procedures for the Program
- 355.106 Fees and Charges
- 355.107 Amendment
- 355.108 Severability
- 355.109 Gender and Number
- 355.110 Titles and Captions

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

- Section
- 355.201 Authority to Allocate Affordable Housing Tax Credits
- 355.202 Transfer of Agency Affordable Housing Tax Credit Ceiling
- 355.203 Application Process
- 355.204 Agency Review
- 355.205 Approval or Rejection by Agency
- 355.206 Sponsor Participation
- 355.207 Regulatory Agreement for Rental Projects
- 355.208 ~~Affordable Housing~~ Project Documentation and Certification
- 355.209 Affordable Housing Tax Credit Allocation
- 355.210 Recapture of Affordable Housing Tax Credits
- 355.211 ~~Rescission of Reservation~~~~Return and Reallocation~~ of Affordable Housing Tax Credits

SUBPART C: DONATIONS

Section

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355.301	Acceptable Types of Donations
355.302	Aggregation of Donations
355.303	Minimum Donation Amount
355.304	Cash
355.305	Securities
355.306	Real Property
355.307	Personal Property
355.308	Limitation on Donations
355.309	Transfer of Affordable Housing Tax Credits
355.310	Material Participation of Sponsor
355.311	Donations from State and Local Governments

SUBPART D: PROJECTS

Section

355.401	Single Family Project Requirements
355.402	Down Payment and Closing Cost Assistance (Repealed)
355.403	Employer-Assisted Housing Projects
355.404	Recapture Agreement
355.405	Multifamily Housing Projects
355.406	Set-Aside for Technical Assistance and General Operating Support
355.407	Limitations on Amount of Technical Assistance and General Operating Support
355.408	Technical Assistance – Home Ownership Counseling

SUBPART E: COMPLIANCE MONITORING

355.501	Compliance Monitoring
355.502	Monitoring Fees
355.503	Books and Records
355.504	Furnishing Information

SUBPART F: REPORTS

355.601	Agency Reports
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AUTHORITY: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 15636, effective November 29, 2001, for a maximum of 150 days; adopted at 26 Ill. Reg. 5902, effective April 15, 2002; emergency

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amendment at 26 Ill. Reg. 7325, effective April 26, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13220, effective August 20, 2002; emergency amendment at 27 Ill. Reg. 5033, effective March 10, 2003, for a maximum of 150 days; emergency expired August 6, 2003; amended at 27 Ill. Reg. 14310, effective August 21, 2003; amended at 31 Ill. Reg. 5797, effective March 30, 2007; emergency amendment at 34 Ill. Reg. 6521, effective April 21, 2010, for a maximum of 150 days; emergency expired September 17, 2010; amended at 34 Ill. Reg. 15822, effective September 28, 2010.

SUBPART A: GENERAL RULES

Section 355.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Affordable Housing Project": A housing project that is either:

a rental project in which at least 25% of the Units that have rents (including tenant-paid heat) that do not exceed, on a monthly basis, 30% of the gross monthly income of a Household earning the maximum income for a Low-Income Household in the geographical area in which the Affordable Housing Project is located and that are occupied by persons and families who qualify as Low-Income Households; or

a Unit for sale to Low-Income Households and who will pay no more than 30% of their gross household income for mortgage principal, interest, property taxes, and property insurance upon the purchase of the Unit.

An Agency may consider a Project to be a rental project even when a tenant does not pay rent if a rental subsidy is received by the Project or tenant.

"Affordable Housing Restrictions": The income and occupancy restrictions for an Affordable Housing Project or an Employer-Assisted Housing Project required by Section 7.28 and this Part, or those set forth in the Application for the Affordable Housing Project or the Employer-Assisted Housing Project, whichever are more stringent.

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"Affordable Housing Tax Credits": Affordable Housing Tax Credits, as authorized by Section 7.28 of the Act and Section 214 of the Illinois Income Tax Act [35 ILCS 5/214].

"Affordable Housing Tax Credit Ceiling": The aggregate amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year.

"Agency": The Authority, the City of Chicago or any other municipality that may subsequently be designated by law as an agency for the Allocation of Affordable Housing Tax Credits.

"Agency Affordable Housing Tax Credit Ceiling": That portion of the Affordable Housing Tax Credit Ceiling that is available for Allocation by an Agency. That amount is 24.5% of the Affordable Housing Tax Credit Ceiling for the City of Chicago, and 75.5% of the Affordable Housing Tax Credit Ceiling for the Authority.

"Agency Head": The Executive Director of the Authority or the Housing Commissioner of the City of Chicago.

"Allocation": An award by an Agency of Affordable Housing Tax Credits in connection with aan Affordable Housing Project, an Employer-Assisted Housing Project or Technical Assistance.

"Applicant": The Sponsor (and any other affiliated entities) applying for an Allocation.

"Application": An application to an Agency for a Reservation and an Allocation submitted by an Applicant, including the required supporting documentation.

"Authority": The Illinois Housing Development Authority.

"Certificate": The certificate issued by an Agency evidencing an Allocation. The Certificate shall be issued and delivered to the Donor unless otherwise directed by the Donor pursuant to Section 309 of this Part and shall state the effective date of the Allocation.

"Compliance Period": The period during which aan Affordable Housing Project is obligated to comply with the Affordable Housing Restrictions, as set forth in

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the Application. The Compliance Period for ~~aneach~~ Affordable Housing Project shall be a minimum of 10 years from the date of the ~~issuance of the initial~~ certificate of occupancy from the municipality in which the Affordable Housing Project is located ~~(or the like, as acceptable to the Agency in its discretion, for Affordable Housing Projects that are rehabilitated and when the municipality does not re-issue a certificate of occupancy),~~ ~~except for:~~ The Compliance Period for a Single Family ~~Project or an Employer-Assisted Housing Project~~Projects in which a Sponsor provides construction subsidies, ~~or~~ down payment and closing cost assistance ~~or homeownership counseling~~ to Low-Income Households or, ~~for Employer-Assisted Housing Projects, Moderate-Income Households~~ purchasing a Single Family Residence, ~~in which case the Compliance Period~~ shall be 5 years from the date of the closing of the purchase of the Single Family Residence. ~~The Compliance Period in connection with the purchase of a Single Family Residence may be reduced as provided in Section 355.404 of this Part,~~ ~~and~~

~~Hardship cases, as provided in Section 355.404 of this Part.~~

"Donation": Money, securities, ~~or~~ real property, or personal property that is provided without consideration to a Sponsor and that is used for:

costs associated with purchasing, rehabilitating, constructing, or providing or obtaining financing for an Affordable Housing Project, including fees for attorneys, architects, accountants, surveyors and appraisers;

Technical Assistance; or

General Operating Support of the Sponsor; or

an Employer-Assisted Housing Project.

"Donor": An individual or entity, other than the Federal government, the State government, any local municipality or any agency, board commission, corporation or authority of the Federal government, the State government or any local government, except as provided in Section 355.311 of this Part, making a Donation. For purposes of this definition and related provisions of this Part, any school district within the State of Illinois will not be deemed to be a local municipality or agency, board, commission, corporation or authority of the Federal government, the State government or any local government.

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"Employer-Assisted Housing Project": A project that involves Donations made to a Sponsor that are used for down payment and closing cost assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are:

provided by the Sponsor to the employers' employees to assist them to secure housing near the employer's work place; and

restricted to housing near such work place; and

restricted to employees who qualify as Moderate-Income Households.

"General Operating Support": Any cost incurred by a Sponsor, directly or indirectly, in connection with an Affordable Housing Project or an Employer-Assisted Housing Project. Such costs may include a proportionate amount of the general overhead expenses of the Sponsor.

"Gross Household Income": The total annualized income of a Household from whatever source derived and before taxes or withholdings.

"Household": A single person, family or unrelated persons living together.

"Initial Closing Date": The date ~~by~~ which the Agency has determined that the Sponsor and the Project have met all legal requirements of the Program. As applicable to Projects, an Agency may consider whether the Sponsor and the Project have satisfied the requirements of any other funding sources for the Project for the funding of an Affordable Housing Project have been met, as determined by the funding sources for the Affordable Housing Project, and the funds are made available to the Affordable Housing Project for distribution.

"Low-Income Household": A Household whose adjusted income is less than or equal to 60% of the median income of the geographical area of the Household's prospective residence, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Material Participation": An individual or entity that provides personal services to tenants or prospective tenants of a Multifamily Housing Project or rental Single

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Family Project, or professional services to a Multifamily Housing Project, on a regular, continuous, and substantial basis for more than 300 hours during each year during the Compliance Period. TheThis requirement for Material Participation, as established in Sections 355.206 and 355.310 of this Part, will be satisfied if the Sponsor is the owner, or holds a controlling interest in the entity that is the owner, of the Projectproject; or is the managing general partner, or holds a controlling interest in the entity that is the managing general partner, of a limited partnership that is the owner of the Projectproject; or is the managing member, or holds a controlling interest in the entity that is the managing member, of the limited liability company that is the owner of the Projectproject.

"Members": The Members of the Authority.

"Moderate-Income Household": A Household whose adjusted income is less than 120% of the median income of the geographical area of the Household's Employer-Assisted Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Multifamily Housing Project": An Affordable Housing Project comprised of one or more buildings (other than Single Family Residences) containing an aggregate of five or more rental Unitsunits.

"Program": The Illinois Affordable Housing Tax Credit Program.

"Project": An Affordable Housing Project, Employer-Assisted Housing Project, or Technical Assistance.

"Recapture Agreement": The Recapture Agreement to be recorded against a Single Family Residence in connection with a Very Low-Income, Low-Income or, for Employer-Assisted Housing Projects, Moderate-Income Household's purchase of the Single Family Residence.

"Regulatory Agreement": The Illinois Affordable Housing Tax Credit Regulatory Agreement to be recorded against rental Affordable Housing Projects and Employer-Assisted Housing Projects, as applicable.

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"Reservation": An Agency's conditional reservation of Affordable Housing Tax Credits for a Sponsor, as may be amended from time to time. A Reservation shall be valid for a period no longer than 1224 months from the date of the Reservation Letter unless extended pursuant to Section 355.205(d) of this Part. ~~If the Affordable Housing Tax Credits so reserved have not been allocated within that 24 month period, the Reservation shall expire and shall not be renewed.~~

"Reservation Letter": The letter from an Agency to a Sponsor conditionally reserving Affordable Housing Tax Credits.

"Section 7.28": Section 7.28 of the Act.

"Single Family Project": An Affordable Housing Project consisting of:

the construction of Single Family Residences; or

the rehabilitation of a 2, 3, or 4 ~~Unit~~ unit building; upon completion of rehabilitation, the Units ~~units~~ are sold or rented; or

the rehabilitation of Single Family Residences, which are then sold or rented; or

the rehabilitation of buildings containing more than 4 Units ~~units~~; upon completion of rehabilitation, the Units ~~units~~ are sold as condominiums; or

the financing of Single Family Residences using junior mortgages with a below market interest rate; or

construction subsidies to lower the purchase price of Single Family Residences; ~~or-~~

down payment and closing cost assistance.

"Single Family Residence": A house, condominium, townhouse or other residence used for occupancy by a single Household as its primary residence.

"Sponsor": A not-for-profit organization that is:

organized under the laws of this State or any other state and:

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~~for an Affordable Housing Project, has as one of its purposes the development of affordable housing; or~~

~~for an Employer-Assisted Housing Project or Technical Assistance, has as one of its purposes either the development of affordable housing or home ownership education organized under the General Not For Profit Corporation Act of 1986 [805 ILCS 105] for the purpose of constructing or rehabilitating affordable housing units in this State; or~~

organized for the purpose of constructing or rehabilitating affordable housing ~~Units~~ and has been issued a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under provisions of the Internal Revenue Code; or

an organization designated as a community development corporation by the United States Government under Title VII of the Economic Opportunity Act of 1964; or

a limited liability company that has a not-for-profit organization as its sole member.

"State": The State of Illinois.

"Technical Assistance": Any cost incurred by a Sponsor for:

~~planning for an Affordable Housing Project or an Employer-Assisted Housing Project; or~~

~~assistance with an Application; or~~

~~homeownership counseling services provided to prospective purchasers of a Single Family Residence in connection with a Single Family Project or an Employer-Assisted Housing Project, except as provided in Section 355.408 of this Part.~~

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"Unit": A housing unit contained in an Affordable Housing Project, a Multifamily Housing Project, a Single Family Project, or a Single Family Residence; housing units intended as dormitories, hotels, or transitional or temporary housing do not qualify as Units.

"Very Low-Income Household": A Household whose adjusted income is less than or equal to 50% of the median income of the geographical area of the Household's prospective residence, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.106 Fees and Charges

In connection with an Application, an Agency may collect a fee from the Applicant in an amount not to exceed ~~\$2,500~~500, payable when the Application is submitted. In connection with a Reservation, an Agency may collect a fee from the Applicant in an amount not to exceed ~~53~~53% of the Reservation, payable by the due date specified in the Reservation Letter. The Agency may assess a modification fee for changes in the ~~Sponsor or~~ owner, the name of the ~~Sponsor or~~ owner or the characteristics of ~~an Affordable Housing~~ Project, such as unit type, distribution or population to be served in an amount not to exceed \$1,500, payable when the request for a modification is submitted. An Agency may assess a fee in connection with an extension of time to obtain a Donation, in accordance with Section 355.205 of this Part, in an amount not to exceed \$1,500, payable when the request for an extension is submitted. An Agency may assess a fee in connection with a request to increase the amount of the Affordable Housing Tax Credits in an amount not to exceed \$1,500, payable when the request for an extension is submitted, plus an amount not to exceed 5% of the Reservation associated with the increase in the amount of Affordable Housing Tax Credits, payable by the due date specified in the Reservation Letter. An Agency may assess an annual compliance fee in amounts not to exceed: \$125 for Projects containing one to 10 affordable Units per year; \$250 for Projects containing 11 to 19 affordable Units per year; and \$20 per affordable Unit per year for Projects containing 20 or more affordable Units per year. All compliance fees are payable as determined by the Agency. Applicants and Sponsors shall pay an Agency in advance for expenses related to any third party studies, including but not limited to appraisals, in connection with an Application for Affordable Housing Tax Credits.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

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Section 355.107 Amendment

This Part may be supplemented, amended, or repealed by the Members from time to time and in such manner as they may determine consistent with this Part, the Act, including but not limited to Section 7.28 of the Act, Section 214 of the Illinois Income Tax Act [35 ILCS 5/214] and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

Section 355.203 Application Process

A Sponsor may apply for an Allocation by submitting an Application on forms prescribed by an Agency that may require the following information:

- a) The name and location of the proposed ~~Affordable Housing~~ Project;
- b) The name, address and telephone number of the Sponsor and the proposed ~~ownersowner~~ of the ~~Affordable Housing~~ Project, and, if known and applicable, the attorney, accountant, architect, general contractor and consultant for the ~~Affordable Housing~~ Project;
- c) A copy of the Sponsor's current Articles of Incorporation, certified by the Secretary of State or equivalent official of the state of incorporation;
- d) A history of the Sponsor's experience in developing affordable housing, ~~and low-income housing in particular~~;
- e) A complete description of the proposed ~~Affordable Housing~~ Project, including but not limited to the site, the number and type of Units~~units~~ or Single Family Residences and, if applicable, a rent schedule for the ~~Affordable Housing~~ Project, and identifying any proposed tenant or homeownership populations with special housing needs;
- f) The amount of the proposed financing for the ~~Affordable Housing~~ Project, including letters of interest or commitments from prospective lenders;

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- g) The ~~type of nature and~~ amount of ~~and nature of the~~ Donation or proposed or anticipated Donation, including the legal and financial interests of the Sponsor, seller, buyer and developer entities in the Donation transaction and a description of the flow of funds into the Project, including any financing provided by the Sponsor, if applicable;
- h) For a Multifamily Housing Project or a rental Single Family Project, the percentage of ~~Units~~units to be reserved for Low-Income Households and Very Low-Income Households;
- i) The estimated total cost of the proposed ~~Affordable Housing~~ Project, including, as applicable, the cost of land acquisition, the cost of construction, the amount of projected reserves, architects' fees, attorneys' fees, accountant's fees, surveyor's fees, title insurance and all other costs associated with the ~~Affordable Housing~~ Project;
- j) A schedule for the proposed ~~Affordable Housing~~ Project showing the anticipated Initial Closing Date and the anticipated date of completion;
- k) The amount of General Operating Support requested, if any, and the purposes for which it will be used;
- l) The amount of Technical Assistance requested, if any, and the purposes for which it will be used;
- m) The amount of Affordable Housing Tax Credits requested;
- n) A certification from the Sponsor ~~certifying~~ to the Agency that all information contained in the Application and all accompanying information is true, accurate, and complete, to the best of the Sponsor's knowledge; ~~and~~
- o) If a Donation has occurred, a notarized affidavit from the Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate, as determined acceptable by an Agency in its discretion; and
- ~~pe)~~ Any additional documentation ~~of the information provided in the Application~~ that the Agency may require in order to confirm the information in the Application, including but not limited to such as a legal description of the ~~Affordable Housing~~

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Project ~~site, etc.~~

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.204 Agency Review

The Agency shall review each complete Application and approve or reject it. The Agency's review of an Application shall include, but not be limited to, the following criteria (where applicable):

- a) Section 7.28 Requirements. The ability of the ~~Affordable Housing~~ Project to meet the requirements of Section 7.28 and this Part throughout the Compliance Period;
- b) Financial Feasibility. The financial feasibility of the ~~Affordable Housing~~ Project, taking into consideration the existing housing for Very-Low Income Households, Low-Income Households and for Employer-Assisted Housing Projects, ~~Moderate-Income Households~~ ~~Very-Low-Income Households~~ in the geographical area in which the ~~Affordable Housing~~ Project will be located, the cost of the ~~Affordable Housing~~ Project, the projected income and operating expense of the ~~Affordable Housing~~ Project, and all sources of financing for the ~~Affordable Housing~~ Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully construct the ~~Affordable Housing Project~~ Multifamily Housing Project or the rental Single Family Project and place it in service, taking into consideration the construction or other schedule submitted with the Application, the Sponsor's experience in the development, construction and/or rehabilitation of housing, and the size and scope of the Affordable Housing Project; or the ability of the Sponsor to provide the Technical Assistance; or the ability of the Sponsor to implement the Employer-Assisted Housing Project;
- d) Site Control. Evidence of site control, satisfactory to the Agency, for the Affordable Housing Project, which shall include, but not be limited to, a purchase contract, an option to purchase, or a letter of intent from a prospective Donor of real property or from a governmental agency;
- e) Donations. The amount of the Donation and the nature of the Donation transaction; or the amount of the proposed or anticipated Donation and the

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Sponsor's plan for obtaining the proposed or anticipated Donation;

- f) Location. The need for housing for Very Low-Income, ~~and Very~~ Low-Income and, for Employer-Assisted Housing Projects, Moderate-Income HouseholdsHouseholds in the geographical area in which the ~~Affordable Housing~~ Project will be located, based on census data, social surveys, published data, or on-site inspections; and the location of other ~~Affordable Housing~~ Projects for which the Agency has allocated or reserved Affordable Housing Tax Credits;
- g) Housing Stock. The likelihood that the ~~Affordable Housing~~ Project will increase the quality and quantity of housing stock and redevelop blighted areas or prevent the occurrence of slum conditions;
- h) Preservation. The likelihood that the ~~Affordable Housing~~ Project will preserve housing projects in danger of being lost as affordable housing stock;
- i) Involuntary Displacement. For Multifamily Housing Projects or rental Single Family Projects involving rehabilitation, the Sponsor must minimize involuntary displacement of current tenants who are Low-Income and Very Low-Income Households, taking into consideration their safety during rehabilitation and the scope and nature of the proposed rehabilitation;
- j) Special Needs Populations. The availability and accessibility of the ~~Affordable Housing~~ Project for special needs populations, including, but not limited to, homeless or displaced individuals, persons with physical, mental or developmental disabilities, persons with alcohol or substance abuse problems, and persons with AIDS and related diseases;
- k) Compliance Period. Whether the Compliance Period of the ~~Affordable Housing~~ Project exceeds the minimum requirements of Section 7.28;
- l) Lower Income Households. The ability of the ~~Affordable Housing~~ Project to serve Households with incomes less than the maximum income for Very Low-Income, ~~or Very~~ Low-Income or, for Employer-Assisted Housing Projects, Moderate-Income Households for the geographical area in which the ~~Affordable Housing~~ Project will be located.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

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Section 355.205 Approval or Rejection by Agency

- a) Upon an Agency's completion of its review of an Application, the Agency shall notify the Sponsor in writing of its approval or rejection of the Application.
- b) Upon the approval of an Application, the Agency shall issue a Reservation Letter conditionally reserving Affordable Housing Tax Credits. The amount of the Affordable Housing Tax Credits reserved shall be 50% of the amount of the approved amount of the Donation or the actual Donation, whichever is less.
- c) The Reservation Letter shall set forth the terms and conditions upon which the Affordable Housing Tax Credits will be allocated to the **Affordable Housing Project**, including, but not limited to:
 - 1) ~~Full compliance by both the Sponsor and, if applicable, the proposed Affordable Housing Project, Technical Assistance or Employer-Assisted Housing Project, with the requirements of Section 7.28 and this Part;~~ Certification from the Sponsor ~~certifying~~ to the Agency that the Sponsor and the **Affordable Housing Project** is or will be in full compliance with the requirements of Section 7.28 and this Part and will continue to be in compliance during the Compliance Period;
 - ~~23)~~ Certification from the Sponsor to the Agency that there will be no material change in the Sponsor, the Sponsor's ownership structure, the ownership structure of the Affordable Housing Project, or the structure of the **Affordable Housing Project** without the prior written approval of the Agency; and
 - ~~34)~~ If applicable, execution of either a Regulatory Agreement, as required by Section 355.207 of this Part, or one or more Recapture Agreements, as required by Section 355.404 of this Part.
- d) The Sponsor shall have 12 months from the date of the Reservation Letter to obtain a Donation. ~~However,~~ Affordable Housing Projects and Employer-Assisted Housing Projects may submit a written request for an extension ~~of the Donation Period for of~~ an additional 12 months as approved by the Agency in the Agency's discretion; provided, however, that the Sponsor shall pay the fee for the extension as set forth in Section 355.106 of this Part. If the extension is not granted, the Sponsor may re-apply for the Affordable Housing Tax Credits or the

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Affordable Housing Tax Credits may be reserved or allocated to other Projects.

For Technical Assistance, the Sponsor shall have 12 months from the ~~date~~Date of the Reservation Letter to obtain a Donation.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.207 Regulatory Agreement for Rental Projects

The Sponsor and the owner of each Affordable Housing Project that involves the rental of housing ~~Units~~units shall enter into a Regulatory Agreement with the allocating Agency before the Agency makes an Allocation in connection with that Affordable Housing Project. Under the Regulatory Agreement, the owner of the Affordable Housing Project shall be required to adhere to the Affordable Housing Restrictions for a period equal to the Compliance Period, and agree not to transfer the ownership, or materially change the ownership structure of the owner of the Affordable Housing Project, without the prior written approval of the Agency. The Regulatory Agreement shall be recorded in the Office of the Recorder of Deeds in the county where the Affordable Housing Project is located as a restrictive covenant on the Affordable Housing Project. The Regulatory Agreement shall cease to apply in the event of a foreclosure, transfer of title by deed in lieu of foreclosure or similar event, unless the allocating Agency determines that such foreclosure, transfer of title by deed-in-lieu of foreclosure or similar event has occurred pursuant to an arrangement between the owner of the Affordable Housing Project and any lenders or any other party, a purpose of which is to terminate the occupancy restrictions set forth in the Regulatory Agreement.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.208 ~~Affordable Housing~~ Project Documentation and Certification

On or before the Initial Closing Date of ~~aan Affordable Housing~~ Project, the Sponsor shall provide to the Agency the following documentation:

- a) a certification of the amount of the Donation, a notarized affidavit from each Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate as determined acceptable by an Agency in its discretion, and documentation as the Agency shall require under Sections 355.304, 355.305, 355.306 and 355.307 of this Part to substantiate the facts set forth in the certification;

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- b) the name and address of the Sponsor;
- c) the total number of Units or Single Family Residences, as applicable, in the Project;
- d) the number of Units or Single Family Residences, as applicable, in the Project to be occupied by Very Low-Income, and Very Low-Income and, for Employer-Assisted Housing Projects, Moderate-Income Households;
- e) the type of Households to be served (such as elderly or special needs);
- f) for Multifamily Housing Projects, the number of bedrooms in each Unit; and
- g) the amount of Affordable Housing Tax Credits allocated for General Operating Support and Technical Assistance, and the uses of such General Operating Support and Technical Assistance.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.211 Rescission of Reservation~~Return and Reallocation~~ of Affordable Housing Tax Credits

An Agency may rescind a Reservation of Affordable Housing Tax Credits if a ~~A~~ Sponsor that has received a Reservation ~~and that~~ is unable to obtain a Donation within the time periods set forth in Section 355.205(d) of this Part or if the Sponsor has not complied with the terms and conditions of the Reservation Letter. In such a case, an Agency ~~use the Affordable Housing Tax Credits reserved for the Sponsor by such Reservation may return these Affordable Housing Tax Credits to the Agency that issued the Reservation. If a return of the Affordable Housing Tax Credits occurs during the State fiscal year in which such Affordable Housing Tax Credits were reserved, such Agency may reserve~~ to other Projects ~~and reallocate~~ any Affordable Housing Tax Credits that have been rescinded; provided however, that the Affordable Housing Tax Credits must be reserved during the State fiscal year in which the Affordable Housing Tax Credits were originally reserved ~~returned or recaptured.~~

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

SUBPART C: DONATIONS

Section 355.301 Acceptable Types of Donations

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Donations may only be made in the form of cash, securities, ~~or~~ real property or personal property. Provision of services of any kind shall not constitute a Donation. Upon receipt of a Donation, a Sponsor shall notify the allocating Agency and provide to the Agency documentation evidencing both the Donation and its value, which must be determinable as of the date of the Donation. Documentation evidencing the Donation shall include a notarized affidavit from each Donor acknowledging the Donation to the Sponsor or such other documentation evidencing the Donor's knowledge of the making of a Donation and eligibility for receipt of a Certificate, as determined acceptable by an Agency in its discretion.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.302 Aggregation of Donations

Subject to Section 355.303, a Sponsor may aggregate a number of Donations into a single Donation in connection with an Allocation. For Employer-Assisted Housing Projects, a Sponsor may aggregate a number of Donations from multiple employers into a single source of funds for use in assisting eligible employees secure housing near their work place. Each Donor shall receive a Certificate evidencing the Donor's share of the aggregate Allocation. The Certificate issued in connection with the Allocation shall state the aggregate amount of the Donation; however, the Affordable Housing Tax Credits may be divided among the Donors of the individual Donations, as determined by the Sponsor.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.303 Minimum Donation Amount

Except in the case of the transfer of a portion of a Certificate as set forth in Section 355.309 of this Part, the minimum amount of a Donation shall be \$10,000. Individual Donations in an aggregated Donation, including Donations for which the Affordable Housing Tax Credits are transferred as permitted under Section 355.309 of this Part, may be less than \$10,000; however, ~~and~~ the aggregated Donation must be at least \$10,000.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.306 Real Property

Donations of real property be: the fee simple interest in such real property; the beneficial interest of a land trust if a land trust holds title to such real property; a ground lease with a minimum

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term of 50 years leasing the real property to the Sponsor; or a sale of the fee simple interest on real property at a discount ("Discounted Sale"). Donations of a fee simple interest in real property shall be evidenced by a copy of the recorded deed conveying the fee simple title of the real property to the Sponsor and a title search or equivalent documentation showing that the Donor held fee simple title to the real property as of the date of the transfer. A Donation of a ground lease shall be evidenced by a copy of the ground lease under which the real property is leased. A Donation of real property held in a land trust shall be evidenced by the document transferring the beneficial interest in the land trust to the Sponsor and a copy of the land trust agreement, certified by the land trustee, showing that the Sponsor is the sole beneficiary of the land trust. The value of the real property or the leasehold interest in a ground lease shall be determined on or within 6 months prior to the date of the Donation by a current independent appraisal done by a State-licensed appraiser, as approved by the Agency, based on the market value highest and best use of the real property as it is currently zoned and in its then current condition and use and subject to any existing economic encumbrances (unless an economic encumbrance is expiring, has expired, or would otherwise terminate upon transfer of the property). The appraisal may be ordered by the Agency or the Sponsor and shall be completed at the Sponsor's expense. ~~The appraiser must be an Agency-approved appraiser, completed within 6 months prior to the date of the Donation. The valuation of the property or leasehold interest must be based on existing legal restrictions.~~ An Agency may, in its discretion, have another appraisal done by a State-licensed appraiser, as approved by the Agency, and at the expense of the Sponsor with payment required in advance; in such a case, the value shall be the lesser of the two appraisals. In a Discounted Sale, the Agency must be provided with a copy of the contract of sale and; the settlement statement, and the Agency may order an appraisal of the real property at the expense of the Sponsor. The amount of Donation shall be the difference between the appraised value of the real property and the sale price. No appraisal shall be provided to the Applicant or Sponsor, unless the Applicant or Sponsor has reimbursed the Agency for the expense of the appraisal.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.307 Personal Property

A Donation of personal property, such as construction or other materials and equipment sold in the ordinary course of business, shall be valued at the lesser of its fair market value or its cost to the Donor, and may include costs incurred in making the transfer, such as delivery costs, but excluding sales tax. For personal property such as art, antique furniture, coin collections or jewelry, the value may be established by an appraisal done by a qualified appraiser approved by the Agency. In the case of personal ~~such~~ property, an Agency may, in its discretion, have another appraisal done by a qualified appraiser approved by the Agency; in such a case, the value of the

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property shall be the lesser of the two appraisals.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.308 Limitation on Donations

Funds used by a prospective Donor to acquire an ownership interest in an Affordable Housing Project shall not qualify as a Donation. Donations may not take place prior to 3 years before the Initial Closing Date unless otherwise approved by the allocating Agency in the Agency's discretion.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.309 Transfer of Affordable Housing Tax Credits

A Donor that has received a Certificate may transfer all or a portion of the Affordable Housing Tax Credits represented by this Certificate to the purchaser of land that has been designated solely for Affordable Housing Projects in accordance with the Act and this Part or to another Donor who has also made a Donation in accordance with the Act and this Part. Any taxpayer claiming credit pursuant to this Section must do so in accordance with Section 214 of the Illinois Income Tax Act [35 ILCS 5/214].~~another individual or entity if an individual or entity has purchased land for the Affordable Housing Project or has made a Donation to an Affordable Housing Project.~~ An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount less than \$100,000 must make a Donation, in accordance with the Act and this Part, for an Affordable Housing Project of at least 10% of the amount of the transferred Affordable Housing Tax Credits. An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount equal to or greater than \$100,000 must make a minimum Donation, in accordance with the Act and this Part, of \$10,000. The Certificate shall indicate the name of the original Donor and the name of the entity to which the Certificate is transferred. Absent a notarized letter of direction from the original Donor, an Agency shall not deliver a Certificate nor all or a portion of the Affordable Housing Tax Credits represented by the Certificate to an individual or entity other than the original Donor.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.310 Material Participation of Sponsor

No transfer of cash, securities, real property or personal property to a Sponsor shall be a Donation unless the Sponsor is committed to Material Participation in the Multifamily Housing

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Project or rental Single Family Project for the full term of the Compliance Period.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.311 Donations from State and Local Governments

SponsorsAgencies may accept Donations from the State government, local municipalities and agencies, boards, commissions, corporations or authorities of State governments and municipalities in the form of the following:

- a) money, provided that the money does not come directly or indirectly from any Federal source or any State program providing funding either related to affordable housing or services provided in connection with affordable housing; and further provided that the money does not have to be repaid with funds from the operation of the Affordable Housing Project;
- b) the value of waived permit fees or other customary charges, such as water and sewer permit fees, hook up charges or impact fees, when the waiver is made in a manner that achieves a reduction in the cost of construction of an Affordable Housing Project or an Employer-Assisted Housing Project;
- c) real property, as described in Section 355.306 of this Part; and
- d) loans made at a below-market interest rate. The value of the Donation shall be the present value, as of the date of the Donation, of the difference of the market rate interest that would be paid over the term of the loan and the actual interest to be paid over the term of the loan.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

SUBPART D: PROJECTS

Section 355.401 Single Family Project Requirements

An Agency may make Allocations for Single Family Projects. In each Single Family Project, other than Employer Assisted Housing Projects, all of the units or Single Family Residences shall be sold or rented to Low-Income Households.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

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Section 355.403 Employer-Assisted Housing Projects

An Agency may make Allocations for Employer-Assisted Housing Projects. \$2,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Employer-Assisted Housing Projects. Of this ceiling, 24.5% shall be available for allocation by the City of Chicago and 75.5% shall be available for allocation by the Authority. If those funds are not reserved for Employer-Assisted Housing Projects by March 31 of that State fiscal year, the funds shall be available for Reservation and Allocation for Affordable Housing Projects, Technical Assistance or General Operating Support.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.404 Recapture Agreement

Each Household receiving assistance or a subsidy under a Single Family Project or Employer-Assisted Housing Project in connection with the purchase of a Single Family Residence shall ~~execute~~enter into a Recapture Agreement ~~for the benefit of~~with the Sponsor. The Recapture Agreement shall be recorded in the Office of the Recorder of Deeds in the county in which the Single Family Residence is located as a restrictive covenant~~create a lien~~ on the Single Family Residence. ~~The Recapture Agreement and~~ shall provide that, if the Single Family Residence is transferred during the term of the Compliance Period, other than by will, inheritance or a transfer by law to a joint tenant owner, the Household shall repay to the Sponsor a pro-rated portion of any funds provided as a grant or subsidy toward the purchase of the Single Family Residence. In cases of hardship to a Very Low-Income, Low-Income or, for Employer-Assisted Housing Projects, Moderate-Income Household, such as serious illness or loss of employment, an Agency may ~~reduce~~shorten the Compliance Period.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.408 Technical Assistance – Home Ownership Counseling

An Agency ~~Head~~ may ~~determine that his or her Agency will~~ allocate Affordable Housing Tax Credits for Technical Assistance for Donations to entities that provide home ownership counseling services. The Allocations may be in connection with the purchase of a Single Family Residence or an Employer-Assisted Housing Project; however, all Allocations for Technical Assistance in connection with~~unconnected to~~ a particular Affordable Housing Project shall be pursuant to Section 355.407 of this Part. All such home ownership counseling services shall be provided to Households that qualify as Low-Income Households or, in the case of

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Employer-Assisted Housing ~~Projects~~, Moderate-Income Households as of the date of the provision of the services.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

SUBPART E: COMPLIANCE MONITORING

Section 355.501 Compliance Monitoring

The allocating Agency will annually monitor the compliance of each ~~Affordable Housing~~ Project ~~providing rental housing~~.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.502 Monitoring Fees

An Agency may assess an annual fee for compliance monitoring of ~~Affordable Housing~~ Projects. If an Agency decides to charge such a fee, the amount of such fee shall be established on July 1 of the year in which such decision is made. An Agency may redetermine the amount of its compliance monitoring fee as of each July 1. The Agency shall determine the amount of the fee, or the amount of the redetermined fee, based on the cost to the Agency of compliance monitoring of ~~Affordable Housing~~ Projects for the previous State fiscal year.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.503 Books and Records

The books and records of each Sponsor and each ~~Affordable Housing~~ Project shall be subject to inspection, examination and copying by the allocating Agency and its authorized representatives or agents at such times as the allocating Agency reasonably requires for the purpose of determining whether the Sponsor and ~~the such Affordable Housing~~ Project ~~are~~ in compliance with Section 7.28 ~~of the Act~~ and this Part.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

Section 355.504 Furnishing Information

Each Sponsor shall furnish such information and operating reports as the allocating Agency shall require in connection with the monitoring of the Sponsor; and ~~if applicable~~, the Sponsor's

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~~Affordable Housing Project or Employer Assisted Housing~~ Project for compliance with Section 7.28 ~~of the Act~~ and this Part.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

SUBPART F: REPORTS

Section 355.601 Agency Reports

Each Agency shall submit quarterly reports to the Authority setting forth the Agency's activities under the Program for that quarter. The report shall include the following information:

- a) the amount of Affordable Housing Tax Credits reserved or allocated since the date of the last report;
- b) the name and address of each Sponsor;
- c) For each Affordable Housing Project:
 - 1) the amount of Affordable Housing Tax Credits reserved or allocated;
 - 2) the total number of Units or Single Family Residences in the Affordable Housing Project;
 - 3) the number of Units or Single Family Residences to be occupied by Low-Income and Very Low-Income Households;
 - 4) the type of Households to be served (such as elderly or special needs); and
 - 5) for Multifamily Housing Projects, the number of bedrooms in each Unit;
- d) For each Affordable Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated for General Operating Support and Technical Assistance, and the Sponsor's use of that General Operating Support and Technical Assistance;
- e) In connection with Technical Assistance for home ownership counseling services, the amount of Affordable Housing Tax Credits reserved or allocated and the

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number of Low-Income, ~~and~~ Very Low-Income and, for Employer-Assisted Housing Projects, Moderate-Income Households receiving counseling; and

- f) In connection with an Employer-Assisted Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated and the number of Very Low-Income, Low-Income and Moderate-Income Households that received assistance.

(Source: Amended at 34 Ill. Reg. 15822, effective September 28, 2010)

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- 1) Heading of the Part: Predatory Lending Database Program
- 2) Code Citation: 47 Ill. Adm. Code 390
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
390.103	Amended
390.201	Amended
- 4) Statutory Authority: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3805/7.19] and the Residential Real Property Disclosure Act [765 ILCS 77/80]
- 5) Effective Date of Amendments: September 28, 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 rulemaking, including any amendments incorporated by reference, is on file at the Illinois Housing Development Authority, located at 401 N. Michigan Ave., Ste. 700, Chicago, IL 60611, and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: 34 Ill. Reg. 8057; June 18, 2010
- 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.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No, the emergency rule expired on 9/17/10.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments involve the administration of the Illinois Predatory Lending Database Program.

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

Kristi S. Poskus
401 N. Michigan Ave.
Ste. 700
Chicago, IL 60611

312/836-7416

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 390
PREDATORY LENDING DATABASE PROGRAM

SUBPART A: GENERAL RULES

Section	
390.101	Authority
390.102	Purpose and Objectives
390.103	Definitions
390.104	Compliance with Federal Law
390.105	Forms and Procedures for the Program
390.106	Fees and Charges
390.107	Authority Administrative Expenses
390.108	Amendment
390.109	Severability
390.110	Gender and Number
390.111	Titles and Captions

SUBPART B: DISTRIBUTION OF FUNDS

390.201	Distribution of Appropriated Funds
390.202	Staged Distribution

SUBPART C: GRANTS TO HUD-CERTIFIED
HOUSING COUNSELING AGENCIES

390.301	Agency Eligibility
390.302	Eligible Grant Activities
390.303	Application Cycle
390.304	Application Requirements
390.305	Review of Applications
390.306	Grant Administration
390.307	Funding of Grants
390.308	Reporting Requirements for Agencies
390.309	Books and Records

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AUTHORITY: Implementing and authorized by the Illinois Housing Development Act [20 ILCS 3905/7.19] and the Residential Real Property Disclosure Act [765 ILCS 77/80].

SOURCE: Emergency rules adopted at 32 Ill. Reg. 16013, effective September 15, 2008, for a maximum of 150 days; adopted at 33 Ill. Reg. 1499, effective January 7, 2009; emergency amendment at 34 Ill. Reg. 6532, effective April 21, 2010, for a maximum of 150 days; emergency expired September 17, 2010; amended at 34 Ill. Reg. 15850, effective September 28, 2010.

SUBPART A: GENERAL RULES

Section 390.103 Definitions

As used in this Part, the following words or terms mean:

"Act": Residential Real Property Disclosure Act [765 ILCS 77].

"Agency" or "Agencies": HUD-certified housing counseling agencies selected for participation in the Program.

"Appropriation": The annual Appropriation of funds to the Illinois Department of Revenue for the Authority by the Illinois General Assembly for the Program.

"Authority": The Illinois Housing Development Authority.

"Application": The application for a grant completed by an Agency.

"Commitment": A contract executed by the Authority and an Agency under which the Authority agrees to provide funding to the Agency under the Program. Each Commitment shall contain a provision to the effect that the Authority shall not be obligated to provide funds under the Commitment if the Authority has not received sufficient funds from an Appropriation.

"Department": The Illinois Department of Financial and Professional Regulation.

"File Review": The interview performed by the Agency pursuant to Section 70 of the Act.

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"Grant": A portion of the Appropriation distributed to an Agency to administer the Program.

"HUD-certified Counseling" or "Counseling": In-person counseling provided by a counselor employed by a HUD-certified housing counseling agency to all borrowers, or documented telephone counseling when a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-certified housing counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Initial Distribution": The first portion of the Grant distributed to an Agency as a lump sum.

"Maintenance Distribution": The second portion of the Grant distributed to an Agency quarterly.

"Members": The members of the Authority.

"Pilot Program": The predatory lending database pilot program established by PA 94-280, effective January 1, 2006, and as expanded by PA 96-856, effective July 1, 2010.

"Program": The Predatory Lending Database Grant Program administered by the Department of Financial and Professional Regulation.

(Source: Amended at 34 Ill. Reg. 15850, effective September 28, 2010)

SUBPART B: DISTRIBUTION OF FUNDS

Section 390.201 Distribution of Appropriated Funds

The Authority will distribute grants to Agencies providing housing counseling services within the geographic boundaries of Cook County, Kane County, Peoria County, and Will County. Grant awards to Agencies under the Program will be based on the Agency's current capacity, qualifications, proposed geographic service area, experience performing File Reviews under the Pilot Program, when applicable, and other requirements outlined in Section 390.304 of this Part

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and the Application. Agencies need not have performed File Reviews prior to application in order to qualify for a Grant.

(Source: Amended at 34 Ill. Reg. 15850, effective September 28, 2010)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
148.120	Amendment
148.122	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 96-0958 (Emergency Budget Act of Fiscal Year 2011), which amended 5 ILCS 100/5-45(c) and (o)
- 5) Effective Date: October 1, 2010
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: October 1, 2010
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: HFS has determined that this emergency rulemaking is necessary in order to provide for the expeditious and timely implementation of the provisions of the State's fiscal year 2011 budget, is in the public interest, safety, and welfare, and is authorized by Public Act 96-598, which amended 5 ILCS 100/5-45(c) and (o). These emergency changes in administrative rules, in conjunction with changes in the Medicaid State Plan, will allow HFS to increase the amount of federal funds available to Illinois without increasing State or local expenditures. The change will also clarify the definition of obstetrical care services in order to assure compliance with federal requirements necessary for a hospital to receive disproportionate share payments. This clarification will reduce the risk of losing federal funds associated with disproportionate share payments.
- 10) Complete Description of the Subjects and Issues Involved: This rulemaking proposes changes in methods and standards for setting certain payment rates for inpatient hospital reimbursement. The proposed changes are being made pursuant to implementation of the State fiscal year 2011 budget. The proposed changes include:

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Clarifying the definition of "obstetric services" used in the Disproportionate Share (DSH) and Medicaid Percentage Adjustment (MPA) payment programs. This clarification will require eligible hospitals to provide non-emergency inpatient delivery services. This clarification is believed to be in line with the requirements for DSH programs as specified in the Social Security Act and reduces the risk of losing federal funds associated with disproportionate share payments.

Allowing DSH payments for Government-owned hospitals to be calculated using a hospital specific inflator rather than the CMS Hospital Price Index. This change, in conjunction with changes in the Medicaid State Plan, will allow HFS to increase the amount of federal funds available to Illinois without increasing State or local expenditures.

- 11) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.20	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.25	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.140	Amendment	34 Ill. Reg. 10665; July 30, 2010
148.117	Amendment	34 Ill. Reg. 691; January 15, 2010
148.126	Amendment	34 Ill. Reg. 691; January 15, 2010
148.295	Amendment	34 Ill. Reg. 691; January 15, 2010
148.462	New Section	34 Ill. Reg. 691; January 15, 2010

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate, affecting units of local government.

- 13) Information and questions regarding these emergency amendments shall be directed to:

Jeanette Badrov
 General Counsel
 Illinois Department of Healthcare and Family Services
 201 South Grand Avenue East, 3rd Floor
 Springfield IL 62763-0002

217/782-1233

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 148

HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
<u>EMERGENCY</u>	
148.122	Medicaid Percentage Adjustments
<u>EMERGENCY</u>	
148.126	Safety Net Adjustment Payments

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- 148.130 Outlier Adjustments for Exceptionally Costly Stays
- 148.140 Hospital Outpatient and Clinic Services
- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)

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148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments (Repealed)
148.404	Medicaid High Volume Adjustment Payments (Repealed)
148.406	Intensive Care Adjustment Payments (Repealed)
148.408	Trauma Center Adjustment Payments (Repealed)
148.410	Psychiatric Rate Adjustment Payments (Repealed)
148.412	Rehabilitation Adjustment Payments (Repealed)
148.414	Supplemental Tertiary Care Adjustment Payments (Repealed)
148.416	Crossover Percentage Adjustment Payments (Repealed)
148.418	Long Term Acute Care Hospital Adjustment Payments (Repealed)
148.420	Obstetrical Care Adjustment Payments (Repealed)
148.422	Outpatient Access Payments (Repealed)
148.424	Outpatient Utilization Payments (Repealed)
148.426	Outpatient Complexity of Care Adjustment Payments (Repealed)
148.428	Rehabilitation Hospital Adjustment Payments (Repealed)
148.430	Perinatal Outpatient Adjustment Payments (Repealed)
148.432	Supplemental Psychiatric Adjustment Payments (Repealed)
148.434	Outpatient Community Access Adjustment Payments (Repealed)
148.440	High Volume Adjustment Payments
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148.452	Crossover Care Payments
148.454	Magnet Hospital Payments
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SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions

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148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days;

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amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill.

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Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days;

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emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.120 Disproportionate Share Hospital (DSH) Adjustments**EMERGENCY**

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 2003, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective

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October 1, 2003, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 2003, the Department shall make adjustment payments to hospitals that are deemed as disproportionate share by the Department. A hospital may qualify for a DSH adjustment in one of the following ways:
- 1) The hospital's Medicaid inpatient utilization rate (MIUR), as defined in subsection (i)(4) of this Section, is at least one standard deviation above the mean Medicaid utilization rate, as defined in subsection (i)(3) of this Section.
 - 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance) and/or any local or State government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for Family and Children Assistance inpatient hospital services, and/or any local or State government-funded care) must be added.
- b) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges ~~at the hospital~~ to perform nonemergency obstetric procedures ~~at the hospital~~. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 22, 1987. Hospitals that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.
- c) In making the determination described in subsection (a)(1) of this Section, the Department shall utilize:

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- 1) Hospital Cost Reports
 - A) The hospital's final audited cost report for the hospital's base fiscal year. Medicaid inpatient utilization rates, as defined in subsection (i)(4) of this Section, which have been derived from final audited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation.
 - B) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsection (a)(1) of this Section. Submittal of a corrected cost report in support of subsection (a)(1) of this Section must be received or post marked no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's MIUR as described in subsection (i)(4) of this Section.
 - C) In the event of extensions to the Medicare cost report filing process, those hospitals that do not have an audited or unaudited base year Medicaid cost report on file with the Department by the 30th of April preceding the DSH determination are required to complete and submit to the Department a Hospital Day Statistics Collection (HDSC) form. On the form, hospitals must provide total Medicaid days and total hospital days for the hospital's base fiscal year. The HDSC form must be submitted to the Department by the April 30th preceding the DSH determination.
 - i) If the Medicare deadline for submitting base fiscal year cost reports falls within the month of June preceding the DSH determination, hospitals, regardless of their base fiscal year end date, will have until the first day of August preceding the DSH determination to submit changes to

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their Medicaid cost reports for inclusion in the final DSH calculations. In this case, the HDSC form will not be used as a data source for the final rate year DSH determination.

- ii) If the Medicare deadline for submitting base fiscal year cost reports is extended beyond the month of June preceding the DSH determination, the HDSC form will be used in the final DSH determination for all hospitals that do not have an audited or unaudited Medicaid cost report on file with the Department. Hospitals will have until the first day of July to submit any adjustments to the information provided on the HDSC form sent to the Department on April 30.
 - D) Hospitals' Medicaid inpatient utilization rates, as defined in subsection (i)(4) of this Section, which have been derived from unaudited cost reports or the HDSC form, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsections (c)(1)(B) and (c)(1)(C)(ii) of this Section, hospitals shall have the opportunity to submit corrected information prior to the Department's final DSH determination.
 - E) In the event a subsequent final audited cost report reflects an MIUR, as described in subsection (i)(4) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report or the HDSC form utilized for the DSH determination, the Department shall recalculate the MIUR based upon the final audited cost report, and recoup any overpayments made if the percentage change in the DSH payment rate is greater than five percent.
- 2) Days Not Available from Cost Report
- Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, hospital residing long term care days, and Medicaid days for alcohol and substance abuse rehabilitative care under category of service 35. To obtain Medicaid utilization levels in

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these instances, the Department shall utilize:

- A) Medicare/Medicaid Crossover Claims.
- i) For DSH determination years on or after October 1, 1996, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.
 - ii) For DSH determination years prior to October 1, 1996, hospitals may submit additional information to document Medicare/Medicaid crossover days that were not billed to the Department due to a determination that the Department had no liability for deductible or coinsurance amounts. That information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. That log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.
- B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.

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- C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year, or specific claim information from each HMO, for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.
 - D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of hospital residing long term care days provided to recipients.
 - E) Alcohol and Substance Abuse Days. The Department will utilize its paid claims data under category of service 35 available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided for alcohol and substance abuse rehabilitative care.
- d) Hospitals may apply for DSH status under subsection (a)(2) of this Section by submitting an audited certified financial statement, for the hospital's base fiscal year, to the Department of Human Services or the Department of Public Aid. The statements must contain the following breakdown of information prior to submittal to the Department for consideration:
- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
 - 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance), for the hospital's base fiscal year.

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- 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.
- e) With the exception of cost-reporting children's hospitals in contiguous states that provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the MIUR, as described in subsection (i)(4) of this Section and as required in section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the MIUR from their state may submit an audited certified financial statement as described in subsection (d) of this Section. Payments to out-of-state hospitals will be allocated using the same method as described in subsection (g) of this Section.
- f) Time Limitation Requirements for Additional Information.
 - 1) Except as provided in subsection (c)(1)(C), the information required in subsections (a), (c), (d) and (e) of this Section must be received or post marked no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such information for the determination of DSH qualification. Information required in subsections (a), (c), (d) and (e) of this Section which is not received or post marked in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
 - 2) The information required in subsection (b) of this Section must be submitted after receipt of notification from the Department. Information required in this Section that is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.
- g) Inpatient Payment Adjustments to DSH Hospitals. The adjustment payments required by subsection (a) of this Section shall be calculated annually as follows:
 - 1) Five Million Dollar Fund Adjustment for hospitals defined in Section

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148.25(b)(1), with the exception of any Illinois hospital that is owned or operated by the State or a unit of local government.

- A) Hospitals qualifying as DSH hospitals under subsection (a)(1) or (a)(2) of this Section will receive an add-on payment to their inpatient rate.
- B) The distribution method for the add-on payment described in subsection (g)(1) of this Section is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) of this Section will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.
- C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) of this Section in proportion to the percentage by which the hospital's MIUR exceeds one standard deviation above the State's mean Medicaid inpatient utilization rate, as described in subsection (i)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.
- D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) of this Section, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) of this Section, is then divided by the

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Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day add-on value. Hospitals qualifying under subsection (a)(2) of this Section will receive the minimum adjustment of \$5 per inpatient day. The adjustments calculated under this subsection (g)(1) are subject to the limitations described in subsection (h) of this Section. The adjustments calculated under subsection (g) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

- 2) Department of Human Services (DHS) State-Operated Facility Adjustment for hospitals defined in Section 148.25(b)(6). Department of Human Services State-operated facilities qualifying under subsection (a)(2) of this Section shall receive an adjustment for inpatient services provided on or after March 1, 1995. Effective October 1, 2000, the adjustment payment shall be calculated as follows:
 - A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be the lesser of the federal DSH allotment for mental health facilities as determined in section 1923(h) of the Social Security Act, minus the estimated DSH payments to such facilities that are not operated by the State; or the result of subtracting the estimated DSH payment adjustments made under subsection (g)(1) of this Section and Section 148.170(f)(2) from the aggregate DSH payment allotment as provided for in section 1923(f) of the Social Security Act.
 - B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of uncompensated care costs, from the most recent final cost report, to the sum of all qualifying hospitals' uncompensated care costs.
 - C) The adjustment calculated in subsection (g)(2)(B) of this Section shall meet the limitation described in subsection (h)(4) of this Section.
 - D) The adjustment calculated pursuant to subsection (g)(2)(B) of this Section, for each hospital defined in Section 148.25(b)(6) that

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qualifies for DSH adjustments, is then divided by four to arrive at a quarterly adjustment. This amount is subject to the limitations described in subsection (h) of this Section. The adjustment described in this subsection (g)(2)(D) shall be paid on a quarterly basis.

- 3) Assistance for Certain Public Hospitals
 - A) The Department may make an annual payment adjustment to qualifying hospitals in the DSH determination year. A qualifying hospital is a public hospital as defined in section 701(d) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Public Law 106-554).
 - B) Hospitals qualifying shall receive an annual payment adjustment that is equal to:
 - i) A rate amount equal to the amount specified in the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, section 701(d)(3)(B) for the DSH determination year;
 - ii) Divided first by Illinois' Federal Medical Assistance Percentage; and
 - iii) Divided secondly by the sum of the qualified hospitals' total Medicaid inpatient days, as defined in subsection (i)(4) of this Section; and
 - iv) Multiplied by each qualified hospital's Medicaid inpatient days as defined in subsection (i)(4) of this Section.
 - C) The annual payment adjustment calculated under this subsection (g)(3), for each qualified hospital, will be divided by four and paid on a quarterly basis.
 - D) Payment adjustments under this subsection (g)(3) shall be made without regard to subsections (h)(3) and (4) of this Section, 42 CFR 447.272, or any standards promulgated by the Department of

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Health and Human Services pursuant to section 701(e) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

- E) In order to qualify for assistance payments under this subsection (g)(3), with regard to this payment adjustment, there must be in force an executed intergovernmental agreement between the authorized governmental body of the qualifying hospital and the Department.
- 4) Disproportionate Share Payments for Certain Government-Owned or -Operated Hospitals
- A) The following classes of government-owned or -operated Illinois hospitals shall, subject to the limitations set forth in subsection (h) of this Section, be eligible for the Disproportionate Share Hospital Adjustment payment:
- i) Hospitals defined in Section 148.25(b)(1)(A).
 - ii) Hospitals owned or operated by a unit of local government that is not a hospital defined in subsection (g)(4)(A)(i) of this Section.
 - iii) Hospital defined in Section 148.25(b)(1)(B).
- B) The annual amount of the payment shall be the amount computed for the hospital pursuant to federal limitations ~~_, adjusted from the midpoint of the cost report period to the midpoint of the rate period using the CMS Hospital Price Index.~~
- C) The annual amount shall be paid to the hospital in monthly installments. The portion of the annual amount not paid pending federal approval of payments shall, upon that approval, be paid in a single lump sum payment. Except as indicated in this subsection (g)(4)(C), the annual amount shall be paid to the hospital in 12 equal installments and paid monthly.
- h) DSH Adjustment Limitations.

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- 1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the DSH determination year, the hospital discontinues provision of nonemergency obstetrical care. The provisions of this subsection (h)(1) shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered nonemergency obstetric services as of December 22, 1987. In this instance, the adjustments calculated under subsection (g)(1) shall cease to be effective on the date that the hospital discontinued the provision of such nonemergency obstetrical care.
- 2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of its eligibility for DSH payment adjustments based upon the requirements of this Section.
- 3) DSH Payment Adjustment. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section do not meet the State's final DSH Allotment as determined by the federal Centers for Medicare and Medicaid Services, DSH payment adjustments calculated under this Section shall be adjusted to meet the State DSH Allotment. Subject to any limitation, disproportionate share payments will be made to qualifying hospitals in the following order:
 - A) Psychiatric hospitals operated by the Illinois Department of Human Services – the annual amount shall be credited quarterly via certification of public expenditure.
 - B) Hospitals defined in Section 148.25(b)(1)(B).
 - C) Hospitals owned and operated by a unit of local government that is not a hospital defined in Section 148.25(b)(1)(A).

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- D) Hospitals that are not owned or operated by a unit of government – the annual amount shall be paid on each inpatient claim.
 - E) Hospitals defined in Section 148.25(b)(1)(A).
- 4) Omnibus Budget Reconciliation Act of 1993 (OBRA'93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of estimated Medicaid payments (inpatient, outpatient, and disproportionate share) to a hospital exceed the costs of providing services to Medicaid clients and persons without insurance. Federal upper payment limit requirements (42 CFR 447.272) shall be considered when calculating the OBRA'93 adjustments. The adjustments shall reduce disproportionate share spending until the costs and spending (described in this subsection (h)(4)) are equal or until the disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.
- 5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's MIUR, as defined in subsection (i)(4) of this Section, is less than one percent.
- i) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:
- 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 2001 for the October 1, 2003 DSH determination year, the hospital's fiscal year ending in 2002 for the October 1, 2004 DSH determination year, etc.
 - 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
 - 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the

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Federal Social Security Act (42 USC 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) but does include the types of days described in subsections (c)(1) and (c)(2) of this Section. In this subsection (i)(3), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 4) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12 month period to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) but does include the types of days described in subsections (c)(1) and (c)(2) of this Section. In this subsection (i)(4), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 5) "Obstetric services" shall at a minimum include non-emergency inpatient deliveries in the hospital.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days)

Section 148.122 Medicaid Percentage Adjustments**EMERGENCY**

The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 2003, and each October 1 thereafter unless otherwise noted.

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- a) Qualified Medicaid Percentage Hospitals. For inpatient services provided on or after October 1, 2003, the Department shall make adjustment payments to hospitals that are deemed as a Medicaid percentage hospital by the Department. A hospital, except those that are owned or operated by a unit of government, may qualify for a Medicaid Percentage Adjustment in one of the following ways:
- 1) The hospital's Medicaid inpatient utilization rate (MIUR), as defined in Section 148.120(i)(4), is at least one-half standard deviation above the mean Medicaid utilization rate, as defined in Section 148.120(i)(3).
 - 2) The hospital's low income utilization rate exceeds 25 per centum. For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance) and/or any local or State government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for Family and Children Assistance inpatient hospital services, and/or any local or State government-funded care) must be added.
 - 3) Illinois hospitals that, on July 1, 1991, had an MIUR, as defined in Section 148.120(i)(4), that was at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3), and that were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5 (1989)).
 - 4) Illinois hospitals that:
 - A) Have an MIUR, as defined in Section 148.120(i)(4), that is at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3); and
 - B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(3) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(2) of this Section.

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- 5) Any children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3).
 - 6) Out of state hospitals meeting the criteria in Section 148.120(e).
- b) In making the determination described in subsections (a)(1) and (a)(4)(A) of this Section, the Department shall utilize the data described in Section 148.120(c) and received in compliance with Section 148.120(f).
 - c) Hospitals may apply to become a qualified Medicaid Percentage Adjustment hospital under subsection (a)(2) of this Section by submitting audited certified financial statements as described in Section 148.120(d) and received in compliance with Section 148.120(f).
 - d) Medicaid Percentage Adjustments. The adjustment payments required by subsection (a) of this Section for qualified hospitals shall be calculated annually as follows for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(b)(1)(A) and (b)(1)(B).
 - 1) The payment adjustment shall be calculated based upon the hospital's MIUR, as defined in Section 148.120(i)(4), and subject to subsection (e) of this Section, as follows:
 - A) Hospitals with an MIUR below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
 - B) Hospitals with an MIUR that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's MIUR exceeds the mean Medicaid inpatient utilization rate;
 - C) Hospitals with an MIUR that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's MIUR exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

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- D) Hospitals with an MIUR that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's MIUR exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.
- 2) The Medicaid Percentage Adjustment payment, calculated in accordance with this subsection (d), to a hospital, other than a hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), and shall not exceed \$215 per day for all other hospitals.
- 3) The amount calculated pursuant to subsections (d)(1) through (d)(2) of this Section shall be adjusted by the aggregate annual increase in the national hospital market basket price proxies (DRI) hospital cost index from DSH determination year 1993, as defined in Section 148.120(i)(2), through DSH determination year 2003, and annually thereafter, by a percentage equal to the lesser of:
- A) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or
- B) The percentage increase in the Statewide average hospital payment rate, as described in subsection (g)(5) of this Section, over the previous year's Statewide average hospital payment rate.
- 4) The amount calculated pursuant to subsections (d)(1) through (d)(3) of this Section, as adjusted pursuant to subsection (e) of this Section, shall be the inpatient payment adjustment in dollars for the applicable Medicaid percentage determination year. The adjustments calculated under subsections (d)(1) through (d)(3) of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.
- e) Inpatient Adjustor for Children's Hospitals. For a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), the payment adjustment calculated under subsection (d)(1) of this Section shall be multiplied by 2.0.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- f) Medicaid Percentage Adjustment Limitations.
- 1) In addition, to be deemed a Medicaid Percentage Adjustment hospital, a hospital must provide to the Department, in writing, the names of at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the federal Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges ~~at the hospital~~ to perform non-emergency obstetric procedures at the hospital. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age, or does not offer non-emergency obstetric services as of December 22, 1987. Hospitals that do not offer non-emergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4), must submit a statement to that effect.
 - 2) Hospitals that qualify for Medicaid Percentage Adjustments under this Section shall not be eligible for the total Medicaid Percentage Adjustment if, during the Medicaid Percentage Adjustment determination year, the hospital discontinues provision of non-emergency obstetrical care. The provisions of this subsection (f)(2) shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered non-emergency obstetrical services as of December 22, 1987. In this instance, the adjustments calculated under subsection (d) shall cease to be effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.
 - 3) Appeals based upon a hospital's ineligibility for Medicaid Percentage payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for Medicaid Percentage payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the Medicaid Percentage status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of its eligibility for Medicaid Percentage payment adjustments based upon the requirements of this Section.

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- 4) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for Medicaid percentage payment adjustments under this Section shall not be eligible for Medicaid percentage payment adjustments if the hospital's MIUR, as defined in Section 148.120(i)(4), is less than one percent.
- g) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of Inpatient Payment Adjustments are as follows:
- 1) "Medicaid Percentage determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
 - 2) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4) of this Section, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid inpatient days, as defined in subsection (g)(6) of this Section, for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.
 - 3) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4) of this Section, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (g)(6) of this Section, provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base.

- 4) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage Adjustment determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, with a Diagnosis Related Grouping (DRG) of 370 through 375, and specifically excludes Medicare/Medicaid crossover claims.
- 5) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).
- 6) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (g)(2) and (g)(3) of this Section, means hospital inpatient days, excluding days for normal newborns, that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- 7) "Medicaid obstetrical inpatient utilization rate base year" means, for example, fiscal year 2002 for the October 1, 2003, Medicaid Percentage Adjustment determination year; fiscal year 2003 for the October 1, 2004, Medicaid Percentage Adjustment determination year; etc.
- 8) "Obstetric services" shall at a minimum include non-emergency inpatient deliveries in the hospital.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

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amendment will increase the number of commercial permits issued in other areas open to shovelnose sturgeon commercial harvest.

- 11) Are there any proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not affect units of local governments.
- 13) Information and questions regarding this amendment shall be directed to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

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
<u>EMERGENCY</u>	
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; emergency amendment at 34 Ill. Reg. 15884, effective October 1, 2010, for a maximum of 150 days.

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

- a) Shovelnose sturgeon may not be commercially harvested except in the Mississippi River upstream of the Melvin Price Lock and Dam located in Alton (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 .
- 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 and 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 one of the two 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) distance behind (posterior) the bases of inner barbels (point of insertion).
- d) All commercial roe harvesters engaged in harvesting of roe-bearing species, including shovelnose sturgeon, paddlefish and bowfin, shall:

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- 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;
 - 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 $\frac{1}{4}$ 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~~

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~~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.~~

- ~~2)B)~~ Resident commercial fisherman will be allowed to procure permits for additional water bodies at no further charge, once their initial commercial roe harvest permit has been issued, based on availability.
- ~~3)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.
- ~~4)3)~~ 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 – ~~4030~~ paddlefish, sturgeon and bowfin permits; Mississippi South – ~~2520~~ paddlefish and bowfin only permits ~~and 10 sturgeon, paddlefish and bowfin permits~~; Ohio River – 10 paddlefish, sturgeon and bowfin permits; Wabash River – ~~3525~~ sturgeon and bowfin only permits; Illinois River – 15 paddlefish and bowfin permits.

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5)4 Application for permit (under a limited entry fishery)

- A) Illinois resident and non-resident commercial fishermen from states who share reciprocal waters (with commercial fishing reciprocal agreements, including the states of Iowa, Indiana, Missouri and Kentucky) who held a commercial roe harvest permit in the previous year are eligible to obtain a commercial roe harvest permit in the first lottery drawing. To be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, first and second choices of water body (Mississippi River North, Mississippi River South, Wabash River, Illinois River or Ohio River). The date of this drawing will be determined by the Department and announced by newspaper, Internet and other means of notification.~~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.~~
- B) Any Illinois legally licensed commercial fisherman is eligible to obtain a commercial roe harvest permit in the second lottery drawing. To be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, first and second choices of water body (Mississippi River North, Mississippi River South, Wabash River, Illinois River or Ohio River). The date of this drawing will be determined by the Department and announced by newspaper, Internet and other means of notification.~~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.~~
- C) Any non-resident legally licensed commercial fisherman is eligible to obtain a commercial roe harvest permit in the third lottery drawing. To be eligible for this drawing, fishermen must provide the following information to the Department: name, current address, date of birth, first and second choices of water body

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~~(Mississippi River North, Mississippi River South, Wabash River, Illinois River or Ohio River). The date of this drawing will be determined by the Department and announced by newspaper, Internet and other means of notification. Non-residents and Illinois residents who did not obtain a permit in the previous drawings, 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 drawing will be held August 31, and successful applicants will be issued a permit.~~

6)5) Penalties for Violations

Any commercial fisherman who is found guilty of violating any of the regulations in this Section or 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.

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15884, effective October 1, 2010)

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This emergency amendment is being proposed to amend language in Section 1010.25(a)(1) so that it mimics the language used in the Illinois Endangered Species Protection Act (IESPA) to include "species designated" as federally endangered or threatened and not "species included on the federal list of endangered and threatened species", as currently worded. Without this change, then there will be inconsistencies between species and subspecies designated as endangered or threatened on the federal list and those that should appear on the Illinois List per Section 7 of the IESPA [520 ILCS 10/7]. Specifically at issue here, without this emergency amendment the shovelnose sturgeon would be considered as threatened statewide on October 1, 2010, and harvest of shovelnose sturgeon in Illinois in areas beyond the geographic scope of the federal regulation would be considered a violation of the IESPA. This is neither the intent of the federal regulation nor that of the IESPA.

- 10) A Complete Description of the Subjects and Issues Involved: In resolving how to incorporate the terms and conditions of the new federal regulation, it came to light that the language of Section 1010.25(a)(1) was inconsistent with the language of Section 7 of the IESPA [520 ILCS 10/7] that states: "Any species or subspecies of animal or plant designated as endangered or threatened by the Secretary of the Interior of the United States... shall be automatically listed as an endangered or threatened species under this Act and thereby placed on the Illinois List by the Board without notice or public hearing." Amending Section 1010.25(a)(1) will eliminate confusion about whether there should be an automatic addition to the Illinois List of endangered and threatened species when a species that is not federally "designated as" threatened or endangered, but is federally "treated as" endangered or threatened due to similarity of appearance to an endangered or threatened species, is included on the federal list.
- 11) Are there any proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not affect units of local governments.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Nick San Diego, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIESPART 1010
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section

1010.10	Official List
1010.20	Definitions
1010.25	Criteria Used for Listing
<u>EMERGENCY</u>	
1010.30	List
1010.40	Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; 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. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004; amended at 33 Ill. Reg. 14739, effective October 30, 2009; amended at 34 Ill. Reg. 12866, effective August 20, 2010; emergency amendment at 34 Ill. Reg. 15892, effective October 1, 2010, for a maximum of 150 days.

Section 1010.25 Criteria Used for ListingEMERGENCY

- a) A species shall be included on the Official List when one or more of the following criteria ~~exist~~exists:
- 1) ~~Species or subspecies designated as federally endangered or threatened included in the Federal list of Endangered or Threatened species.~~
 - 2) Species proposed for Federal Endangered or Threatened status ~~that which~~

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occur in Illinois.

- 3) Species ~~that which~~ formerly were widespread in Illinois but have been nearly extirpated from the State due to habitat destruction, collecting, or other pressures resulting from the development of Illinois.
 - 4) Species ~~that which~~ exhibit very restricted geographic ranges of which Illinois is a part.
 - 5) Species ~~that which~~ exhibit restricted habitats or low populations in Illinois.
 - 6) Species ~~that which~~ are significant disjuncts in Illinois, i.e., the Illinois population is far removed from the rest of the species' range.
- b) A species will be removed from the Official List if it no longer fulfills one or more of the criteria in subsection (a), except for a species that no longer fulfills the criteria because it no longer inhabits Illinois. The determination will be made pursuant to Section 7 of the Endangered Species Protection Act [520 ILCS 10/7].

(Source: Amended by emergency rulemaking at 34 Ill. Reg. 15892, effective October 1, 2010, for a maximum of 150 days)

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE N Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table N to reflect three Memoranda of Understanding between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois signed August 31, 2010. They assigns the positions at the Departments of Central Management Services and Revenue, and the Guardianship and Advocacy Commission allocated to the Public Service Administrator (PSA) title (title code 37015) Option 8L, which is Special License - Law License, to the RC-010-24 pay grade Pay Plan Code B effective August 13, 2010. Issued on August 13, 2010 were the Illinois Labor Relations Board State Panel Certifications of Representative (Case Nos. S-RC-10-052, S-RC-10-160 and S-RC-10-158) assigning positions at the Departments of Central Management Services and Revenue, and the Guardianship and Advocacy Commission allocated to the PSA title Option 8L classification to the RC-010 bargaining unit with positions excluded.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 6) Effective Date: September 30, 2010
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table N, the Departments of Central Management Services and Revenue, and the Guardianship and Advocacy Commission are added to the title table's other agencies where the PSA title Option 8L positions are assigned to the RC-10-24 pay grade.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 30, 2010

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10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes

12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.50	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.260	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.410	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.500	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table C	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table E	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table I	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table S	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table W	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix A Table X	Amendment	34 Ill. Reg. 14480; October 8, 2010
310.Appendix D	Amendment	34 Ill. Reg. 14480; October 8, 2010

13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this preemptory amendment shall be directed to:

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

217/782-7964

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

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

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NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	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 (Repealed)
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

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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 (Repealed)
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' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, 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 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

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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].

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

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amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 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.

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3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 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.

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13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective 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

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Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective 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,

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2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; 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

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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; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Hearings Referee	18300	RC-010	23
Hearings Referee – Intermittent	18301	RC-010	23H
Public Service Administrator, Option 8L Departments of <u>Central Management Services</u> , Children and Family Services, Labor, <u>and</u> Public Health <u>and Revenue</u> , Illinois Gaming Board, <u>Guardianship and Advocacy</u> <u>Commission</u> and Property Tax Appeal Board	37015	RC-010	24
Public Service Administrator, Option 8L (Administrative Law Judge) Departments of Healthcare and Family Services and Human Services	37015	RC-010	24
Technical Advisor Advanced Program Specialist	45256	RC-010	24
Technical Advisor I	45251	RC-010	18
Technical Advisor II	45252	RC-010	20
Technical Advisor III	45253	RC-010	23

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-010 pay grade have the option 8L. See the definition of option in Section 310.50.

Effective July 1, 2009
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3901	4014	4134	4333	4536	4742	4934	5133	5439	5657
18	Q	4073	4193	4319	4533	4741	4957	5159	5364	5686	5913
20	B	4343	4471	4603	4836	5061	5301	5533	5762	6111	6356
20	Q	4538	4672	4811	5053	5291	5542	5780	6022	6389	6644

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23	B	5139	5292	5451	5740	6034	6321	6612	6899	7333	7627
23	Q	5369	5532	5700	6001	6309	6605	6911	7211	7662	7968
23H	B	31.62	32.57	33.54	35.32	37.13	38.90	40.69	42.46	45.13	46.94
24	B	5469	5632	5802	6110	6431	6738	7050	7368	7830	8143

**Effective January 1, 2010
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S									
		1b	1a	1	2	3	4	5	6	7	8
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23H	B	32.26	33.22	34.22	36.03	37.88	39.67	41.50	43.30	46.03	47.88
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306

**Effective July 1, 2010
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S									
		1a	1	2	3	4	5	6	7	8	
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828	
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091	

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20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208
23H	B	33.55	34.56	36.39	38.26	40.07	41.91	43.74	46.49	48.36
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389

Effective January 1, 2011
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S								
		1a	1	2	3	4	5	6	7	8
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23H	B	33.89	34.90	36.76	38.64	40.47	42.33	44.17	46.96	48.84
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473

Effective June 1, 2011
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S								
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		1a	1	2	3	4	5	6	7	8
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23H	B	34.57	35.60	37.49	39.42	41.28	43.18	45.06	47.90	49.82
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642

(Source: Amended by peremptory rulemaking at 34 Ill. Reg. 15897, effective September 30, 2010)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330.40
- 3) Register Citation to Notice of Proposed Amendment: 33 Ill. Reg. 12061; August 28, 2009.
- 4) Date, Time and Location of Public Meeting:

Wednesday, October 27, 2010
9:00 a.m. to 12:00 p.m. and 1:00 to 4:00 p.m.

Illinois Valley Community College
815 North Orlando Smith Avenue
Room C316
Oglesby, Illinois

- 5) Other Pertinent Information:

At its meeting on August 10, 2010, the Joint Committee on Administrative Rules (JCAR) voted to object to the above-proposed rulemaking and prohibit its filing with the Secretary of State. The Committee found that the adoption of this rulemaking at that time would constitute a serious threat to the public interest. The reason for the Objection and Prohibition is as follows:

JCAR objects to and prohibits filing of the Illinois Emergency Management Agency's rulemaking titled Licensing of Radioactive Material (32 Ill. Adm. Code 330; 33 Ill. Reg. 12061) because the rulemaking causes a significant adverse economic impact on the affected public at this time. JCAR further requests that IEMA conduct an additional meeting to enable the affected public to present data in an attempt to show that the public health and safety can be protected with less adverse economic impact.

Therefore, the Illinois Emergency Management Agency (IEMA) is holding a public meeting to allow interested persons to present written and oral testimony to show that the public health and safety can be protected with less adverse economic impact. Testimony should be focused on the basis and extent of the economic impacts of complying with the proposed rule and alternative proposals for protecting public health and safety and future liability for property owners. Interested persons should be prepared to present specific and detailed economic data related to this rulemaking. This should include economic

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

data regarding current itemized costs for capturing radium at water treatment plant and managing it as radioactive waste, for using additional lands for land application, for disposal in a landfill and any other pertinent information related to the costs of management of water treatment residuals and/or sewage treatment sludge containing radium. In addition, interested persons should provide estimated itemized costs to comply with the proposed rulemaking. In regard to public health and safety, interested persons should be able to provide results of representative sampling for fields where land application of radium bearing water treatment residuals and sewage sludge has historically taken place and be prepared to present data to show that past land application has not resulted in a public health and safety concern.

Comment time will be adjusted to accommodate as many interested persons as possible. Due to time constraints, interested persons should be prepared to submit written testimony in place of oral testimony. The Agency will consider fully all written and oral comments/testimony presented during the meeting. For those interested persons that can not attend the public meeting, written comment will be accepted until 5:00 p.m. on October 27, 2010 by emailing Louise.Michels@illinois.gov or mail to Louise Michels, IEMA, 1035 Outer Park Drive, Springfield, IL 62704. For further information, please call 217/785-9876.

For additional information concerning this proposed rulemaking, please go to IEMA's website at <http://www.state.il.us/iema/legal/legal.htm>.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.120	Amendment
148.122	Amendment
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: August 27, 2010; 34 Ill. Reg. 12272
- 5) Reason for the Withdrawal: After further review of 305 ILCS 5/5-5.02 (b), the Department recognizes the potential for multiple interpretations of the statute and possible unintended consequences. As such, it withdraws the proposed rule changes to 89 Ill. Adm. Code 148.120 and 148.122.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
11:00 A.M.
OCTOBER 19, 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**Capital Development Board

1. Standards For Award of Grants: School Construction Program (71 Ill. Adm. Code 40)
-First Notice Published: 34 Ill. Reg. 8791 – 7/9/10
-Expiration of Second Notice: 11/10/10

Children and Family Services

2. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
-First Notice Published: 33 Ill. Reg. 16895 – 12/18/09
-Expiration of Second Notice: 11/14/10
3. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
OCTOBER AGENDA

- First Notice Published: 33 Ill. Reg. 16947 – 12/18/09
- Expiration of Second Notice: 11/14/10

Education

4. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 34 Ill. Reg. 8957 – 7/9/10
 - Expiration of Second Notice: 11/12/10
5. Special Education (23 Ill. Adm. Code 226)
 - First Notice Published: 34 Ill. Reg. 8967 – 7/9/10
 - Expiration of Second Notice: 11/12/10
6. Code of Ethics for Illinois Educators (23 Ill. Adm. Code 22)
 - First Notice Published: 34 Ill. Reg. 8961 – 7/9/10
 - Expiration of Second Notice: 11/6/10

Environmental Protection Agency

7. Procedures for Issuing Loans from the Water Pollution Control Loan Program (35 Ill. Adm. Code 365)
 - First Notice Published: 34 Ill. Reg. 8130 – 6/25/10
 - Expiration of Second Notice: 10/21/10
8. Procedures for Issuing Loans from the Public Water Supply Loan Program (35 Ill. Adm. Code 662)
 - First Notice Published: 34 Ill. Reg. 8133 – 6/25/10
 - Expiration of Second Notice: 10/21/10

Financial and Professional Regulation

9. Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)
 - First Notice Published: 33 Ill. Reg. 17009 – 12/18/09
 - Expiration of Second Notice: 10/29/10
10. Cemetery Oversight Act (68 Ill. Adm. Code 1249)
 - First Notice Published: 34 Ill. Reg. 5047 – 4/9/10
 - Expiration of Second Notice: 10/24/10
11. Electrologist Licensing Act (68 Ill. Adm. Code 1246)

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- First Notice Published: 34 Ill. Reg. 10624 – 7/30/10
- Expiration of Second Notice: 11/14/10

12. Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)
 - First Notice Published: 34 Ill. Reg. 10632 – 7/30/10
 - Expiration of Second Notice: 11/14/10

Human Services

13. Child Care (89 Ill. Adm. Code 50)
 - First Notice Published: 34 Ill. Reg. 7010 – 5/21/10
 - Expiration of Second Notice: 10/29/10
14. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 34 Ill. Reg. 6558 – 5/14/10
 - Expiration of Second Notice: 10/29/10
15. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
 - First Notice Published: 34 Ill. Reg. 6560 – 5/14/10
 - Expiration of Second Notice: 10/29/10
16. General Assistance (89 Ill. Adm. Code 114)
 - First Notice Published: 34 Ill. Reg. 6562 – 5/14/10
 - Expiration of Second Notice: 10/29/10
17. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
 - First Notice Published: 34 Ill. Reg. 6564 – 5/14/10
 - Expiration of Second Notice: 10/29/10
18. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)
 - First Notice Published: 34 Ill. Reg. 7017 – 5/21/10
 - Expiration of Second Notice: 10/22/10
19. Application (89 Ill. Adm. Code 557)
 - First Notice Published: 34 Ill. Reg. 7024 – 5/21/10
 - Expiration of Second Notice: 10/22/10
20. Comparable Benefits (89 Ill. Adm. Code 567)
 - First Notice Published: 34 Ill. Reg. 7029 – 5/21/10

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-Expiration of Second Notice: 10/22/10

21. Maternal and Child Health Services Code (77 Ill. Adm. Code 630)
-First Notice Published: 34 Ill. Reg. 7428 – 5/28/10
-Expiration of Second Notice: 10/31/10

Pollution Control Board

22. Standards for the Management of Used Oil (35 Ill. Adm. Code 739)
-First Notice Published: 34 Ill. Reg. 1257 – 1/22/10
-Expiration of Second Notice: 10/21/10
23. Special Waste Classifications (35 Ill. Adm. Code 808)
-First Notice Published: 34 Ill. Reg. 1267 – 1/22/10
-Expiration of Second Notice: 10/21/10
24. Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)
-First Notice Published: 34 Ill. Reg. 1275 – 1/22/10
-Expiration of Second Notice: 10/21/10

Public Health

25. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 34 Ill. Reg. 7858 – 6/11/10
-Expiration of Second Notice: 11/12/10
26. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 34 Ill. Reg. 8005 – 6/18/10
-Expiration of Second Notice: 11/12/10
27. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
-First Notice Published: 34 Ill. Reg. 7445 – 5/28/10
-Expiration of Second Notice: 10/21/10
28. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
-First Notice Published: 34 Ill. Reg. 7461 – 5/28/10
-Expiration of Second Notice: 10/21/10
29. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
-First Notice Published: 34 Ill. Reg. 7475 – 5/28/10

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-Expiration of Second Notice: 10/21/10

30. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

-First Notice Published: 34 Ill. Reg. 7485 – 5/28/10

-Expiration of Second Notice: 10/21/10

31. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

-First Notice Published: 34 Ill. Reg. 7500 – 5/28/10

-Expiration of Second Notice: 10/21/10

Secretary of State

32. Regulations Under the Illinois Securities Law of 1953 (14 Ill. Adm. Code 130)

-First Notice Published: 34 Ill. Reg. 10697 – 7/30/10

-Expiration of Second Notice: 10/29/10

EMERGENCY RULEMAKINGS

Children and Family Services

33. Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)

-Notice Published: 34 Ill. Reg. 13182 – 9/10/10

Healthcare and Family Services

34. Medical Assistance Programs (89 Ill. Adm. Code 120)

-Notice Published: 34 Ill. Reg. 13538 – 9/17/10

Labor

35. Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)

-Notice Published: 34 Ill. Reg. 13646 – 9/24/10

Racing Board

36. Advance Deposit Wagering (ADW) (11 Ill. Adm. Code 325)

-Notice Published: 34 Ill. Reg. 13558 – 9/17/10

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Revenue

37. Amnesty Regulations (86 Ill. Adm. Code 520)
-Notice Published: 34 Ill. Reg. 15515 – 10/8/10

State Police

38. Sexual Assault Evidence Submission Act (20 Ill. Adm. Code 1255)
-Notice Published: 34 Ill. Reg. 13197 – 9/10/10

Workers' Compensation Commission

39. Miscellaneous (50 Ill. Adm. Code 7110)
-Notice Published: 34 Ill. Reg. 10222 – 7/16/10

PEREMPTORY RULEMAKINGS

Central Management Services

40. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 34 Ill. Reg. 13204 – 9/10/10
41. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 34 Ill. Reg. 13657 – 9/24/10

AGENCY RESPONSE

Environmental Protection Agency

42. Access to Public Records of the Illinois Environmental Protection Agency (2 Ill. Adm. Code 1828; 34 Ill. Reg. 9028)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 28, 2010 through October 4, 2010 and have been scheduled for review by the Committee at its October 19, 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>
11/12/10	<u>Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)</u>	6/11/10 34 Ill. Reg. 7858	10/19/10
11/12/10	<u>Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)</u>	6/18/10 34 Ill. Reg. 8005	10/19/10
11/12/10	<u>State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)</u>	7/9/10 34 Ill. Reg. 8957	10/19/10
11/12/10	<u>State Board of Education, Special Education (23 Ill. Adm. Code 226)</u>	7/9/10 34 Ill. Reg. 8967	10/19/10
11/14/10	<u>Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)</u>	12/18/09 33 Ill. Reg. 16947	10/19/10
11/14/10	<u>Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)</u>	12/18/09 33 Ill. Reg. 16895	10/19/10
11/14/10	<u>Department of Financial and Professional Regulation, Electrologist Licensing Act (68 Ill. Adm. Code 1246)</u>	7/30/10 34 Ill. Reg. 10624	10/19/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

11/14/10	<u>Department of Financial and Professional Regulation</u> , Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)	7/30/10 34 Ill. Reg. 10632	10/19/10
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ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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