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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

## ILLINOIS CIVIL SERVICE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Civil Service Commission
- 2) Code Citation: 80 Ill. Adm. Code 1
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1.10	Amend
1.170	Amend
1.280	Amend
- 4) Statutory Authority: 20 ILCS 415/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking governs the conduct of contested hearings held before the Civil Service Commission and brings the agency into compliance after changes to the Open Meetings Act.
- 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: Interested persons may submit written comments during the 45-day First Notice Period, which commences on the issue date of this publication of the *Illinois Register* to:

Andrew Barris, Assistant Executive Director  
Civil Service Commission  
400 West Monroe, Suite 306  
Springfield, Illinois 62704

ILLINOIS CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

217/558-0554

All written comments received after 45 days from the date of this publication will be considered, time permitting.

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: None

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

## ILLINOIS CIVIL SERVICE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

## CHAPTER I: CIVIL SERVICE COMMISSION

## PART 1

## CIVIL SERVICE COMMISSION

## Section

1.10	Meetings of the Commission
1.40	Procedures Before the Commission (Repealed)
1.45	Classification Plan
1.50	Ex Parte Communications
1.80	Declaratory Rulings
1.90	Allocation Appeals Procedure
1.100	Appeal of Layoff
1.110	Allegations of Personnel Code and Rule Violations
1.120	Appeal of Geographical Transfers
1.130	Appeals of Disciplinary Action or Demotion
1.140	Response to Proposed Decisions (Renumbered)
1.141	Collective Bargaining Agreements
1.142	Jurisdiction B Exemptions
1.143	Orders of Compliance
1.145	Appearances – Representation
1.146	Service of Pleadings
1.147	Appeal Hearing File
1.150	Filing Procedure – Computation of Time
1.154	Notice, Time and Place of Hearing
1.158	Public Hearing – Recording – Confidentiality
1.160	Disciplinary Charges and Amendments
1.170	<a href="#">Level of Discipline and Cause for Discharge</a>
1.180	Conduct of Hearings (Repealed)
1.190	Subpoena – Fees and Mileage of Witnesses
1.200	Authority of Administrative Law Judge
1.205	Motions
1.210	Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances
1.212	Consolidation
1.216	Qualification of Administrative Law Judge
1.218	Disqualification of Administrative Law Judge

## ILLINOIS CIVIL SERVICE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1.220	Discovery
1.222	Evidence Depositions
1.224	Prehearing Conference
1.226	Stipulations
1.230	Default
1.232	Burden of Proof
1.233	Evidence
1.234	Hostile Witness
1.235	Exhibits
1.236	Order of Hearing
1.237	Hostile Witness (Renumbered)
1.240	Interlocutory Appeal
1.250	Past Work Record (Repealed)
1.260	Oral Argument Before the Commission
1.270	Authority of Commission to Modify Administrative Law Judge's Decision – Finality of Decision
1.280	Record of Proceedings
1.290	Remandment
1.300	Administrative Review
1.302	Response to Proposal for Decision
1.310	Personnel Rules
1.320	Classification Plan (Renumbered)
1.330	Collective Bargaining Agreements (Renumbered)
1.340	Jurisdiction B Exemptions (Renumbered)
1.350	Orders of Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 10 of the Personnel Code [20 ILCS 415/10].

SOURCE: Adopted June 28, 1972; rules repealed and new rules adopted at 6 Ill. Reg. 3551 and 3553, effective March 23, 1982; codified at 8 Ill. Reg. 16419; amended at 9 Ill. Reg. 15826, effective October 4, 1985; amended at 19 Ill. Reg. 12451, effective August 21, 1995; amended at 34 Ill. Reg. 3485, effective March 3, 2010; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1.10 Meetings of the Commission**

- a) The Illinois Civil Service Commission (Commission) shall hold an open and public meeting each month. The meetings shall be held in Chicago and/or

## ILLINOIS CIVIL SERVICE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Springfield.

- b) A schedule of meeting dates shall be made at the beginning of each calendar year stating the date, time and place of the monthly meetings.
- c) Changes in regular meeting dates and the holding of special meetings shall be made in compliance with the Illinois Open Meetings Act [5 ILCS 120] and the Illinois Personnel Code [20 ILCS 415].
- d) Meetings may be held by telephone conference call or by video conferencing if done in compliance with all applicable laws.
- e) Unless he or she is an interested party in a contested case subject to Section 1.260, any person shall have the opportunity to comment at a public meeting pursuant to the Open Meetings Act so long as the comment is reasonable in duration and is limited to a subject on that meeting's agenda. Any such comment shall be made at a time designated on the meeting's agenda and the Commission shall have the ability to cut off a comment if it is irrelevant, repetitious or disruptive.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.170 Level of Discipline and Cause for Discharge**

In determining the appropriate level of discipline, the Commission shall consider the nature of the offense, the employee's performance record, including disciplinary history, and the employee's length of continuous service. Cause for discharge means some substantial shortcoming that in some way renders the employee's continuance in the position detrimental to the discipline and efficiency of the service and that law and sound public opinion recognize as good cause for the employee's removal from the position.

- a) ~~Cause for discharge consists of some substantial shortcoming that renders the employee's continuance in his or her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position.~~
- b) ~~In determining the appropriate level of discipline, the Commission shall consider the employee's performance record, including disciplinary history, and the employee's length of continuous service, unless the offense would warrant immediate discharge in accordance with subsection (a).~~

## ILLINOIS CIVIL SERVICE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1.280 Record of Proceedings**

- a) Whenever a hearing is held under the Personnel Code or this Part, it shall be recorded by a court reporter or other means that adequately preserves the record. The Administrative Law Judge or Commission may order that any recording be transcribed. The agency that is a party to the hearing shall bear all costs related to the production of the transcript of the proceedings, including but not limited to the costs of the court reporter and original transcript. Parties who order copies of the transcript are responsible for the cost of the copies. The transcript provided to the Commission shall be transcribed in full page format. A party who has requested an order of protection (request that certain information remain confidential during and after the hearing) shall be responsible for redacting the protected information from the transcript.
- b) The written record of the proceeding shall be filed with the Commission within 10 days after receipt of the transcript of the final hearing by either the agency or its representative. Written notice of filing shall be served on all parties to the proceedings.
- c) Any record will be available for examination by the public at reasonable times in the Springfield office of the Commission. Upon written request made at least 48 hours (exclusive of Saturdays, Sundays and official State holidays) in advance, the Commission will make any record available for examination at its Chicago office.
- d) The transcript of proceedings on any matter before the Commission is complete upon the filing of the court reporter's transcript of the final day of hearing or the last filed written closing statement, whichever is later.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Telephone Assistance Programs
- 2) Code Citation: 83 Ill. Adm. Code 757
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
757.10	Amendment
757.15	Repeal
757.100	Repeal
757.105	Repeal
757.110	Repeal
757.115	Repeal
757.120	Repeal
757.125	Repeal
757.130	Repeal
757.200	Amendment
757.210	Amendment
757.215	Amendment
757.225	Amendment
757.245	Amendment
757.400	Amendment
757.405	Repeal
757.410	Repeal
757.415	Repeal
757.420	Repeal
757.425	Amendment
757.430	Repeal
757.EXHIBIT A	Amendment
757.EXHIBIT D	Repeal
757.EXHIBIT E	Repeal
- 4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Part 757 governs the provision in Illinois of both State and federal programs that assist low-income persons to obtain and retain telephone service. "Linkup" programs provide eligible low income consumers with financial assistance that offsets part or all of the costs of connecting to the public telephone network. "Lifeline" programs provide financial assistance to offset a portion of eligible consumers' monthly telephone bills.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

The State of Illinois Universal Telephone Service Assistance Program (UTSAP) is provided pursuant to Section 13-301.1 of the Public Utilities Act (PUA). All Illinois local exchange carriers participate in this State program. Funding is provided through voluntary contributions which local exchange telephone subscribers can choose to provide on a monthly or a one-time basis. In recent years, these voluntary UTSAP contributions have been used to provide state Linkup assistance to eligible residential customers. In contrast to this voluntary state UTSAP funding, federal telephone assistance programs are funded through mandatory payments, assessed as a percentage of the interstate portion of a telephone subscriber's monthly bill.

On February 6, 2012 the Federal Communications Commission (FCC) issued an Order (Lifeline/Linkup Reform Order) substantially revising and reforming federal telephone assistance programs. Among other changes, the Lifeline/Linkup Reform Order notably contained the following reforms and revisions:

- Eliminated federal Linkup assistance (except for provision on Tribal land areas);
- Established uniform national customer eligibility criteria for federal assistance programs;
- Established uniform national customer certification requirements (initial and ongoing) to ensure only eligible customers participate in assistance programs;
- Set forth various additional revisions to increase program accountability, and reduce program waste, fraud and abuse.

These revisions to federal rules governing telephone assistance programs require a number of corresponding revisions to Part 757 to ensure the Commission's rules conform both to federal requirements and to changes in federal telephone assistance programs.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace emergency any emergency rulemaking currently in effect?  
No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0479, with:
- Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting
- C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIESPART 757  
TELEPHONE ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

## Section

757.10	Definitions
757.15	Dispute Procedures <a href="#">(Repealed)</a>

## SUBPART B: LINK UP PROGRAM

## Section

757.100	Link Up Service Requirement <a href="#">(Repealed)</a>
757.105	Link Up Recovery Mechanism <a href="#">(Repealed)</a>
757.110	Link Up Publicity <a href="#">(Repealed)</a>
757.115	Link Up Application Procedure and Processing <a href="#">(Repealed)</a>
757.120	Link Up Filing Requirements <a href="#">(Repealed)</a>
757.125	Link Up Eligibility <a href="#">(Repealed)</a>
757.130	Link Up Eligibility Certification <a href="#">(Repealed)</a>

## SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

## Section

757.200	Service Requirement
757.205	UTSAP Funding
757.210	UTSAP Recovery
757.215	UTSAP Administrator
757.220	UTSAP Contribution Solicitation and Program Publicity
757.225	UTSAP Eligibility
757.230	UTSAP Application Procedure and Processing
757.235	UTSAP Eligibility Certification
757.240	Recertification (Repealed)
757.245	UTSAP Filing Requirements

## SUBPART D: STAFF LIAISON

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section  
757.300 Staff Liaison

## SUBPART E: LIFELINE SERVICE

Section  
757.400 Lifeline Service Requirements  
757.405 Lifeline Recovery Mechanism (Repealed)  
757.410 Lifeline Publicity (Repealed)  
757.415 Lifeline Application Procedures and Processing (Repealed)  
757.420 Lifeline Filing Requirements (Repealed)  
757.425 Lifeline Eligibility  
757.430 Lifeline Eligibility Certification and Verification (Repealed)  
  
757.EXHIBIT A LEC and ETC Quarterly Report to Commission  
757.EXHIBIT B Monthly LEC Supplemental Assistance Charge and Contributions Report  
757.EXHIBIT C Quarterly UTSAP Administrator Report to Commission  
757.EXHIBIT D Lifeline Verification Ineligibility Notice (Repealed)  
757.EXHIBIT E Link Up/Lifeline Programs Certification Form (Repealed)

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; Part repealed at 15 Ill. Reg. 11929, effective August 12, 1991; new Part adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15257, effective December 1, 1996; emergency amendments at 21 Ill. Reg. 16416, effective December 10, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8810, effective May 9, 1998; amended at 23 Ill. Reg. 11875, effective October 1, 1999; amended at 28 Ill. Reg. 346, effective January 1, 2004; amended at 30 Ill. Reg. 18196, effective November 1, 2006; amended at 32 Ill. Reg. 8583, effective June 1, 2008; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 757.10 Definitions**

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

For the purpose of this Part:

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

~~"Administrator" means the entity that administers the Federal Communications Commission's (FCC) universal service support mechanisms in accord with 47 CFR 54, subpart H, as of July 22, 2004. This incorporation does not include any later amendments or editions.~~

"Commission" means the Illinois Commerce Commission.

~~"Customer service center" means any office, operated by a local exchange carrier, where applications for service can be made in person.~~

"Eligible new subscriber" is an applicant for local exchange service who meets the eligibility guidelines set forth in Section 757.425. As used in this Part, a subscriber who meets the eligibility criteria set forth in Section 757.425 who relocates his principal place of residence is also an eligible new subscriber.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.425.

~~"Eligible telecommunications carrier" has the meaning given to it at 47 CFR 54.201 as of February 6, 2012 as of July 22, 2004.~~ This incorporation does not include any later amendments or editions.

"Installation charge" means those tariffed charges assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"LEC" means "local exchange carrier", which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act [220 ILCS 5/13-204].

~~"Lifeline" means the retail local service offering defined and established at 47 CFR 54.401 as of February 6, 2012 et seq., as of July 22, 2004, and in which all Illinois eligible telecommunications carriers shall participate as provided in Section 757.400.~~ This incorporation does not include any later amendments or editions.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

~~"Link Up Program" or "Link Up" means the Link Up Assistance program defined and established at 47 CFR 54.411 et seq., as of July 22, 2004, and in which all Illinois eligible telecommunications carriers shall participate as provided in Section 757.100. This incorporation does not include any later amendments or editions.~~

"Local exchange service obligation" means those tariffed charges assessed on a monthly basis for access to the network. These charges do not include taxes.

"Program" or "plan" means the telephone assistance programs offered by LECs and eligible telecommunications carriers under this Part.

"Proxy ~~Programs~~Program(s)" include the ~~following~~ assistance programs, as identified in 47 CFR 54.409 ~~as of February 6, 2012.~~ ~~(b) as of July 22, 2004:~~ ~~Medicaid; food stamps; Supplemental Security Income; federal public housing assistance (Section 8); Low Income Home Energy Assistance Program; National School Lunch Program's free lunch program; or Temporary Assistance for Needy Families.~~ This incorporation does not include any later amendments or editions.

"Qualifying low-income subscriber" has the meaning given to it at 47 CFR 54.400 as of ~~February 6, 2012~~July 22, 2004. This incorporation does not include any later amendments or editions.

"Staff" means individuals employed by the Illinois Commerce Commission.

~~"Toll blocking" is a service provided by carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel and has a meaning consistent with 47 CFR 54.400 as of July 22, 2004. This incorporation does not include any later amendments or editions.~~

~~"Toll control" is a service provided by carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle, and has a meaning consistent with 47 CFR 54.400 as of July 22, 2004. This incorporation does not include any later amendments or editions.~~

~~"Toll limitation" means both toll blocking and toll control.~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

"UTAC" means the Universal Telephone Assistance Corporation, an Illinois not-for-profit corporation responsible for the administration of the UTSAP as described in Section 757.215.

"UTSAP" means the Universal Telephone Service Assistance Program in which all Illinois LECs shall participate as provided in Section 757.200.

"UTSAP Administrator" is the Universal Telephone Assistance Corporation, an Illinois not-for-profit corporation responsible for the administration of the UTSAP as described in Section 757.215.

"Waiver" means any reduction in a participant's initial telephone service installation charge or local exchange service obligation in the amount established under the provisions of this Part.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.15 Dispute Procedures (Repealed)**

~~Disputes arising under this Part shall be governed by 83 Ill. Adm. Code 735.190 and 735.200.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: LINK UP PROGRAM

**Section 757.100 Link Up Service Requirement (Repealed)**

- ~~a) Each eligible telecommunications carrier shall participate in the "Link Up" program adopted by the FCC in 47 CFR 54.411 et seq. as of July 22, 2004. This incorporation does not include any later amendments or editions.~~
- ~~b) As part of its participation in the program identified in subsection (a), each eligible telecommunications carrier shall implement a 50% waiver, of up to \$30, of the telephone service installation charge. The waiver shall be applicable to the primary service order, central office and premise visit components of the service connection charges and shall be provided to each qualifying low income subscriber as specified in Section 757.125.~~
- ~~e) In addition, each eligible telecommunications carrier shall offer any qualifying~~

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~~low-income subscriber the opportunity to enter into a deferred payment arrangement for the remaining installation charges, up to \$200. Eligible new subscribers shall be given no more than one year to retire the remaining installation charges, and the eligible telecommunications carrier shall refrain from applying interest charges to such amounts for such period.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.105 Link Up Recovery Mechanism (Repealed)**

~~Costs incurred as a result of providing service under Section 757.100 shall be recovered in the following manner:~~

- ~~a) The eligible telecommunications carrier shall recover the entire amount of the installation charge waivers provided to all qualifying low-income subscribers from funds provided by the Administrator through the Link Up Program.~~
- ~~b) The eligible telecommunications carrier shall recover all interest charges waived as a result of deferred payment arrangements, as provided in Section 757.100(e), from funds provided by the Administrator through the Link Up Program.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.110 Link Up Publicity (Repealed)**

~~Eligible telecommunications carriers shall publicize the Link Up Program in all exchanges.~~

- ~~a) On an ongoing basis, at least once each calendar quarter, each eligible telecommunications carrier will advertise its Link Up Program. These advertisements may appear in press releases, brochures, bill inserts, the telecommunications carrier's publications, newspapers, radio, television and/or any other suitable means in the eligible telecommunications carrier's service territory.~~
- ~~b) Each eligible telecommunications carrier's directory shall include an explanation of its Link Up Program.~~
- ~~c) Each eligible telecommunications carrier will provide written notification of the Link Up Program to the directors of municipal, State, and federal government~~

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~~agencies within the eligible telecommunications carrier's service territory whose clientele is likely to benefit from the program. Such notification shall be provided within 30 days after the inception of the program or a change in benefits under the program. Information to be provided shall include, as a minimum, the program offered, descriptions of the intended recipients of the program, the terms under which the program is available, and directions on how and where to apply.~~

- d) ~~Eligible telecommunications carriers may at any time be required to provide proof of their advertising practices to the Commission.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.115 Link Up Application Procedure and Processing (Repealed)**

- a) ~~Eligible telecommunications carriers shall be responsible for processing all Link Up applications.~~
- b) ~~Link Up application forms, containing the information specified in Exhibit E of this Part, shall be made available at all eligible telecommunications carrier's customer service centers and by mail.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.120 Link Up Filing Requirements (Repealed)**

- a) ~~Within ten days after the effective date of this amendment, eligible telecommunications carriers shall file with the Commission a tariff pursuant to Section 13-501 of the Act for the provision of the Link Up 50% waiver of the subscriber installation charge and deferred payment arrangements as provided in Section 757.100.~~
- b) ~~Each eligible telecommunications carrier shall maintain the data and information necessary to provide the information required in Exhibit A. Quarterly reports providing the information specified in Exhibit A shall be filed with the Chief Clerk of the Commission and the UTSAP Administrator within 30 days after each calendar quarter's end. In addition, eligible telecommunications carriers shall maintain supporting documentation in such a manner as to be able to readily identify the expenses detailed in Section D of Exhibit A in appropriate subaccounts. (See 83 Ill. Adm. Code 710.)~~

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(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.125 Link Up Eligibility (Repealed)**

- a) ~~Eligible new subscribers shall be eligible for Link Up.~~
- b) ~~Benefits available under the Link Up program shall be applied to one access line only at the principal place of residence of the eligible new subscriber. Eligible telecommunications carriers may not limit the number of connections per year for which a single customer who relocates may receive Link Up support.~~
- e) ~~Link Up program benefits shall be delivered in the name of the qualifying low-income subscriber.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.130 Link Up Eligibility Certification (Repealed)**

~~Certification of eligibility shall be determined as provided in Section 757.430(a).~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

**Section 757.200 Service Requirement**

- a) Each LEC shall participate in the Universal Telephone Service Assistance Program (UTSAP) as required and authorized by Section 13-301.1 of the Public Utilities Act and as ordered by the Commission. All voluntary contributions received by a LEC under Section 757.205 from the date of initial participation until a determination is made by the Commission under Section 757.200(b) shall be forwarded to the UTSAP Administrator consistent with the provisions of Section 757.210(d). The UTSAP Administrator shall invest these funds in:
  - 1) Securities backed by the United States government or its agencies;
  - 2) Investment grade bonds with remaining terms to maturity of three years or less;

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- 3) Mutual funds that invest no less than 80% of their assets in bonds backed by the United States government or its agencies;
  - 4) Investment grade bonds, with weighted-average remaining terms to maturity of three years or less; or
  - 5) Federal Deposit Insurance Corporation (FDIC)-insured certificates of deposit, FDIC-insured money market accounts, and other cash equivalent FDIC-insured investments.
- b) On July 1 of each year, ~~UTAC~~the UTSAP Administrator shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, ~~UTAC~~the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section. The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.215(e)(5). The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's or the Administrative Law Judge's Hearing Examiner's own motion. The Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.
- c) The UTSAP may provide assistance or, in the case of customers of eligible telecommunications carriers, supplement the assistance as provided by Section 13-301.1 of the Act, including, but not limited to the Link Up Program as described in Subpart B and/or the Lifeline Program as described in Subpart D through:
- 1) a waiver of the telephone service installation charges for eligible new subscribers, ~~which, in the case of eligible telecommunications carriers, is in addition to that provided in Section 757.100(b);~~
  - 2) a waiver of all or a portion of the local exchange service obligation of eligible subscribers or eligible new subscribers, which, in the case of eligible telecommunications carriers, is in the form of State Lifeline service support; ~~or~~

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3) a combination of both subsections (c)(1) and (2) above as ordered by the Commission under subsections (b), (d), and (e); ~~or:~~

4) any other program authorized by Section 13-301.1 of the Act.

d) Limitation of eligibility

1) If the Commission determines that a waiver of all or a portion of the local exchange service obligation should be provided by the UTSAP, in the form of State Lifeline service support or otherwise, the Commission may, if it deems necessary, limit eligibility under Section 757.425(a) to:

A) one or more of the individual Proxy Programs identified in the definition of "Proxy Programs" in Section 757.10, or

B) one or more subprograms within, or components of, an individual Proxy Program.

2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) of this Section.

3) The Commission shall adopt a proposal that limits eligibility for assistance for the Lifeline Program to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:

A) participation in the Proxy Program, subprogram, or component thereof can be verified;

B) the funds available to the UTSAP from voluntary contributions are sufficient and predictable, so as to permit the UTSAP to provide State Lifeline support to all subscribers or all new subscribers within the Proxy Program, subprogram, or component on an ongoing basis;

C) the proposal will increase accessibility to telecommunications service ~~telephone service~~;

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- D) the proposal adequately considers the needs of and potential benefits to participants in the Proxy Programs; and
  - E) the proposal establishes narrowly targeted qualification criteria that are based solely on income or factors directly related to income, consistent with 47 CFR 54.409 ~~as of February 6, 2012~~ ~~as of July 22, 2004~~. This incorporation does not include any later amendments or editions.
- e) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the LECs to temporarily suspend payment of or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in Section 757.200(c), if the total program costs exceed, or will exceed, the funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) of this Section.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.210 UTSAP Recovery**

Costs incurred as a result of providing service under Section 757.200 shall be recovered in the following manner:

- a) The LECs shall deduct the waivers provided to participants for local exchange service obligations and any additional waivers of the initial telephone service installation charge as specified in Section 757.200 from the voluntary UTSAP contributions. Each LEC shall forward voluntary UTSAP contributions net of installation waivers and Lifeline waivers provided pursuant to Section 757.200(c) to the UTSAP Administrator.
- b) The LECs shall be allowed to recover their administrative costs associated with the ~~supplemental assistance portion of the Link Up Program and with the~~ UTSAP from the voluntary UTSAP contributions. Such administrative costs shall be reported by all LECs to the Commission and the UTSAP Administrator through reports in the form of Exhibit A to this Part and, for LECs with more than 35,000

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access lines, to the UTSAP Administrator through reports in the form of Exhibit B to this Part.

- c) Each LEC with more than 35,000 access lines shall report in the form of Exhibit B remitted monthly to the UTSAP Administrator, and shall report quarterly in the form of Exhibit A to the Commission and the UTSAP Administrator. Each LEC with 35,000 or fewer access lines shall report quarterly in the form of Exhibit A to the Commission and the UTSAP Administrator, and shall remit quarterly to the UTSAP Administrator.
- d) The monthly LEC reports to the UTSAP Administrator required of LECs with more than 35,000 access lines shall be in the form of Exhibit B and shall include:
  - 1) the total UTSAP contributions billed, less adjustments for previous months UTSAP contributions billed but not collected;
  - 2) the total amount of local exchange service obligations waived;
  - 3) the amount of the additional waivers of the initial telephone service installation charges as specified in Section 757.200; and
  - 4) any allowable administrative expenses incurred as specified in subsection (b) of this Section.
- e) Costs of the UTSAP Administrator and its functions will be recovered from the UTSAP contributions before any other payments are made under the plan.
- f) Subject to its jurisdiction, the Commission may examine at any time the reasonableness of the LEC's costs incurred solely because of participation in UTSAP. If the Commission determines, after notice and hearing, that such expenditures are not reasonable, the LEC shall remit the amounts determined not to be reasonable to the UTSAP Administrator.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.215 UTSAP Administrator**

- a) All Illinois LECs shall be members of the Universal Telephone Assistance Corporation (UTAC), an Illinois not-for-profit corporation ~~as defined in the~~

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~~General Not for Profit Corporation Act [805 ILCS 105]~~ that will serve as the UTSAP Administrator.

- ~~b) The LECs shall prepare and submit to the Commission for its approval proposed Articles of Incorporation and Bylaws and initial members of a Board of Directors for the UTAC prior to submission to the Secretary of State of the State of Illinois.~~
- ~~e) The UTAC shall file an application for federal income tax exempt status.~~
- bd) The UTAC Board will consist of 9 members. There shall be three classes of directors: one class consisting of 5 directors who shall be elected from five or more nominations made by the LECs, one class consisting of two directors who shall be elected from two or more nominations made by the Attorney General and the Citizens Utility Board, and one class consisting of two directors who shall be elected from two or more nominations made by the National People's Action, the Community Action for Fair Utility Practice, and the South Austin Coalition Community Council. The directors of all three classes shall be elected by a vote of the members of UTAC.
- ce) The responsibilities of the UTAC, as the UTSAP Administrator, shall be:
  - 1) to administer a statewide UTSAP pool to which all LECs will report UTSAP contributions and expenses.
  - 2) to collect UTSAP contributions net of installation and Lifeline waivers provided pursuant to Section 757.200(c) and reimburse LECs for their administrative expenses.
  - 3) to make quarterly reports to the Commission as detailed in Exhibit C of this Part.
  - 4) to advise the Commission at any time that the total program costs exceed or will exceed the total contributions, so that the Commission may consider suspending any UTSAP programs or reducing the amount of assistance until such time as there are sufficient funds available to offset the costs.
  - 5) to assess the total UTSAP costs and the total UTSAP revenues and to petition the Commission pursuant to Section 757.200(b) and(d) for the

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purpose of recommending any changes in the waiver amounts, the establishment of any new UTSAP programs, or the discontinuance of any existing programs.

- 6) to provide ~~any~~ external promotion and advertising of ~~the Link Up and Lifeline Programs and the~~ UTSAP programs in conformance with ~~and~~ in addition to that specified in ~~Section Sections 757.110, 757.220 and 757.410.~~

df) The UTAC, with Board approval, may contract with an outside agency to establish and maintain the UTSAP pooling function. The UTAC shall obtain Commission approval of any such contract.

eg) The UTSAP Administrator shall request bids and seek Commission approval of all contracts exceeding \$10,000.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.225 UTSAP Eligibility**

- a) In order to be eligible to receive benefits under the UTSAP Program described in this Subpart C, an individual must participate in a Proxy Program as defined in this Part.
- b) Benefits available under the UTSAP program shall be limited to one discount per household~~applied to one access line only~~ at the principal place of residence of the eligible ~~new~~ subscriber.
- ~~e) UTSAP benefits shall be delivered in the name of the qualifying low income subscriber.~~
- ~~d) Applicants will sign a form containing the information specified in Exhibit E, certifying under penalty of perjury that the individual receives benefits from one of the Proxy Programs, identifying the program or programs from which that individual receives benefits, and agreeing to notify the local exchange company if that individual ceases to participate in the program or programs.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 757.245 UTSAP Filing Requirements**

- a) LECs shall file with the Commission appropriate tariffs for the provision of an additional waiver of the initial telephone service installation charge and/or a Lifeline waiver pursuant to ~~orders~~order(s) of the Commission under Section 757.200 authorizing such supplemental assistance programs.
- b) LECs shall file with the Commission reports containing the information specified in Exhibit A of this Part, as provided in Section 757.210.
- c) ~~UTAC~~The UTSAP Administrator shall file with the Commission, on a quarterly basis, a report containing the information specified in Exhibit C of this Part.
- d) LECs shall file with the UTSAP Administrator reports containing the information specified in Exhibit B of this Part, as provided in Section 757.210.
- e) ~~UTAC~~The UTSAP Administrator shall file with the Commission copies of the minutes of all meetings of the Board of Directors of UTAC.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: LIFELINE SERVICE

**Section 757.400 Lifeline Service Requirements**

- a) Each eligible telecommunications carrier shall participate in the Lifeline Program adopted by the FCC in 47 CFR 54.~~Subpart E.400 et seq.~~ as of February 6, 2012 as of July 22, 2004. This incorporation does not include any later amendments or editions.
- b) Each eligible telecommunications carrier shall comply with all Lifeline Program requirements adopted by the FCC in 47 CFR 54. Subpart E as of February 6, 2012. This incorporation does not include any later amendments or editions.
- c) Each eligible telecommunications carrier shall meet additional Lifeline service requirements, if any, established by Commission Order.
- b) ~~As part of its participation in the program identified in subsection (a) of this Section, each eligible telecommunications carrier shall implement a low income~~

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~~assistance program characterized by a reduction of \$1.75 in access line charges for qualifying low-income subscribers. Unless the Commission enters an order under Section 757.200 determining that UTSAP funds shall be used as State Lifeline service support, eligible low-income subscribers of eligible telecommunications carriers will receive monthly support of \$1.75 plus the amount of the carrier's end user common line charge, as determined by the FCC.~~

- e) ~~Eligible telecommunications carriers shall offer toll limitation without charge to all qualifying low-income consumers at the time such consumers subscribe to Lifeline service. If the consumer elects to receive toll limitation, where available, that service shall become part of the consumer's Lifeline service.~~
- d) ~~Each eligible telecommunications carrier shall file information with the Administrator demonstrating that its Lifeline plan meets the criteria set forth in 47 CFR 54.400 et seq. as of July 22, 2004, and stating the number of qualifying low-income individuals and the amount of State assistance. This incorporation does not include any later amendments or editions.~~
- e) ~~Eligible telecommunications carriers may not collect a service deposit in order to initiate the Lifeline service, if the qualifying low-income consumer voluntarily elects toll limitation service from the carrier, where available. If toll limitation services are unavailable, the carrier may charge a service deposit.~~
- f) ~~Eligible telecommunications carriers may not disconnect Lifeline service for non-payment of toll charges.~~
- g) ~~Eligible telecommunications carriers may not charge Lifeline customers a monthly number portability charge.~~

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.405 Lifeline Recovery Mechanism (Repealed)**

~~Costs incurred as a result of providing service under Section 757.400 shall be recovered in the following manner:~~

- a) ~~The eligible telecommunications carriers shall recover the entire amount of the reduction in access line charges from the Administrator through the Lifeline program.~~

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- b) ~~Support for providing Lifeline shall be provided directly to the eligible telecommunications carrier, based on the number of qualifying low-income consumers it serves, under administrative procedures determined by the Administrator.~~
- e) ~~Eligible telecommunications carriers shall recover the incremental cost of providing toll blocking and toll control, where available, from the Administrator through the Lifeline program.~~
- d) ~~An eligible telecommunications carrier's support reimbursement shall not exceed the carrier's standard non-Lifeline rate.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.410 Lifeline Publicity (Repealed)**

- a) ~~Eligible telecommunications carriers shall publicize the Lifeline Program in all exchanges.~~
  - 1) ~~On an ongoing basis, at least once each calendar quarter, each eligible telecommunications carrier will advertise its Lifeline Program. These advertisements may appear in press releases, brochures, bill inserts, the telecommunications carrier's publications, newspapers, radio, television and/or any other suitable means in the eligible telecommunications carrier's service territory.~~
  - 2) ~~Each eligible telecommunications carrier's directory shall include an explanation of its Lifeline Program.~~
  - 3) ~~Each eligible telecommunications carrier will provide written notification of the Lifeline Program to the directors of municipal, State and federal governmental agencies within the eligible telecommunications carrier's service territory whose clientele is likely to benefit from the program. Such notification shall be provided within 30 days after the inception of the program or a change in benefits under the program. Information to be provided shall include, as a minimum, the program offered, descriptions of the intended recipients of the program, the terms under which the program is available, and directions on how and where to apply.~~

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- 4) ~~Eligible telecommunications carriers may at any time be required to provide proof of their advertising practices to the Commission.~~
- b) ~~The publicity provisions specified in Section 757.220(b) shall apply to eligible telecommunications carriers' provision of Lifeline service.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.415 Lifeline Application Procedures and Processing (Repealed)**

~~The application procedures and processing provisions specified in Section 757.115 shall apply.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.420 Lifeline Filing Requirements (Repealed)**

~~Within ten days after the effective date of this Section, each eligible telecommunications carrier shall file with the Commission a tariff pursuant to Section 13-501 of the Act for the provision of Lifeline service, including the reduction of \$1.75 in access line charges as provided in Section 757.400(b).~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.425 Lifeline Eligibility**

In order to be eligible to receive benefits under the Lifeline Program described in this Subpart E an individual must:

- a) Meet Lifeline Program eligibility criteria adopted by the FCC in 47 CFR 54.Subpart E as of February 6, 2012. This incorporation does not include any later amendments or editions~~Participate in a Proxy Program as defined in this Part.~~
- b) ~~In lieu of electronic verification, sign the form attached as Exhibit E certifying under penalty of perjury that the individual receives benefits from one of the Proxy Programs, identifying the program or programs from which that individual receives benefits, and agreeing to notify the eligible telecommunications carrier if that individual ceases to participate in the program or programs.~~

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- be) Meet additional eligibility criteria, if any, established by the Commission pursuant to Section 757.~~100200~~(d).

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 757.430 Lifeline Eligibility Certification and Verification (~~Repealed~~)**

- a) ~~Certification of Lifeline Eligibility~~
- ~~1) Applications containing the information specified in Exhibit E shall be processed and certified by the eligible telecommunications carrier within 14 days after the date the application was received.~~
  - ~~2) The applicant shall be solely responsible for establishing eligibility in one or more of the Proxy Programs. If an eligible telecommunications carrier finds that an applicant's eligibility cannot be established through the records of a Proxy Program, the applicant will be advised by the eligible telecommunications carrier to contact the Proxy Program to establish or verify eligibility.~~
  - ~~3) In the event an applicant takes exception to the eligibility status as determined by the eligible telecommunications carrier, the eligible telecommunications carrier shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.~~
- b) ~~Verification of a participant's continuing eligibility for Lifeline shall be conducted in the following manner:~~
- ~~1) Each eligible telecommunications carrier shall establish procedures for verifying that Lifeline customers continue to be eligible to receive Lifeline assistance. Verification procedures may include checking eligibility against the records of one or more Proxy Programs, requiring customers to supply proof of continued eligibility, customer self-certification of continued eligibility, and/or other methods designed to verify continued eligibility. If an eligible telecommunications carrier's procedure involves verification of a sample of customers from one or more Proxy Programs, that sample must be a statistically valid random sample of the customers from the Proxy Program or Programs. These procedures need not be submitted to the Commission for approval, but shall be available for~~

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~~Commission review upon request.~~

- ~~2) Verification of continued lifeline eligibility shall be conducted no less than once a year.~~
- ~~3) If an eligible telecommunications carrier determines upon verification that a participant is no longer eligible, the eligible telecommunications carrier shall provide the participant 30 days notice prior to terminating the participant. Notice of a determination shall be provided to the participant in writing, and shall include the information specified in Exhibit D.~~
- ~~4) Each eligible telecommunications carrier shall file with the Commission by August 1 of each year an affidavit signed by a representative of the eligible telecommunications carrier that:
  - ~~A) states that the eligible telecommunications carrier has a procedure in place to verify continued eligibility of Lifeline subscribers;~~
  - ~~B) states that the verification procedure meets the requirements of this Section;~~
  - ~~C) states that the eligible telecommunications carrier has verified the continued eligibility of Lifeline subscribers pursuant to its procedure at least one time in the 12 months preceding the affidavit; and~~
  - ~~D) summarizes the results of the most recent verification.~~~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 757.EXHIBIT A LEC and ETC Quarterly Report to Commission**

LIFELINE, ~~LINK-UP~~ AND  
 UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS  
 QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION

Company _____ Mailing Address _____ _____ Contact Name _____ Telephone _____	Date of Submission _____ Data Period: Year _____ Quarter: <input type="checkbox"/> 1 <sup>st</sup> <input type="checkbox"/> 2 <sup>nd</sup> <input type="checkbox"/> 3 <sup>rd</sup> <input type="checkbox"/> 4 <sup>th</sup> Type of Filing: <input type="checkbox"/> Original <input type="checkbox"/> Correction
--	--

Program	(a) Month: _____	(b) Month: _____	(c) Month: _____	(d) Quarter Totals _____	(e) Year-to-Date Totals: _____
<del>1.0 LINK-UP – FEDERAL</del>					
<del>1.1 Applications approved</del>	_____	_____	_____	_____	_____
<del>1.2 Interest waived</del>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
<del>12.0 LINK-UP – UTSAP SUPPLEMENTAL INSTALLATION WAIVER</del>					
<del>12.1 Applications approved</del>	_____	_____	_____	_____	_____
<del>12.2 Supplemental installation charges waived</del>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
<del>23.0 LIFELINE – FEDERAL</del>					
<del>23.1 Number of customers at end of month</del>	_____	_____	_____	_____	_____
<del>23.2 Applications approved during the month</del>	_____	_____	_____	_____	_____
<del>34.0 LIFELINE – UTSAP SUPPLEMENTAL</del>					

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MONTHLY ASSISTANCE					
34.1 Number of customers at end of month	** _____	_____	_____	_____	_____
34.2 Applications approved during the month	_____	_____	_____	_____	_____
34.3 Total Supplemental Monthly Assistance	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

NOTE: Each Local Telecommunications Carrier must file the original of this Exhibit A with the Chief Clerk of Illinois Commerce Commission and forward a copy to the UTSAP Administrator and the Staff Liaison within 30 days after the end of each calendar quarter. Each eligible telecommunications carrier, if not otherwise required by this Part, shall complete the "LIFELINE AND UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION" portion of this Exhibit A and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar quarter.

\*\* For initial month of this program, include all existing Lifeline customers on this line.

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QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION

STATUS OF UTSAP EXPENDITURES

LOCAL EXCHANGE COMPANY: \_\_\_\_\_

FOR CALENDAR QUARTER ENDING: \_\_\_\_\_

UTSAP EXPENDITURE REPORT

	Current Quarter	Year to Date*
1. Telecommunications Expenses		
a. Billing and Data Processing	\$ _____	\$ _____
b. Customer Notification and Bill Inserts	_____	_____
c. Certification Administration (LEC) and Contact Time	_____	_____
(Total of Lines 1-6 below)		
1. Salaries & Fringe Benefits	_____	_____
2. Materials	_____	_____
3. Postage	_____	_____
4. Transportation Expenses	_____	_____
5. Preprinted Forms	_____	_____
6. Other	_____	_____
d. Certification Administration (IDPA/SSI)	_____	_____
e. Service Representative Training	_____	_____
f. Other, please specify	_____	_____
_____		

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TOTALS	\$ _____	\$ _____
Less UTSAP Reimbursement Received	\$ _____	\$ _____
BALANCES	\$ _____	\$ _____

\* Includes Current Quarter

Note: Each Local Exchange Company must file the original of this Exhibit A with the Chief Clerk of the Illinois Commerce Commission and forward a copy to the UTSAP Administrator and the Staff Liaison within 30 days after the end of each calendar quarter. Expenses associated with the Federal Lifeline ~~Program and Link Up Programs~~ should not be reported on this form.

LECs shall maintain supporting documentation in such a manner as to be able to readily identify the above expenses in appropriate subaccounts.

Quarterly "Totals" reported on this page should correspond to the sum of the monthly "Administrative Costs" reported on Exhibit B by LECs with over 35,000 access lines.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

**Section 757.EXHIBIT D Lifeline Verification Ineligibility Notice (Repealed)**

**~~NOTICE OF REMOVAL FROM THE LIFELINE WAIVER PROGRAM~~**

~~LEC (UTILITY) NAME~~ \_\_\_\_\_

~~LEC PHONE #~~ \_\_\_\_\_

~~Customer Name~~ \_\_\_\_\_

~~Address~~ \_\_\_\_\_

~~City, State, Zip~~ \_\_\_\_\_

~~Phone Number~~ \_\_\_\_\_

~~Account Number~~ \_\_\_\_\_

~~Records show that you are not receiving benefits under one of the following programs:~~

- ~~Food Stamps~~
- ~~Medicaid~~
- ~~Supplemental Security Income~~
- ~~Federal Public Housing Assistance~~
- ~~Low Income Home Emergency Assistance Program~~
- ~~National School Lunch Free Lunch Program~~
- ~~Temporary Assistance to Needy Families~~

~~You will therefore be removed from the Lifeline Program.~~

**~~TO AVOID REMOVAL IF YOU ARE STILL RECEIVING BENEFITS~~**

- ~~1. If you are still receiving benefits under one of the above listed programs, call the applicable agency.~~
- ~~2. If the agency has your name on their master list, then call your LEC.~~

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**~~IF YOU NEED TO REAPPLY~~**

- ~~1. If you reapply for benefits under one of the programs listed above and the agency grants your application before (Date) \_\_\_\_\_, call your LEC to have your eligibility checked.~~
- ~~2. If your application is granted by the agency after (Date) \_\_\_\_\_, you can reapply for the Lifeline benefits by calling your LEC.~~
- ~~3. There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.~~

**~~REMOVAL IN ERROR~~**

~~If you believe that the agency has improperly terminated you from one of the listed programs, you must resolve this with the applicable agency.~~

~~If your benefits are continued while the dispute is pending, your Lifeline benefits will also be continued.~~

~~If your benefits are not continued while the dispute with the applicable agency is pending, you will not receive Lifeline benefits until you have won your appeal.~~

~~Call your LEC to let them know if your benefits are being continued and/or if you have won your appeal.~~

~~There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

**Section 757.EXHIBIT E Link Up/Lifeline Programs Certification Form (Repealed)**

~~ELIGIBLE TELECOMMUNICATIONS CARRIERS LINK-UP/LIFELINE PROGRAMS  
CERTIFICATION FORM~~

~~NAME \_\_\_\_\_ DATE ISSUED \_\_\_\_/\_\_\_\_/\_\_\_\_~~

~~ADDRESS \_\_\_\_\_ APARTMENT \_\_\_\_\_~~

~~CITY \_\_\_\_\_ ZIP CODE \_\_\_\_\_~~

~~COUNTY \_\_\_\_\_ AGE \_\_\_\_\_~~

~~SOCIAL SECURITY NO. \_\_\_\_\_~~

~~PUBLIC AID CASE NUMBER \_\_\_\_\_~~

~~Are you a participant as of this date of application in one of the programs listed below?~~

~~In which program(s) do you currently participate?~~

- ~~Food Stamps~~
- ~~Medicaid~~
- ~~Supplemental Security Income (SSI)~~
- ~~Federal Housing Assistance Program~~
- ~~Low Income Home Energy Assistance Program (LIHEAP)~~
- ~~National School Lunch Free Lunch Program~~
- ~~Temporary Assistance to Needy Families~~

~~Under penalty of perjury, I confirm that I participate in the above stated program(s). I will notify my provider of local exchange service in the event I cease to participate in the program(s). By my signature below, I give the Social Security Administration permission to inform my local exchange telephone company whether or not I am entitled to Supplemental Security Income benefits as of the date of this application.~~

~~SIGNED \_\_\_\_\_ DATE \_\_\_\_\_~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE 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>
148.800	New Section
148.810	New Section
148.820	New Section
148.830	New Section
148.840	New Section
148.850	New Section
148.860	New Section
148.870	New Section
148.880	New Section
- 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: The Department is implementing rules for the Emergency Psychiatric Demonstration, which allows federal funding for hospital Institution for Mental Diseases (IMDs) for individuals that remain in the community for 45 days without subsequent psychiatric hospitalization. In addition to allowing the Department to pay for these hospital IMDs, the rule lays out the term of the project; sets the limitations of the project, individual eligibility, provider requirements and the payment process.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.70	Amendment	36 Ill. Reg. 8117; June 1, 2012

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3<sup>rd</sup> 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 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: Medicaid funded hospital IMD providers
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this Rulemaking was Summarized: January 2012

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## 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
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 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
- 148.442 Inpatient Services Adjustment Payments
- 148.444 Capital Needs Payments
- 148.446 Obstetrical Care Payments
- 148.448 Trauma Care Payments
- 148.450 Supplemental Tertiary Care Payments
- 148.452 Crossover Care Payments
- 148.454 Magnet Hospital Payments
- 148.456 Ambulatory Procedure Listing Increase Payments
- 148.458 General Provisions
- 148.460 Catastrophic Relief Payments
- 148.462 Hospital Medicaid Stimulus Payments

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

- Section
- 148.500 Definitions
- 148.510 Reimbursement

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## 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

## SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

## Section

148.700	General Provisions
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SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAMSection

<u>148.800</u>	<u>General Provisions</u>
<u>148.810</u>	<u>Definitions</u>
<u>148.820</u>	<u>Individual Eligibility for the Program</u>
<u>148.830</u>	<u>Providers Participating in the Program</u>
<u>148.840</u>	<u>Stabilization and Discharge Practices</u>
<u>148.850</u>	<u>Medication Management</u>
<u>148.860</u>	<u>Community Connect IMD Hospital Payment</u>
<u>148.870</u>	<u>Community Connect TCM Agency Payment</u>
<u>148.880</u>	<u>Program Reporting</u>

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.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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; 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

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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. 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

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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; 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.

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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; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737 and emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 14, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAMSection 148.800 General Provisions

This Subpart F is promulgated to establish an emergency psychiatric demonstration project (hereinafter referred to as the Program) to serve adults 21 through 64 years of age with specified mental illnesses. The State of Illinois was selected by the federal Centers for Medicare and Medicaid Services (CMMS) to establish the Program pursuant to the provisions of section 2707 of the federal Patient Protection and Affordable Care Act (PL 111-148) and subject to the terms of federal demonstration. The program, entitled Community Connect, shall be in effect from October 1, 2012 through June 30, 2015 or for the duration of federal funding should it end earlier. During that time period, participating Community Connect IMD hospitals may receive Medicaid payment for providing EMTALA (Emergency Medical Treatment and Active Labor Act) related emergency services to Medicaid recipients 21 through 64 years of age who have expressed suicidal or homicidal thoughts or gestures and who are determined to be dangerous to themselves or others. The Program will promote an integrated approach to evidence-based community resources and emergency room and inpatient hospital care. The Program goals are to improve access to quality inpatient care, reduce unnecessary admissions and readmissions, reduce psychiatric boarding, and enhance coordination of services with community mental health center providers. The Department will assess the results of the Program during and at the end of the demonstration. The assessment will be the basis to guide changes for the larger adult population with mental illness, such as potential restructuring of mental health targeted case management; potential adult screening of persons with mental illness presenting for psychiatric

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

hospitalization; potential payment and incentive policies; and potential broad implementation of improved interventions by the hospital and community.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.810 Definitions**

For the purposes of this Part, the following terms shall be defined as follows:

"Community Connect Targeted Case Management Agency" or "Community Connect TCM Agency" means the community mental health center that will act as the crisis team, determination of appropriate level of care agent, linkage agent and care coordination entity for participants in the Emergency Psychiatric Demonstration Program.

"Department" means the Illinois Department of Healthcare and Family Services.

"Emergency Psychiatric Demonstration Program" or "Program" means the program under which psychiatric hospitals, general hospitals, and community mental health providers will work to develop new service models to increase the overall quality of service delivery to participants with a psychiatric emergency medical condition.

"EMTALA" means the federal Emergency Medical Treatment and Active Labor Act (42 USC 1395dd) that requires any hospital that accepts payments from Medicare to provide care to any patient who arrives in its emergency department for treatment, regardless of the patient's citizenship, legal status in the United States or ability to pay for the services. EMTALA applies to ambulance and hospital care.

"IMD" means an institution for mental disease and is defined as a hospital, nursing facility, or other institution of 17 or more beds that is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services. As used in this Subpart, IMD refers to a hospital.

"IMR" means Illness Management and Recovery and is an evidence-based psychiatric rehabilitation practice. The primary aim of the IMR is to empower consumers to manage their illnesses, find their own goals for recovery, and make

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informed decisions about their treatment through the necessary knowledge and skills.

"Psychiatric Emergency Medical Condition" means a condition in which an individual is expressing suicidal or homicidal thoughts or gestures and is dangerous to self or others.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.820 Individual Eligibility for the Program**

- a) For the purposes of this Subpart, only Medicaid eligible individuals 21 through 64 years of age, with a serious mental illness, who present at a participating or partnering hospital with suicidal or homicidal thoughts or gestures, and who are a danger to self or others will be eligible to participate. Individuals enrolled in a care coordination program [305 ILCS 5/5-30], as well as those individuals who have Medicare coverage, are excluded from participation.
- b) Participation shall also be limited to the maximum number of IMD admissions approved by CMMS and the number of deflections to community services before reaching the maximum number approved as provided in the supplemental provider agreement.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.830 Providers Participating in the Program**

- a) Hospitals that may participate in the Program are limited to those included in the funded demonstration application. A hospital participating in the Program will be designated a Community Connect IMD hospital.
- b) In order to participate in the Program, the Community Connect IMD hospital must comply with all of the Department rules, policies and licensure requirements and, additionally, must meet each of the following criteria:
  - 1) Establish a Network Guidance Group consisting of a representative from each of the following: Illinois Department of Healthcare and Family Services; Illinois Department of Human Services-Division of Mental Health; the Community Connect IMD hospital; the Community Connect

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TCM agency; and representatives from participating emergency departments, local law enforcement, consumers, and other individuals as determined by the Community Connect IMD hospital. The Network Guidance Group shall meet at least quarterly to review the Program operations.

- 2) Accept Community Connect eligible participants on a priority basis.
  - 3) Include the Community Connect TCM agency in staffing and discharge planning.
  - 4) Not discharge Community Connect participants unless a discharge plan ensures the patient has a place to go and appropriate services will be implemented.
  - 5) Establish a collaborative working relationship with a dedicated community mental health center to function as the Community Connect TCM agency.
  - 6) Contact the Community Connect TCM agency to perform a level of care assessment prior to admission.
  - 7) Update the collaborating Community Connect TCM agency on bed census every day.
  - 8) Enter into a supplemental provider agreement with the Department.
- c) In selecting hospitals for the Program, the Department may consider other factors beyond the criteria in subsection (b), including, but not limited to, the facility's history of compliance with all applicable State and federal standards.
- d) Each Community Connect IMD hospital will partner with a general acute care hospital. The general acute care hospital will identify individuals who present in a psychiatric emergency medical condition. The number of individuals to be admitted to a Community Connect IMD hospital under the Program will be the number in the supplemental provider agreement. The maximum number allowed for all Community Connect IMD hospitals shall not exceed the number of individuals approved by CMMS for the Program.

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- e) A Community Connect TCM agency shall be chosen for each Community Connect IMD hospital to act as the crisis team, determination of appropriate level of care agent, linkage agent, and care-coordination entity for individuals in the demonstration. A Community Connect TCM agency will be chosen from the pool of qualified community mental health centers in the vicinity of the Community Connect IMD hospital and required to enter into supplemental provider agreements with the Department. The agencies are responsible for providing crisis intervention services for Medicaid eligible individuals presenting at a participating Community Connect IMD hospital or partner hospital. Crisis intervention shall include determination of appropriate level of care and potential stabilization of the individual. For those individuals who are determined to be appropriate for community stabilization, the Community Connect TCM agency shall be responsible for ensuring that the participant has priority access to community services within 24 hours after stabilization. For those participants found to be appropriate for inpatient treatment and admitted to the Community Connect IMD hospital, the Community Connect TCM agency is responsible for a seamless transition for the individual from the Community Connect IMD hospital IMR treatment setting to the community mental health center IMR treatment setting. Prior to, at the point of discharge, and for up to 60 days following the level of care assessment, the Community Connect TCM agency shall act as the linkage agent, assisting the individual to connect to all available needed resources.
- f) Certified community mental health center providers who have agreed to provisions of the Program, as defined in a linkage agreement with the Community Connect TCM agency, will be a choice for community-based treatment to the individual after inpatient discharge, or after the individual is deflected from the emergency department to community services.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.840 Stabilization and Discharge Practices**

The admitting hospital must establish a stabilization plan for the individual within 48 hours after admission. To ensure continuity of treatment services, a participating Community Connect IMD hospital will not discharge an individual unless the discharge plan ensures the individual has a place to go and appropriate services will be implemented.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 148.850 Medication Management**

On the day of discharge from an inpatient admission, the Community Connect TCM agency will ensure the individual accesses a 30-day supply of medically necessary medication to ensure continuity of this aspect of treatment and medication adherence.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.860 Community Connect IMD Hospital Payment**

- a) The Community Connect IMD hospital in the demonstration program will be reimbursed on an incentive-driven basis. The Department will reimburse the initial claim for the psychiatric admission at 80% of the psychiatric hospital rate. The initial payment may be increased by 20% of the psychiatric hospital rate if the individual remains stable in the community with no further psychiatric hospitalization for 45 days after the level of care assessment.
- b) Payment for any individual who cannot be discharged because the individual does not have a place to go and appropriate services cannot be implemented, but who is not an inpatient based on medical necessity, will be 50% of the alternate cost per diem rate as described in Section 148.270 and 89 Ill. Adm. Code 152.200.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.870 Community Connect TCM Agency Payment**

- a) The Community Connect TCM agency monthly reimbursement rate for each individual will be established in the supplemental provider agreement.
- b) The Community Connect TCM agency will be reimbursed on an incentive driven basis for each individual each month. The Department will reimburse the initial claim at 80% of the individual per month rate. The initial payment may be increased by 20% of the individual per month rate if the individual deflected to community services or hospitalized at the Community Connect IMD remains stable in the community for 45 days after the level of care assessment.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 148.880 Program Reporting**

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Each Community Connect IMD and each Community Connect TCM agency will submit periodic reports to the Department in the form and format specified by the Department.

(Source: Added at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Construction and Filing of Life Insurance and Annuity Forms
- 2) Code Citation: 50 Ill. Adm. Code 1405
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1405.20	Amendment
1405.40	Amendment
- 4) Statutory Authority: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: Changes to Part 1405 are required due to changes in 215 ILCS 5/224 regarding due proof of death. The rulemaking is also being amended to require insurance companies to include a consumer assistance telephone number on the policy form.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking 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:

James C. Rundblom, Staff Attorney  
Department of Insurance  
320 West Washington, 4<sup>th</sup> Floor  
Springfield, Illinois 62767-0001

or

Susan Anders, Rules Coordinator  
Department of Insurance  
320 West Washington, 4<sup>th</sup> Floor  
Springfield, Illinois 62767-0001

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(217) 785-8559  
(217) 524-9033 (fax)

(217) 785-8220

- 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 2012

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

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## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

## PART 1405

## CONSTRUCTION AND FILING OF LIFE INSURANCE AND ANNUITY FORMS

## Section

1405.10	Authority
1405.15	Definitions
1405.20	Illinois Guidelines for Filing and Approval of Life and Annuity Forms
1405.30	Applications
1405.40	Policy Forms
1405.50	Group Insurance
1405.60	Franchise Life Insurance
1405.70	Annuities
1405.80	Alternate and/or Insert Pages
1405.90	Substitution Filings

AUTHORITY: Implementing Section 143 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143 and 401].

SOURCE: Filed July 11, 1972, effective August 1, 1972; codified at 7 Ill. Reg. 3466; amended at 12 Ill. Reg. 22184, effective December 16, 1988; amended at 34 Ill. Reg. 5835, effective April 7, 2010; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1405.20 Illinois Guidelines for Filing and Approval of Life and Annuity Forms**

Following are some general requirements that should be helpful to industry personnel involved in drafting and filing policy forms.

- a) Policy Forms
  - 1) "Policy Form" Defined. The term "policy form" as used in this Part is defined in the Insurance Code. It means any policy, certificate, endorsement, rider, by-law or other matter incorporated by reference or an application blank. It does not include riders or endorsements issued or made at the request of the individual policyholder relating to the manner of distribution of benefits or to the reservation of rights and benefits under

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a life insurance policy.

- 2) Policy forms exempt from filing are as follows:
    - A) Notice Regarding Replacement (see 50 Ill. Adm. Code 917.70).
    - B) Policy Summaries.
    - C) Buyer's Guides (see 50 Ill. Adm. Code 930.40(a)).
  - 3) Policy forms prohibited pursuant to Sections 143(1) and 224(1)(c) of the Code are as follows:
    - A) Certificates issued in lieu of a duplicate insurance policy.
    - B) Forms containing provisions excluding scuba diving, hang-gliding, motorcycle racing, race car or stock car racing, or hazardous sports.
- b) Form Numbers
- 1) Each "policy form" must be designated by a suitable form number that may be made up of numerical digits or letters, or both, in the lower left-hand corner of the first page. The form number shall be sufficient to distinguish the basic form from all others used by the insurer. Edition date and/or designation of a state where a special edition is required is permitted in this space, and if printed as a continuation of the form number, will be considered a part of the form. The appearance of a company's stock number and/or printing date in proximity to the form number is permitted.
    - A) If a descriptive title is in close proximity to the form number, it will not be considered a part of that number for approval purposes unless inclusion is requested by the company.
    - B) Refer to Section 1405.80 for instructions relating to form numbers when filing a policy on an insert page basis.
  - 2) Since the form number must be sufficient to identify any form that has

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been issued by a company, each submission must bear a unique number. A recently approved but unissued form may be corrected or changed by filing a substitute page or form, which may retain the original form number.

- c) General Form Requirements pursuant to Section 149 of the Code
- 1) The name of the company shall appear on the form.
  - 2) Policy shall show location of the home office and principal office, if different.
  - 3) [Policy shall include the company's consumer assistance telephone number.](#)
  - 4)3) Policy shall indicate the issue or policy date and the effective date, if different.
  - 5)4) Rubber stamp deletions, mechanical overprints or paste-over "stickers" are permitted with the prior approval of the Department (for rubber stamp endorsements, see Section 1405.20(d)(7)).
  - 6)5) The name or title of any policy or class of policies may not misrepresent the nature of the policy. The title shall be specifically descriptive, such as: Universal, Term, Annuity, Endowment or Whole Life. Inclusion of words such as "special", "select", "preferred" or "inflation" are not allowed in the title as they imply receiving something not normally offered in a life policy, in violation of Sections 143(1) and 149 of the Code.
- d) Preparation of Forms
- 1) "Policy forms" must be submitted pursuant to 50 Ill. Adm. Code 916.
  - 2) "Policy forms" submitted for formal approval shall be submitted in the form intended for actual issue. Typewritten forms may be used only for single cases or when their use will be too infrequent to justify other preparation.
  - 3) All blank spaces of each policy form must be filled in (completed in John Doe manner). The purpose and use of the form shall be explained in the

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submission letter.

- 4) When submitting a "policy form" to which a previously approved application will be attached, reference must be made to approval date and form number of the previously approved application.
- 5) On applicable life policy forms, nonforfeiture values, if any, for the age and plan of insurance used in filling in the form must be included.
- 6) On group forms, variable material may be indicated for language that may vary from case to case. Variable material shall consist of benefit provisions and benefit levels.
- 7) All rubber stamp endorsements should be submitted for approval under the insurer's letterhead and filed in accordance with 50 Ill. Adm. Code 916.
- 8) Combination forms (for Life and Accident and Health) shall be submitted to both the Life Unit and the Accident and Health Unit of the Product Evaluation Section.

e) Letters of Submission

The letter of submission must be signed by a representative of the company authorized to submit forms for filing or approval and must contain the following information:

- 1) The letterhead of the company shall show the name of the company for whom the forms are being submitted.
- 2) The identifying form number of each form submitted.
- 3) If the form is a new one, not replacing an existing form, a statement to that effect.
- 4) If the form is intended to supersede another approved form, the form number and the approval date of the superseded form must be stated, together with a statement describing all material changes to the previously approved forms.
- 5) If a company submits a form that has been previously submitted but has

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not been approved, the company shall advise the Department of the date of submission or disapproval of the previously submitted form and any material changes.

- 6) If the form is other than a policy or contract, give the form number of the policy or contract form or forms with which it will be used, or, if for more general use, describe the type or group of such forms.
- 7) When a form is approved, in the case of a SERFF filing, a final disposition will be issued in the SERFF filing.
- 8) Reference to previously approved forms shall provide date of approval of those forms.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1405.40 Policy Forms**

- a) Payment of Premiums
  - 1) Receipt – Section 224(1)(a) of the Code requires that a policy of life insurance shall contain in substance the following: *A provision that all premiums after the first shall be payable in advance either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy, when such receipt is requested by the policyholder.*
  - 2) Premium Deposits – Contractual premiums under individual policy forms may be captioned as "Premium deposits" (50 Ill. Adm. Code 909).
  - 3) Prepayment of Premiums – Specific premiums may be paid in advance, subject to discount.
  - 4) Advance Premium Deposits – A fund or account for payment of unspecified premiums (whether by policy or by rider) must conform to the requirements of Section 240 of the Code.
  - 5) Grace Period – Policy must provide for continuance in force during the grace period and deduction (not necessarily payment) of any unpaid

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premium in settlement under the policy pursuant to Section 224(1)(b) of the Code.

- b) **Continuation of Premiums Beyond Maturity**  
If a policy provides for continuation of premiums, on an optional basis, beyond an initial or normal maturity date, it must be made clear that coverage and all applicable policy provisions also continue while premiums are being paid. The policyholder must be made aware of applicable policy values while premiums are so continued: either by including those values in the policy or by specifying that notices of the current value will be sent to the policyholder upon request.
- c) **Automatic Premium Loan Provision**
- 1) Policy may provide benefit on a positive elective basis, but not as an automatic nonforfeiture benefit. For provisions regarding automatic premium loans in applications, see Section 1405.30(c).
  - 2) Provision must conform to the loan provision of the policy, subject to Sections 224(1)(f), 229.3 and 229.5 of the Code. The provision must permit revocation of election upon written request.
  - 3) *Notification of the policyholder with respect to the initial interest rate on an automatic premium loan must be made as soon as it is reasonably practicable after making the initial loan, but in no event more than 90 days after the initial loan is made. Notification need not be given to the policyholder when a further premium loan is added unless a loan rate increase occurs* (Section 229.5(b)(5)(ii) and (iii) of the Code). When a loan rate increase occurs, reasonable advance notice of any increase in rate must be made. In no event shall the notice be given less than 15 days prior to the increase in rate.
- d) **Loan Interest Rate**
- 1) Provision must conform to Sections 224(1)(f), 229.3 and 229.5 of the Code. Any variable rate must include a specified maximum rate of interest. The Department requires filing of a description of procedure for changing a variable rate and notifying those policyowners who have outstanding loans of the rate change, which must be made on a non-discriminatory basis.

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- 2) The interest rate charged on a policy loan or the interest rate charged upon reinstatement of any policy form that was made under a policy issued after January 1, 1982 will not exceed the rate prescribed in Section 229.5 of the Code, either as a maximum rate of not more than 8% or an adjustable maximum interest rate established from time to time by the life insurer as permitted by law, unless the policyholder agrees in writing to the applicability of those provisions.
- e) Contestability in Life Policies
- 1) The period of contestability is limited to a maximum of two years. Permissible exceptions are *provisions relative to benefits in the event of total and permanent disability, and provisions which grant additional insurance specifically against death by accident and except for violations of the conditions of the policy relating to naval or military service in time of war or for violation of an express condition, if any, relating to aviation (except riding as a fare-paying passenger of a commercial air line flying on regularly scheduled routes between definitely established airports)* (Section 224(1)(c) of the Code).
  - 2) The period of contestability shall be determinable from the policy, i.e., by reference to a specified issue date, policy date or effective date, as referred to in subsection (v).
- f) Limitation of Coverage
- Any limitation of coverage in event of death by suicide or other specified causes must be confined within the contestability period of the policy to comply with Section 225(1)(c) and (1)(f) of the Code. Exceptions to this restricted limitation are given in Section 224(1)(c) of the Code and subsection 1405.40(v)(2) of this Section.
- g) Proof of Death
- Section 224(1)(j) of the Code requires due proof of death. The Department requires that "proof" be singular (not proofs) and not further qualified, i.e., to require submission of "interest of the claimant". Insurers shall not require that a specific form be used when submitting a claim. The policy may require that due proof of death of the insured shall consist of a certified copy of the death certificate of the insured, or other lawful evidence providing equivalent

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[information, and proof of the claimant's interest in the proceeds.](#)

- h) Time Limit on Claims
  - 1) Filing of Death Claims – There is no time limit for filing death claims if the claim is not conditioned upon other contingencies, i.e., prior disability or accident. Section 224(1)(j) of the Code requires, when there is a claim on a policy due to the death of the insured, settlement shall be made upon receipt of due proof of death. For purposes of this subsection (h)(1), due proof shall consist of sufficient evidence to establish in a court a prima facie case for payment of the claim. Therefore, any limitation with respect to death claims arising during and contingent upon the insured's continued disability must be limited to a requirement that proof of disability be furnished within a stipulated period as a condition precedent to consideration of a death claim.
  - 2) Filing of Disability Claims – Reasonable limits are permitted. The form may require notification of disability during lifetime and continuance of disability and may eliminate accrual of benefits because of any disability that was in existence more than one year prior to furnishing proof of disability.
- i) Participating or Non-Participating  
A policy must indicate whether the policy is participating or non-participating.
- j) Dividend Provisions  
The following is applicable to individual policy forms:
  - 1) Required Options – The policy must provide the dividend options required under Section 224(1)(e) of the Code.
  - 2) Disposition of Dividends Left With the Company – The policy must indicate what disposition will be made of outstanding dividend credits in event of lapse, termination or maturity of the policy.
  - 3) Other Dividend Options – In addition to the dividend options required under Section 224(1)(e) of the Code, other options (such as a one-year term insurance dividend option) may also be provided by the policy. Provisions pertaining to the automatic withdrawal of any accumulated

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dividends, or current and unapplied dividends for the purpose of paying premiums unpaid at the end of a grace period, may be included if the policy provides for the notification of the policyholder of the application of dividends and the policyholder is given a minimum of 30 days after the date of the notice within which to direct the insurer to reverse the dividend transaction.

- 4) One-Year Term Insurance Dividend Option – Provision must be made for the disposition of the value of any one-year term insurance addition in the event of lapse of the policy. The policy may either provide for application of any cash value of the remaining one-year term insurance under nonforfeiture options, or a continuation of the term insurance.
  - 5) Prohibited Provisions – Prohibited provisions regarding individual life policy dividends are cited in 50 Ill. Adm. Code 914.
- k) Nonforfeiture Values  
The nonforfeiture value table must illustrate loan values and options available for each of the first 20 years of the policy or its term, if less, and include a provision that, upon request, the company will furnish an extension of the table. Values and statements in the policy must fulfill the requirements of Section 229.2 of the Code.
- l) Standard Nonforfeiture Law – Paid-up Insurance Upon Death of Insured (Family Policy)  
A spouse or children entitled to paid-up insurance upon the death of a covered person under a family or parent-child policy shall be given the right to obtain the net cash surrender value of the paid-up insurance, and the form shall so state. In lieu of a table of such values, a statement may be included that a notice of the current values will be furnished by the company on request, as provided for in Section 229.2(6) of the Code.
- m) Inapplicable Language  
Inapplicable language is prohibited if the inclusion of that language results in inconsistencies or ambiguities or is misleading, as is required by Section 143 of the Code.
- n) Back Dating of Life Policy  
While the Code prohibits a provision under which any policy purports to be

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issued or take effect more than six months before the original application was made, this limitation is not applicable in conversion from or exchanges of one form of policy or annuity to or for another form provided credit is given for the reserve accumulation of the converted or terminated policy, and the form clearly spells out acceptable provisions relating to indebtedness, tabular cash values, dividends, effective date, and dividend accumulations, if any, under the new policy, as is prohibited by Section 225(1)(b) of the Code. The conversion or exchange may not result in the policyholder being charged for insurance protection that was not received.

- o) Settlement at Maturity – Commuted Value of Unpaid Installments  
The form shall:
  - 1) provide the basis for determining any commuted value, as is provided for by Section 224(1)(k) of the Code; and
  - 2) indicate whether benefits at death shall be payable to an estate or to a named beneficiary.
  
- p) Supplemental Benefits
  - 1) Supplemental Death and Dismemberment benefits may be added to a life policy when limited to accidental cause only.
  - 2) Language in such supplemental benefits that does not employ "result" language, and that establishes an accidental means test or uses words such as "external", "violent", or "visible wound" is prohibited. Additionally, contributory language (e.g., "or indirectly", "wholly or in part", or "contributed to by") is also prohibited. For purposes of this subsection (p)(2), "result" language includes, but is not limited to, death as a result of war, death as a result of suicide and death as a result of flying. For purposes of this subsection (p)(2), accidental means test requires that both the cause and result of the accident be an accident.
  - 3) Provisions for loss due to accident or accidental injury shall not contain language limiting, reducing or excluding liability for a loss resulting from purely accidental circumstances (e.g., involuntary or unintentional ingestion of poison or an infectious organism, or inhalation of poisonous gases or fumes) as provided for by Section 143 of the Code.

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- 4) Other supplemental benefits may be added to the policy for conditions that result in a total and permanent disability, as provided by Section 4 of the Code. For purposes of this subsection (p)(4), "total and permanent disability" means an inability to work and earn money because of an injury or illness from which recovery is unlikely at any time in the future and that is expected to continue indefinitely or result in death.
- q) **Combination Life and Accident and Health Coverages in Individual Policies**  
Life and Accident and Health coverages may be combined in an individual policy, provided all statutory requirements are met and the form meets the other tests for approval in Section 143. All individual policies submitted must contain a premium breakdown as to coverages and contain a provision to allow for separation of either part.
- r) **Spendthrift and Creditor Clause**  
The policy may include a Spendthrift and Creditor Clause providing in substance that, except as may be otherwise provided in the policy, a Beneficiary may not, at or after the maturity of the policy, assign, transfer or encumber any benefits payable under the policy and, to the extent permitted by law, any such benefits shall not be subject to the claims of any creditor of any Beneficiary. Because of the limitations in the statutory provisions relating to the exemption from execution, attachment, garnishment or other process for the debts or liabilities of the insured, no reference to these statutory exemptions is required as is provided for by Sections 238 and 241 of the Code.
- s) **Family Policy – Names of Spouse and Children**
- 1) It is necessary to name the spouse and/or children in either the application or policy only when a separate premium is charged for the individual insured in either of such categories.
- 2) For additional family policy guidelines, refer to 50 Ill. Adm. Code 1403.
- t) **Term Life Insurance – Conversion of Term Life Insurance**  
A form providing term life insurance with conversion rights without evidence of insurability may not withhold such right of conversion because the covered person has established a waiver of premium disability claim. The form may, however, withhold waiver of premium benefits under any new policy resulting

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from the conversion, or, as an alternative, reduce the face amount in the new policy by not exceeding 25% if waiver of premium benefits is requested and provided in the new policy.

- u) War Clauses – Life Policies  
War clauses in life policies shall comply with 50 Ill. Adm. Code 1402.
- v) Option to Purchase Additional Life Insurance – Incontestability and Suicide Clause
  - 1) Any new policy issued pursuant to a purchase option guaranteeing insurability shall provide that the period specified in the incontestability clause shall expire no later than two years from the latter of date of issue of the original policy, date of issue of the rider containing the purchase option, date of change of the original policy requiring proof of insurability or date of last reinstatement of original policy, as is provided for by Section 224(1)(c) of the Code.
  - 2) Any new policy issued pursuant to a purchase option may contain a limitation of coverage with respect to death by suicide during the period the policy would be contestable in the absence of issuance under the purchase option, as provided for by subsection (f).
  - 3) Company shall indicate to the Department how the incontestability provision of the new policy will be amended.
  - 4) The request form for the exercise of a purchase option shall be furnished to the Department. It may contain medical questions provided it is clearly stated that such questions are to be answered only if coverages additional to those permitted under the option are applied for.
- w) Insurable Interest at time of Exercising Option  
In a guaranteed purchase option, a provision may not be included requiring the existence of an insurable interest when the person exercising the right to purchase is other than the insured.
- x) Riders and Endorsements
  - 1) Descriptive Title – Unless the nature of the rider or endorsement is

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

obvious (e.g., Home Office Endorsement), the form shall contain a correct descriptive title. Use of words such as "preferred", "special", "select" or "inflation" is prohibited as provided for by Section 143 of the Code.

- 2) Effective Date – Rider or endorsement shall show its effective date, if other than effective date of policy, either within the text or by reference to a policy provision or in the schedule of benefits.
- 3) Format – Riders and endorsements that are forwarded to the policyowner for attachment to the policy shall contain the following information:
  - A) Name of company.
  - B) Identity of policy and insured, e.g., Attached to and made a part of Policy No. \_\_\_\_\_ Insured: \_\_\_\_\_.
  - C) Effective date of the rider or endorsement.
  - D) Signature of at least one company official.
- 4) Reduction of Benefits – If benefits are reduced, the reduction may be made only pursuant to a signed request or acceptance of the policy owner.
- 5) Riders or endorsements may not be used to amend another rider or endorsement.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Concessionaire Rules
- 2) Code Citation: 11 Ill. Adm. Code 402
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
402.10	Amend
402.20	Amend
402.30	Amend
402.40	Amend
402.50	Amend
402.60	Amend
402.80	Repeal
402.90	Amend
402.130	Repeal
402.150	Amend
- 4) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking updates Sections 10, 20, 40, 50 and 60 to include intertrack wagering locations, also known as off-track betting parlors. Section 80 is being repealed because the Board no longer approves concession prices. Section 130 is being repealed because the financial statements are included as an exhibit in the license application.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

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

312/814-5017

- 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 which this rulemaking was summarized: July 2012

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

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

PART 402  
CONCESSIONAIRE RULES

## Section

402.10	Definitions
402.20	Occupation License
402.30	License Application
402.40	Time of Filing
402.50	Necessity of License
402.60	Application Contents, Substantial Owners
402.70	Grounds for Denial
402.80	Concession Prices <u>(Repealed)</u>
402.90	Disclosure Statements, of Whom Required
402.100	Disclosure by Corporations
402.110	Change of Owners, Directors, etc.
402.120	Observe Rules
402.130	Financial Statements <u>(Repealed)</u>
402.140	License Deemed Personal
402.150	Penalties
402.160	Political Contributions Prohibited
402.170	Remedies

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

SOURCE: Adopted at 3 Ill. Reg. 45, p. 106, effective October 29, 1979; codified at 5 Ill. Reg. 10880; amended at 17 Ill. Reg. 21845, effective December 3, 1993; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 402.10 Definitions**

The term "concessionaire" shall include an individual, firm, partnership, corporation, trustee or legal representative licensed to operate as a concessionaire to sell or provide food, beverages, programs, tip sheets or parking to the public at any race track in Illinois or intertrack wagering

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

facility as defined in 11 Ill. Adm. Code 210.10.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.20 Occupation License**

No concessionaire shall operate at any race track or intertrack wagering facility in Illinois without an occupational license duly issued by the Board.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.30 License Application**

- a) An application for a license to operate as a concessionaire shall be made on forms furnished by the Board and shall be verified.
- b) One original and ~~oneten~~ executed copyeopies of the application shall be filed with the Board.
- c) The applicant shall submit with the application all relevant contracts, including but not limited to contracts with suppliers, contracts with any and all racing associations, and instruments evidencing any indebtedness between the applicant or the owner of any beneficial interest in the applicant and any and all racing associations.
- d) If circumstances change or events occur after the application is filed so that the application no longer presents the actual facts, the applicant shall submit an amended application correcting any incorrect statements.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.40 Time of Filing**

- a) Application for an occupation license as a concessionaire shall be filed on or before ~~3060~~ days prior to the opening of the racing meet at the race track or the intertrack wagering facility at which the concession is to be operated, ~~however~~
- b) The Board, in its discretion, upon good cause shown, may act upon applications for an ~~occupation~~occupational license to operate as a concessionaire received

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

subsequent to the dates specified in subsection (a) this rule.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.50 Necessity of License**

No person shall conduct or operate a concession upon any race track grounds or intertrack wagering facility within the State of Illinois during any racing meet without first obtaining an occupation license from the Board.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.60 Application Contents, Substantial Owners**

- a) Each application for an occupation license as a concessionaire shall be on forms prescribed by the Board. If the applicant is a corporation, the application shall disclose, among other things, the names and addresses of its directors, officers, and owners of substantial beneficial interest and shall state whether ~~or not~~ any of these individuals:
- 1) ~~has~~ have been convicted of a crime;
  - 2) ~~has~~ have been found guilty of a violation of the Illinois Horse Racing Act of 1975 or the rules and regulations of the Board; ~~or, and~~
  - 3) ~~has had a permit or license or have been suspended from operating as a concessionaire or denied a permit~~ to operate as a concessionaire at any race track or intertrack wagering facility in any other state ~~suspended, revoked or denied.~~
- b) A person owning 5% or more of the equity of an applicant shall be considered a substantial owner for the purposes of this Section ~~these rules~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.80 Concession Prices (Repealed)**

~~Pursuant to Section 25(d) of the Illinois Horse Racing Act of 1975, prices to be charged by a "concessionaire" shall not exceed prices set forth in the application for an organization license by~~

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

~~the organization at which the concession is to be operated without first obtaining prior approval of the Board. In considering requests for price increases, the Board shall consider all relevant factors, including, but not limited to, the following: the cost of goods or services provided, the margin of profit, and the effect of the requested price increases on the racing public.~~

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.90 Disclosure Statements, of Whom Required**

On or before the date an application for an ~~occupation~~~~occupational~~ license is required to be filed, all officers, directors, creditors and substantial owners of any beneficial interest in any concessionaire desiring to operate at any race track within the State of Illinois shall make written disclosure, on forms prescribed by the Board, for approval of their participation in racing in the State of Illinois. ~~These~~~~Said~~ forms shall be submitted under oath as prescribed in the form and shall be considered as part of the application for ~~occupation~~~~occupational~~ license to operate as a concessionaire. A person owning 5% or more of the equity of an applicant to operate as a concessionaire shall be considered a substantial owner for the purpose of this ~~Section~~~~rule~~. A person extending credit for more than one year or extending credit in excess of \$10,000 for less than one year; but more than 30 days; shall be considered a creditor for the purposes of this ~~Section~~~~rule~~.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.130 Financial Statements (Repealed)**

- a) ~~At the end of each meet, each concessionaire shall prepare and submit to the Board a record of its operations at the track. The report shall include verified financial statements including:~~
  - 1) ~~Balance sheet; and~~
  - 2) ~~a statement of profit and loss showing the concessionaire's combined operations for that year; and the results of such operations for each specified racing meet at which the concessionaire conducted business during the year.~~
- b) ~~Income and expense items shall be shown in such detail as required in accordance with generally accepted accounting principles. Such report shall be filed with the Board within 75 days after the end of each individual meet.~~

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 402.150 Penalties**

- a) *The Board may suspend or revoke any ~~occupation~~occupational license of any concessionaire:*
- 1) *for violation of any of the provisions of the Illinois Horse Racing Act of 1975; or*
  - 2) *for violation of any of the rules or regulations of the Board; or*
  - 3) *for any cause which, if known to the Board, would have justified the Board in refusing to issue such ~~occupation license~~occupational licenses; ~~or (d) for any other just cause.~~ (Ill. Rev. Stat., Ch. 8, par. 37-15(d)).*
  - 4) *for any other just cause. [230 ILCS 5/15(d)]*
- b) *The Board is vested with the power to impose civil penalties of up to \$5,000 against an individual and up to \$10,000 against a licensee~~individuals~~ for each violation of any provision of the Act, any rules adopted by the Board, any order of the Board or any other action which, in the Board's discretion, is a detriment or impediment to horse racing. [230 ILCS 5/9(1)]~~(Ill. Rev. Stat., Ch. 8, par. 37-9(1))~~.*

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Banking and Automated Teller Machine Services
- 2) Code Citation: 74 Ill. Adm. Code 600
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
600.100	New Section
600.110	New Section
600.120	New Section
600.130	New Section
600.140	New Section
600.150	New Section
600.160	New Section
600.170	New Section
600.180	New Section
- 4) Statutory Authority: Implementing and authorized by Section 18 of the State Treasurer Act [15 ILCS 505]
- 5) A Complete Description of the Subjects and Issues Involved: Directed by Section 18 of the State Treasurer Act (Act) to conduct and assist in the procurement of all automated teller machines (ATM) for State agencies and bank services for the capitol complex, the Treasurer promulgates this rulemaking to increase awareness of the legal mandate imposed by the Act and to facilitate interaction with other State agencies.  
  
The rulemaking defines applicable terms and provides the contact information of the individual designated to assist State agencies in their procurement of ATM services. The rulemaking also establishes that agreements may be entered into with State agencies and operators of ATMs for the purposes of providing ATM services. Similar direction is given for banking services. Finally, the rulemaking sets forth parameters for what costs are eligible for reimbursement from the Treasurer's Rental Fee Fund.
- 6) Proposed 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

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

- 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: Interested persons may submit written comments within 45 days after the date of publication to:
- Bradley A. Rightnowar  
Rules Coordinator  
Office of the Illinois State Treasurer  
1 West Old State Capitol Plaza  
Springfield, Illinois 62701
- 217/557-9360
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas as it was not anticipated by the Office of the Treasurer at the time of their respective publication.

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

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

## TITLE 74: PUBLIC FINANCE

## CHAPTER V: TREASURER

## PART 600

## BANKING AND AUTOMATED TELLER MACHINE SERVICES

## Section

600.100	Introduction
600.110	Definitions
600.120	Contact Office of the Treasurer
600.130	Agreements with State Agencies
600.140	Competitive Procedures
600.150	Agreements with Financial Institutions and Operators
600.160	Treasurer's Rental Fee Fund
600.170	Administrative Expenses
600.180	Restrictions

AUTHORITY: Implementing and authorized by Section 18 of the State Treasurer Act [5 ILCS 505/18].

SOURCE: Adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 600.100 Introduction**

Pursuant to Section 18 of the State Treasurer Act [15 ILCS 505/18], the Office of the Treasurer promulgates this Part for the procurement and placement of banking services at the State Capitol and automatic teller machines at any State Office Building, State Tourism Center, State Property or State Fairgrounds (Program).

**Section 600.110 Definitions**

"Administrative Expenses" means all expenses associated with the implementation, administration, marketing and operation of the Program. These expenses may include, but are not limited to, staff salaries, benefits, costs incurred in performing outreach activities and providing technical assistance to State agencies, the use of the Office of the Treasurer's equipment for Program purposes, the cost of office space and utilities incurred in connection with the Program, and fees payable to third parties.

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

"Automatic Teller Machine" or "ATM" means any electronic information processing device that accepts or dispenses cash in connection with a credit, deposit or convenience account.

"Automatic Teller Machines Services" or "ATM Services" means the act of providing an ATM pursuant to a written agreement as required by this Part.

"Banking Services" means those services provided by a financial institution relating to the management, investment, transfer and lending of money that the financial institution is authorized by law to provide to the public.

"Credit Union" means a cooperative, non-profit association, incorporated under the Illinois Credit Union Act [205 ILCS 305], under the laws of the United States of America or under the laws of another state, for the purposes of encouraging thrift among its members, creating a source of credit at a reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social conditions.

"Currency Exchange" means either a "community currency exchange" or an "ambulatory currency exchange" as those terms are defined by the Currency Exchange Act [205 ILCS 405].

"Financial Institution", in relation to banking services, means a state or federally chartered bank, savings and loan association, savings bank or credit union.

"Jurisdiction of the Property" means the State agency that is in possession or occupancy of land by right or title.

"Operator" means any business entity or other person who operates an ATM and provides ATM services.

"State Agency" means and includes all boards, commissions, agencies, institutions and authorities, created by or in accordance with the Illinois Constitution or Illinois statute, of the executive branch of State government.

"State agency" does not include colleges, universities, institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, the Board of Higher Education,

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

public employee retirement systems, investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code [40 ILCS 5], the University of Illinois Foundation, units of local government, school districts, community colleges under the Public Community College Act [110 ILCS 805], and the Illinois Comprehensive Health Insurance Program.

"State Fairgrounds" has the same meaning as ascribed in the Illinois State Fair Act [20 ILCS 210].

"State Office Building" means any space or structure leased or owned by a State agency.

"State Property" means any property specified in the State Parks Designation Act [20 ILCS 840], i.e., State Park, State Memorial, State Conservation Area, State Natural Area, the Jim Edgar Panther Creek State Fish and Wildlife Area, State Recreational Area, State Boating Access Area; properties specified in the Historic Preservation Agency Act [20 ILCS 3405], i.e., the Lincoln Presidential Library, State Historic Sites, State Memorials and Miscellaneous Properties; and any other similarly situated historical property, recreational property or natural preserve leased or owned by a State agency for the benefit of the citizens of Illinois.

"State Tourism Center" means any property or facility operated and maintained by a State agency for the purpose, at least in part, of providing information to members of the public regarding local accommodations, businesses, restaurants, transportation, events, fairs, festivals and other items of interest.

**Section 600.120 Contact Office of the Treasurer**

No State agency may procure services authorized by this Part at any State Office Building, State Tourism Center, State Property or State Fairgrounds without the approval of the Office of the Treasurer. State agencies seeking ATM Services and ATM Services approval from the Office of the Treasurer should contact:

Office of the Illinois State Treasurer  
219 Statehouse  
Springfield, Illinois 62706  
217/782-2211

**Section 600.130 Agreements with State Agencies**

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

- a) The Treasurer may enter into written agreements with the State agency having jurisdiction of the property where ATM services are intended to be provided.
- b) Agreements with a State agency may include the quantity of machines to be located at the property, the exact location of the device, establishment of responsibility for payment of expenses incurred in locating the machine or service, and any other terms deemed proper and necessary by the Treasurer.

**Section 600.140 Competitive Procedures**

Banking services and ATM services shall be procured in accordance with the Illinois Procurement Code [30 ILCS 500] and the Office of the Treasurer's procurement rules (44 Ill. Adm. Code 1400).

**Section 600.150 Agreements with Financial Institutions and Operators**

- a) The Treasurer may enter into a written agreement with a financial institution for the provision of banking services at the State Capitol. At a minimum, the agreement shall include the level of banking services to be provided, the amount of compensation to be paid by the financial institution, and any other terms deemed proper and necessary by the Treasurer.
- b) The Treasurer may enter into a written agreement with a financial institution or an operator for the provision of ATM services at a State Office Building, State Tourism Center, State Property or State Fairgrounds. At a minimum the agreement shall include the amount of compensation to be paid by the financial institution or operator and any other terms deemed proper and necessary by the Treasurer.

**Section 600.160 Treasurer's Rental Fee Fund**

Any payment, proceed, fee, compensation or other remuneration received by the Office of the Treasurer from a financial institution or operator as required by this Part shall be deposited in the Treasurer's Rental Fee Fund.

**Section 600.170 Administrative Expenses**

- a) The administrative expenses of the Program shall be paid from the Treasurer's Rental Fee Fund.

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED RULES

- b) In the event that the Treasurer is obligated to pay administrative expenses of the Program, but the Treasurer's Rental Fee Fund has insufficient funds to make that payment, the obligation to pay the administrative expenses may accrue, but the Treasurer shall not pay the administrative expenses until such time as the Treasurer's Rental Fee Fund has sufficient earnings to support the payment.

**Section 600.180 Restrictions**

- a) This Part does not apply to a State office building in which a currency exchange or a credit union providing financial services located in the building on July 1, 1995 is operating.
- b) In the event the currency exchange or credit union that was providing financial services in the State office buildings referenced in subsection (a) ceases its provision of financial services, then that State office building shall become subject to the provisions of this Part.
- c) The privileges bestowed upon a currency exchange or credit union pursuant to Section 18(d) of the State Treasurer Act are inalienable, may not be transferred to any other currency exchange or credit union, and are not subject to renewal.

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1620.320	Amend
1620.330	Amend
1620.530	Amend
1620.610	Amend
1620.1300	New Section
1620.1310	New Section
1620.1320	New Section
1620.1330	New Section
1620.1340	New Section
1620.1350	New Section
1620.1360	New Section
1620.1370	New Section
1620.1380	New Section
1620.1390	New Section
1620.1400	New Section
1620.1410	New Section
1620.1420	New Section
1620.1430	New Section
1620.1440	New Section
1620.1450	New Section
1620.1460	New Section
1620.1470	New Section
1620.1480	New Section
- 4) Statutory Authority: Sections 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15]
- 5) Effective Date of Rulemaking: August 21, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the proposed rulemaking appeared in the *Illinois Register*: February 24, 2012; 36 Ill. Reg. 2618
- 10) Has JCAR issued a Statement of Objection to this rulemaking? The Joint Committee on Administrative Rules did not issue a Statement of Objection to the rulemaking.
- 11) Differences between Proposal and Final Version: Subsections 1620.530(b)(5), (b)(9) and (b)(12) were modified to consider the effect of an employee's mental state, involvement of others employees, and identification of clients for employees who become self-employed for purposes of assessing a fine. Language from subsection 1620.610(c)(5) permitting self-employed former employees to identify clients after contracting with them was deleted. Section 1620.610(h) requiring certain employees to notify an Executive Inspector General that they were leaving State employment was deleted. Subsection 1620.1430(c)(4) was modified to have the Commission make a determination as to whether cause existed to remove a chief internal auditor. Other modifications included minor clarifications and typographical errors.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? All changes agreed upon by the agency and the Joint Committee on Administrative Rules have been made as indicated in the agreements issued by the Joint Committee.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: The rulemaking lists standards to be used in determining the amount of a fine for an ethics violation. Policies concerning the revolving door prohibition concerning post-State employment are clarified. A new Subpart was added that creates procedures for the removal and disciplining of Chief Procurement Officers (CPOs), State Purchasing Officers (SPOs), Procurement Compliance Monitors (PCMs) and Chief Internal Auditors.
- 16) Information and questions regarding this rulemaking shall be directed to:

Chad Fornoff, Executive Director

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Executive Ethics Commission  
601 Stratton Building  
Springfield IL 62706

217/558-1393

The full text of this Adopted Amendments begins on the next page.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section	
1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section	
1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial (Repealed)
1620.140	Copies of Public Records – Fees
1620.150	Materials Immediately Available

SUBPART C: RULEMAKING

Section	
1620.200	Rulemaking Procedures

SUBPART D: INVESTIGATIONS

Section	
1620.300	Conduct of Investigations
1620.310	State Officer or Employee Case Initiation Form
1620.320	Case Initiation Form – Contents
1620.330	Opening an Investigation File
1620.340	Referral to the Appropriate Executive Inspector General

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1620.350 Investigations
- 1620.360 Investigations Not Concluded Within Six Months (Repealed)

SUBPART E: HEARINGS

- Section
- 1620.420 Attorney of Record
- 1620.430 Filing Requirements
- 1620.440 Complaint
- 1620.450 Complaint – Required Provisions
- 1620.460 Service
- 1620.470 Objections
- 1620.480 Sufficiency of the Complaint
- 1620.490 Discovery
- 1620.500 Subpoenas
- 1620.510 Motions
- 1620.520 Hearings
- 1620.530 Decision of the Commission

SUBPART F: REVOLVING DOOR PROHIBITION

- Section
- 1620.610 Revolving Door Prohibition
- 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure (Repealed)
- 1620.630 Finality of Decision (Repealed)
- 1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
- 1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

SUBPART G: GIFT BAN

- Section
- 1620.700 Gift Ban

SUBPART H: MISCELLANEOUS FILINGS

- Section
- 1620.800 Personnel Policies

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

1620.810	Quarterly and Six-Month Status Reports
1620.820	Ex Parte Communications
1620.825	Communications Related to Procurement
1620.830	Designation of Ethics Officer

## SUBPART I: ETHICS TRAINING

Section	
1620.900	Ethics Training

## SUBPART J: RELEASE OF INVESTIGATION REPORTS

Section	
1620.1000	Investigation Reports Finding a Violation
1620.1010	Investigation Reports Finding No Violation
1620.1020	Release of Summary Reports

## SUBPART K: DISCIPLINARY ACTION

Section	
1620.1100	Disciplinary Action under the Ethics Act
1620.1110	Hearings to Contest Disciplinary Actions

## SUBPART L: PROCUREMENT CODE CONFLICTS OF INTEREST EXEMPTIONS

Section	
1620.1200	Procurement Code Conflicts of Interest Exemptions

SUBPART M: ACTIONS FOR REMOVING AND DISCIPLINING CERTAIN OFFICERS

<u>Section</u>	
<u>1620.1300</u>	<u>Purpose</u>
<u>1620.1310</u>	<u>Instituting a Complaint for Removal or Discipline</u>
<u>1620.1320</u>	<u>Service of Process, Notice</u>
<u>1620.1330</u>	<u>Contents of the Complaint and Amendments</u>
<u>1620.1340</u>	<u>Objections to Sufficiency of Complaint</u>
<u>1620.1350</u>	<u>Sufficiency of the Complaint</u>
<u>1620.1360</u>	<u>Cause for Discharge or Discipline</u>
<u>1620.1370</u>	<u>Discovery</u>

## EXECUTIVE ETHICS COMMISSION

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AUTHORITY: Implementing and authorized by Sections 20-5, 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-5, 20-50 and 20-55], Section 2002 of the Fiscal Control and Internal Auditing Act [30 ILCS 10/2002], and Section 10-10, 10-5, and 10-20 of the Illinois Procurement Code [30 ILCS 500/ 10-10, 10-15, 10-20, and 50-39] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15] and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008; amended at 34 Ill. Reg. 13108, effective August 27, 2010; amended at 34 Ill. Reg. 19507, effective December 6, 2010; emergency rulemaking at 35 Ill. Reg. 563, effective January 1, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3797, effective February 17, 2011, for the remainder of the 150 days; amended at 35 Ill. Reg. 7308, effective April 21, 2011; amended at 36 Ill. Reg. 13826, effective August 21, 2012.

## SUBPART D: INVESTIGATIONS

**Section 1620.320 Case Initiation Form – Contents**

The case initiation form shall set out:

- a) the name of the employee or officer who is alleged to have committed misconduct;
- b) the identity of the State agency by which the employee or officer is employed;

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- c) the name, address and telephone number of the complainant, unless filed anonymously;
- d) the date and time of the alleged misconduct;
- e) a description of the acts and circumstances that surrounded the alleged misconduct;
- f) the names of any other person who witnessed or participated in the alleged misconduct;
- g) an address to which the completed form may be mailed;
- h) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- i) a statement that penalties may be applied for intentionally making a false report alleging an ethics violation (see 5 ILCS 430/50-5(d)); and
- j) such other information that the Executive Inspector General reasonably requires.

(Source: Amended at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.330 Opening an Investigation File**

- a) Upon deciding to open an investigation file in accordance with Section 1620.300(c)(4)(B), the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number if, upon information received and not upon his or her own prerogative, the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction. Investigations that have been closed and are reopened, involving the same alleged wrongdoing by at least one of the same persons who was the subject of the original complaint, shall be identified by the same tracking number as the initial investigation. All time limits stated in this Part shall be applied from the date of the original complaint.

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- b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter.

(Source: Amended at 36 Ill. Reg. 13826, effective August 21, 2012)

## SUBPART E: HEARINGS

**Section 1620.530 Decision of the Commission**

- a) Within 60 days after the hearing or after briefs are due, whichever is later, the Commission shall enter a decision.
- b) When the Commission is determining an appropriate fine pursuant to Section 50-5 of the Act after a finding of liability, the Commission may consider the following mitigating and aggravating factors:
- 1) nature of violations;
  - 2) the scope of the violation or scheme of violations;
  - 3) the use of title or position;
  - 4) the extent of the use of resources, money, time to the State;
  - 5) the extent of a respondent's intent or knowledge of the facts surrounding the violation;
  - 6) premeditation;
  - 7) the duration of any series of violations;
  - 8) position of authority;
  - 9) involvement of others, especially other State employees;
  - 10) self-disclosure;

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- 11) cooperation;
- 12) in the absences of substantial aggravating factors, a self-employed person's incidental business or employment matters that are not reported under Section 5-45(f) of the Act in a timely manner or involve subject matter not directly related to prior State employment and that entail monetary amounts of less than \$5,000 are deemed to be offenses warranting a warning or minimal fine;
- 13) prior disciplinary record or Ethics Act violation; and
- 14) years of service and type of service with the State.
- c) *The decision shall include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline and the reasoning for that decision. [5 ILCS 430/20-55(a)]*
- d)e) Decisions of the Commission shall be signed by at least five commissioners.
- e)d) *All decisions shall be sent to the parties, including the Executive Inspector General, the ultimate jurisdictional authority, the head of the appropriate State agency and the Attorney General. [5 ILCS 430/20-55(a)]*
- f)e) Once a complaint has been filed with the Commission, any proposed settlement reached by the parties must be submitted to the Commission for review and approval.

(Source: Amended at 36 Ill. Reg. 13826, effective August 21, 2012)

## SUBPART F: REVOLVING DOOR PROHIBITION

**Section 1620.610 Revolving Door Prohibition**

- a) *Within 6 months after the effective date of PA 96-555 (August 18, 2009), each executive branch constitutional officer shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. These policies*

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*shall be filed with the Commission and appropriate Executive Inspector General.*  
[5 ILCS 430/5-45(c)]

- b) No later than June 1, 2010, and annually thereafter, *each Executive Inspector General shall report to the Commission his or her determination of any additional State positions under his or her jurisdiction, not otherwise subject to the policies required by Section 5-45(c) of the Act, that are nonetheless subject to the notification requirement of Section 5-45(f) due to their involvement in the award of State contracts or in regulatory or licensing decisions.* [5 ILCS 430/5-45(d)]
- c) *Any State employee in a position subject to the policies required by subsection 5-45(c) or a determination of Section 5-45(d) of the Act, but who does not fall within the prohibition of Section 5-45(h), who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Executive Inspector General.* [5 ILCS 430/5-45(f)] The employee's notification to the appropriate Executive Inspector General must include:
- 1) the employee's name;
  - 2) a description of the positions the employee held in State government in the last 12 months, including the title, responsibilities, and employing State agency or agencies;
  - 3) the title, description and responsibilities of the prospective employment position;
  - 4) the name, description, ownership, corporate structure including its parent and any subsidiaries, and contact information of the prospective employer;
  - 5) in the case of self-employment, that is, when the employee receives or expects to receive remuneration directly from a client, the employee's initial submission shall include a list of known clients with which the employee or his/her business intends to contract. The employee must update this list for a period of one year after termination of State employment when he/she or his/her company intends to contract with a new client and submit the names of each additional client to both the former employee's Ethics Officer and the appropriate Inspector General.

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- 6) a statement from the Ethics Officer or Officers of the State agency or agencies employing the employee in the last 12 months that identifies any contracts the prospective employer, or its parent or subsidiaries have had with the State agency or agencies in the last 12 months, the amounts of those contracts, any regulatory or licensing decisions made by the State agency or agencies in the last 12 months that applied to the prospective employer or its parent or subsidiary, whether the employee was involved in any regulatory, licensing or contracting decisions regarding the prospective employer or its parent or subsidiary within the last 12 months, and if the employee was involved, a description of that involvement. If the Ethics Officer is the employee seeking the determination or is unable for any reason to provide this statement, the Executive Inspector General may consider a statement provided by another appropriate employee or officer. The statement from the ethics officer must be submitted to the appropriate Executive Inspector General within 5 calendar days after receiving notification from the employee.
- d) *Within 10 calendar days after receiving notification from an employee or officer in a position subject to policies required by subsection (a) of this Section, such Executive Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by Section 5-45(a) or (b) of the Act. Such a determination must be in writing, signed and dated by the Executive Inspector General, and delivered to the subject of the determination within 10 calendar days. [5 ILCS 430/5-45(f)]*
- e) *A copy of such a determination shall also be forwarded to the ultimate jurisdictional authority, the Attorney General and the Commission. [5 ILCS 430/5-45(g)] If an Executive Inspector General fails to make a determination within 10 calendar days after receiving a notification described in subsections (e) and (d), the EIG shall report this failure to the Attorney General and Commission immediately.*
- f) *An Executive Inspector General's determination may be appealed to the Commission by the person subject to the determination or the Attorney General no later than the 10<sup>th</sup> calendar day after the date of the determination. [5 ILCS 430/5-45(g)]*

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- 1) The appeal filed with the Commission shall contain a copy of the Executive Inspector General's written determination and a verified statement that explains the basis for arguing that the determination was in error. Copies of the appeal shall be sent to the relevant Executive Inspector General and shall also be sent to the subject of the determination, if filed by the Attorney General, or the Attorney General, if filed by the subject of the determination.
  - 2) Any objection to the appeal by the subject of the determination or by the Attorney General shall be filed with the Commission within 5 calendar days after the filing, unless the Commission grants an extension of time.
  - 3) *The Commission shall seek, accept and consider written public comments regarding a determination.* A copy of the appeal will be posted on the Commission's web site and be posted at the Commission's offices, with instructions on how written public comments may be forwarded to the Commission for consideration. *The Commission shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in Section 5-45(a) or (b) of the Act, based upon the totality of the participation by the former officer or employee in those decisions.* [5 ILCS 430/5-45(g)]~~5 ILCS 5-45(g)~~
  - 4) The Commission shall decide whether to uphold an Executive Inspector General's determination within 10 calendar days after receiving the appeal. Copies of the Commission's decision shall be sent to the former officer or employee, the Attorney General, the relevant Executive Inspector General, and the ultimate jurisdictional authority.
- g) Any State employee in a position subject to the policies required by Section 5-45(c) or a determination of Section 5-45(d) of the Act, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment, but fails to provide the required notice set forth in subsection (c), shall be subject to a fine pursuant to Section 50-5(e) of the Act [5 ILCS 430/5-45(f)].
- h) Any employee or officer who receives offers of non-State employment during State employment or within a period of one year immediately after termination of State employment and who is concerned about the effect of accepting the

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employment offer vis-à-vis the revolving door prohibition may seek a determination as provided in this Section.

- i) Any employee or officer who receives offers of non-State employment during State employment or within a period of one year immediately after termination of State employment and who is concerned about the effect of accepting the employment offer vis-à-vis the revolving door prohibition may seek a determination as provided in this Section.

(Source: Amended at 36 Ill. Reg. 13826, effective August 21, 2012)

SUBPART M: ACTIONS FOR REMOVING AND DISCIPLINING CERTAIN OFFICERSSection 1620.1300 Purpose

Chief Procurement Officers (CPOs), State Purchasing Officers (SPOs), Procurement Compliance Monitors (PCMs), and Chief Internal Auditors are appointed to five year terms and are subject to removal or, in the case of Chief Procurement Officers, discipline only after a hearing by or before the Executive Ethics Commission. These hearings are to be held in accordance with the contested case provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10] and the provisions of this Subpart M.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

Section 1620.1310 Instituting a Complaint for Removal or Discipline

- a) Cases may be commenced only by the filing of a complaint with the Commission as follows:
- 1) For removal or discipline of CPOs, by the Governor or the director of a State agency directly responsible to the Governor (see 30 ILCS 500/10-20(b));
  - 2) For removal of SPOs, by the CPO or the executive officer of the State agency housing the SPO or to which the SPO has been assigned (see 30 ILCS 500/10-10);

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- 3) For removal of PCMs, by the appropriate CPO or executive officer of the State agency housing the PCM or to which the PCM has been assigned (see 30 ILCS 500/10-15);
  - 4) For removal of Chief Internal Auditors, by the chief executive officer of one of the appropriate designated State agencies, as these terms are defined in the Fiscal Control and Internal Auditing Act [30 ILCS 10].
- b) The parties shall be designated as follows: the complaining officer shall be designated as the complainant and the person who is the subject of the complaint shall be designated as the respondent. In all such cases, the complaining officer shall be represented by the Attorney General.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1320 Service of Process, Notice**

- a) After filing a complaint with the Commission, a complainant shall serve a file-stamped copy on each respondent in the same manner as process is served under Part 2 (Process of the Civil Practice Law of the Code of Civil Procedure) [735 ILCS 5/Art. II, Part 2]. The complainant shall file the proof of service with the Commission.
- b) The Commission shall forward copies of complaints filed under this Section and any notices of evidentiary hearings to certain persons, if not parties, as follows:
  - 1) For removal or discipline of CPOs, to the Governor (see 30 ILCS 500/10-20);
  - 2) For removal of SPOs, to the CPO and the executive officer of the State agency housing the SPO or to which the SPO has been assigned (see 30 ILCS 500/10-10);
  - 3) For removal of PCMs, to the appropriate CPO and the executive officer of the State agency housing the PCM or to which the PCM has been assigned (see 30 ILCS 500/10-15).

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

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**Section 1620.1330 Contents of the Complaint and Amendments**

- a) The complaint must contain charges that are specific enough to apprise the respondent of the nature and substance of the cause alleged for removal. If a breach of a statutory duty or a rule is alleged, the specific statute or rule shall be cited in connection with the charge.
- b) Charges shall be set forth in separate paragraphs and contain the dates, names of persons, places and information reasonably calculated to apprise the respondent of the allegations that are the basis of the complaint.
- c) At any time prior to commencement of hearing or prior to the close of hearing, the Administrative Law Judge may, upon motion of a party, permit amendment of the complaint if no undue surprise results that would prejudice the opposing party's right to a prompt hearing or impose an injustice on either side.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1340 Objections to Sufficiency of Complaint**

A respondent may file written objections contesting the sufficiency of the complaint within 15 days after service. For good cause, the Administrative Law Judge may grant an extension of time. If the respondent fails to object to the complaint, a general denial of the facts set forth in the complaint shall be considered filed.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1350 Sufficiency of the Complaint**

- a) Within 60 days after the time for respondent to file an objection to the complaint has expired, the Commission shall meet in person or by telephone in a closed session to review the sufficiency of the complaint. If the Commission finds that the complaint is sufficient, the Commission shall notify the parties via certified mail, return receipt requested, of the decision. The notice shall include an evidentiary hearing date scheduled within four weeks after the date of the notice. The Commission may grant, for good cause shown, a continuance of the evidentiary hearing date contained in the notice. If the Commission finds that the complaint is insufficient for any reason, the Commission shall notify the parties via certified mail, return receipt requested, of the decision.

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- b) A complaint is sufficient if it complies with Section 1620.1330 and if it contains allegations of fact that, if proven, constitute cause for discharge.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1360 Cause for Discharge or Discipline**

- a) Cause for discharge consists of some substantial shortcoming that renders the respondent's continuance in his or her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the respondent no longer holding the position.
- b) In determining the appropriate level of discipline for a CPO, the Commission shall consider the respondent's performance record, including disciplinary history, and the respondent's length of continuous service, unless the offense would warrant immediate discharge in accordance with subsection (a).

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1370 Discovery**

Discovery shall be obtained through the following methods:

- a) Bill of Particulars – A respondent may request additional information regarding the charges. Written demands for relevant information concerning the charges shall be answered within 10 days after service unless objected to by the complainant.
- b) Written Interrogatories – A party may direct written interrogatories to any other party. The interrogatories shall be restricted to the subject matter of the complaint or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party. Within 10 days after service, the answering party shall serve on the propounding party an answer, under oath or affirmation, or an objection to each interrogatory. When appropriate, a document may be served in answer to an interrogatory. Supplemental interrogatories shall not be allowed except on leave of the Administrative Law Judge for good cause shown.

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- c) Production, Inspection, Copying or Photographing of Documents and Tangible Things – A party, by written request served upon the other parties, may require production for inspection, copying or photographing any document, object or tangible thing that is relevant to the subject matter of the complaint or defense. The party upon whom the request is served shall respond to the request within 10 days, stating, with respect to each item or category, that inspection and related activities will be permitted as required, unless the request is objected to by an opposing party, stating the reasons for objection.
- d) List of Witnesses and Documents – Upon timely request prior to a hearing on the merits, each party to the proceeding shall serve on the other party:
- 1) A list of names and home or work addresses of the witnesses the party proposes to call in its case in chief.
  - 2) All documents the party proposes to offer in its case in chief.
  - 3) All written or recorded statements of the party's witnesses that may be used by an adverse party for the purpose of cross-examination.
- e) Deposition – A party may take discovery depositions either for good cause shown or by agreement. A discovery deposition, taken for good cause or by agreement, may be taken only upon leave of the Administrative Law Judge. No party shall serve a notice of deposition without leave of the Administrative Law Judge.
- f) Admission of Fact or of Genuineness of Documents – A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- g) Privileges – All matters that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged against disclosure through any discovery procedure.
- h) Limitation of Discovery – At any time, the Administrative Law Judge may, on his/her own motion or on motion of any party or witness, make protective orders as justice and fairness may require, denying, limiting, conditioning or regulating discovery to prevent unreasonable annoyance, expense, embarrassment,

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disadvantage or oppression. Discovery materials need not be filed with the Commission unless specifically requested by the Administrative Law Judge.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1380 Subpoenas**

The Chairperson and the Administrative Law Judge, if any, shall have authority to issue subpoenas in the name of the Commission to compel the presence of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

- a) Subpoenas may be issued upon written request of either party if:
  - 1) the request is reasonably designed to produce or lead to the production of evidence related to the alleged violation;
  - 2) the terms of compliance are reasonable given the time frames and other circumstances;
  - 3) the party seeking the subpoena has attempted and failed to obtain the subject of the subpoena through other means; and
  - 4) the subpoena is properly prepared and presented for signature.
- b) Subpoenas for testimony of witnesses at hearing will be granted in the absence of compelling circumstances to the contrary.
- c) Witnesses may be subpoenaed to give sworn evidentiary depositions, subject to cross-examination, if and only if they are unable to attend the hearing.
- d) The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- e) The person requesting a subpoena shall be responsible for its service in accordance with the Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

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**Section 1620.1390 Motions**

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on a matter that does not appear on record shall be supported by affidavit.
- b) A written motion shall be served at the same time upon all parties and filed with the Commission's Springfield office.
- c) Written motions and responses to motions shall set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion. Parties may request a hearing that will be granted or denied based on the Administrative Law Judge's determination of need.
- d) Within seven days after service of a motion, a participant or party may file a response to the motion. If no response is filed, the participant or party shall be presumed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Administrative Law Judge in the decision on the motion. Unless undue delay or material prejudice would result, the Administrative Law Judge will not grant any motion before expiration of the seven-day response period. The moving person shall not have the right to reply, except as permitted by the Administrative Law Judge.
- e) Arguments on preliminary motions may be held by telephone conference by order of the Administrative Law Judge.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1400 Order of Evidentiary Hearing**

- a) The Administrative Law Judge shall open the evidentiary hearing by explaining the procedure to be followed in the hearing. Upon motion of either party or at the discretion of the Administrative Law Judge, any or all witnesses may be sequestered.
- b) Preliminary matters such as objection to charges, disputes involving discovery, stipulation of facts and documents, and scheduling of witnesses may be resolved.

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- c) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven.
- d) Parties and non-parties identified in Section 1620.1320 as entitled to notice of the hearing shall be permitted to present their respective arguments on the complaint.
- e) All witnesses shall testify under oath or affirmation.
- f) Each party may conduct such cross-examination as required for a full and true disclosure of the facts. The Administrative Law Judge may also examine witnesses.
- g) Before closing the hearing, the Administrative Law Judge may allow both parties the opportunity to make brief oral and/or written closing statements.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1410 Public Hearing**

The evidentiary hearing shall be open to the public.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1420 Proposal for Decision and Response**

- a) In a contested case in which the members of the Commission have not heard the case or read the record, the findings and decision of the Administrative Law Judge appointed by the Commission to conduct the hearing or the results of the investigation shall be mailed to the parties prior to the Commission's rendering a final decision.
- b) Unless arrangements to the contrary have been made, parties may file a response to the proposal for decision within 30 days. Responses shall be served on the other party.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1430 Decision of the Commission**

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- a) Within 60 days after the hearing or after briefs or responses are due, whichever is later, the Commission shall enter a decision.
- b) A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The decision or order shall be delivered or mailed forthwith to each party or to his or her attorney of record.
- c) The final decision shall make a finding as follows:
  - 1) For CPOs, as to whether the respondent shall be removed or whether other disciplinary action shall be taken.
  - 2) For SPOs, as to whether the Commission makes to the appropriate CPO a non-binding recommendation for removal of the respondent
  - 3) For PCMs, as to whether the respondent shall be removed.
  - 4) For Chief Internal Auditors, as to whether the Commission finds cause for removal of the respondent.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1440 Administrative Law Judge**

- a) The Chair or Executive Director of the Commission, or another person designated by the Commission, may serve as Administrative Law Judge (ALJ). An ALJ shall possess a license to practice law in the State of Illinois.
- b) An ALJ assigned to a proceeding may, upon written request to and approval of the Executive Director, recuse himself or herself from the proceeding.
- c) Whenever any party believes an ALJ for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, that party may file a motion with the ALJ to disqualify the ALJ, setting forth by affidavit the alleged grounds for disqualification. The ALJ shall have 7 days after filing of the motion within which to enter a written ruling on the motion. A copy

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of the ruling shall be served upon all parties. A party may appeal an ALJ's ruling on his or her disqualification to the Chair of the Commission.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1450 Authority of Administrative Law Judge**

The Administrative Law Judge 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 Administrative Law Judge 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 times for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceedings according to generally recognized administrative law and this Part;
- c) Examine witnesses and direct witnesses to testify. If a witness refuses to answer a question after being directed to do so, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including but not limited to excluding the testimony of a witness, admitting certain facts for purposes of the proceeding or dismissing the appeal if the witness is under control of a party;
- d) 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 and be cross-examined;
- e) Rule upon offers of proof and receive relevant evidence;
- f) Direct parties to appear and confer for the settlement or simplification of issues, and to otherwise conduct prehearing conferences;
- g) Dispose of procedural requests or similar matters;
- h) Render findings of fact, conclusions of law and proposals for decision for an order of the Commission;

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- i) Reprimand or exclude from the hearing any person for disruptive or improper conduct committed in the presence of the Administrative Law Judge;
- j) Take official notice of generally recognized facts, administrative rules and regulations, and statutes;
- k) Enter a protective order to ensure the protection of any confidential or proprietary information, information specifically prohibited from disclosure by federal or State law or rules or regulations adopted under federal or State law, or information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- l) Enter any order that further carries out the purposes of this Part.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1460 Appearances – Representation**

In all cases filed before the Commission, all respondents not appearing pro se must be represented of record by a member of the Illinois Bar or as otherwise allowed by Illinois Supreme Court Rule. An attorney representing a respondent shall file a written notice of appearance with the Commission identifying the attorney by name, address, telephone and facsimile number, and attorney registration number, and may not withdraw an appearance without leave of the Commission or Administrative Law Judge.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1470 Record of Proceedings**

Whenever an evidentiary hearing is held under this Part, it shall be recorded by a court reporter or other means that adequately preserves the record. Parties who order copies of the transcript are responsible for the cost of the copies. A party who has requested an order of protection (request that certain information remain confidential during and after the hearing) shall be responsible for redacting the protected information from the transcript.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

**Section 1620.1480 Service of Pleadings**

## EXECUTIVE ETHICS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) Manner of Service. When copies of papers filed with the Commission are required to be served on the opposing party, these copies shall be served personally, by first class mail, or in a manner agreed to by the parties and approved by the Administrative Law Judge.
- b) Proof of Service. Proof that copies were served on the opposing party must be filed with the papers required to be filed with the Commission. Proof of service shall consist of the statement of the individual making service specifying the manner and date of the service.

(Source: Added at 36 Ill. Reg. 13826, effective August 21, 2012)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Currency Exchange Act
- 2) Code Citation: 38 Ill. Adm. Code 120
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.5	New Section
120.10	Amendment
120.30	Amendment
120.40	Amendment
120.90	New Section
120.125	New Section
120.160	Amendment
120.180	Amendment
120.210	Amendment
120.220	Amendment
120.230	Amendment
120.240	Amendment
120.250	Amendment
120.260	Amendment
120.270	Amendment
120.280	New Section
120.290	New Section
- 4) Statutory Authority: Implementing and authorized by Section 19 of the Currency and Exchange Act, [205 ILCS 405]
- 5) Effective Date of Rulemaking: September 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 36 Ill. Reg. 3591; March 9, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version:
- a) Section 120.5, in the definition of "Ambulatory Currency Exchange", on the 4th and 5th line, deleted "foregoing". Also on the 4th line added "authorized by the Act" following "services".
  - b) Section 120.5, in the definition of "Community Currency Exchange", on the last line, deleted "foregoing" and also added "authorized by the Act" following "services".
  - c) Section 120.30(e), on the 1st and 2nd line, deleted "third party" and added "company".
  - d) Section 120.160, on the 1st line, deleted "(b)" following "17".
  - e) Section 120.280 substituted the following language for what was proposed at 1st Notice: "The Secretary may issue a cease and desist order to any currency exchange or other person doing business without the license required by Section 2 of the Act when, in the opinion of the Secretary, the currency exchange or other person is violating, or is about to violate, any provision of the Act or this Part or any requirement imposed in writing by the Department. If it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation. [205 ILCS 405/29.5]".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Pursuant to PA 97-0315, the purpose of this amendment was to update the current regulation to reflect changes in the Currency Exchange Act that went into effect on January 1, 2012. The proposed amendments have removed, re-established and updated the licensing and record keeping provisions pertaining to Currency Exchanges.

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786

217/785-0813      Fax: 217/557-4451

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL  
REGULATION~~INSTITUTIONS~~

## PART 120

## CURRENCY EXCHANGE ACT

## Section

<u>120.5</u>	<u>Definitions</u>
120.10	Minimum Requirements for Office Records – Community Currency Exchanges
120.20	Minimum Requirements for Office Records – Ambulatory Currency Exchanges
120.30	Cash Sheet
120.40	Check Register
120.50	Money Order Register
120.60	Money Orders
120.70	Checks Written by Exchange
120.80	"NSF" Checks and Items for Collection
120.90	Returned Items Record ( <del>Repealed</del> )
120.100	Postdated Checks
120.110	Timely Deposits
120.120	Food Stamps Account (Repealed)
<u>120.125</u>	<u>Supplemental Nutrition Assistance Program</u>
120.130	Reconciling Accounts
120.140	Reference Material
120.150	Annual Report Information
120.160	Retention of Records
120.170	Physical Condition of Exchange Premises (Repealed)
120.180	Display of Fee Schedules
120.190	Continuity of Operations
120.200	Out-of-Town Trips
120.210	Bribery and Gratuities
120.220	Conviction of Crime
120.230	Ambulatory License Application
120.240	Ambulatory Office Records
120.250	Sale of Capital Stock
120.260	Corporate Officers and Directors
120.270	Fine, Suspension, or Revocation of License
<u>120.280</u>	<u>Cease and Desist</u>
<u>120.290</u>	<u>Hearing Procedures</u>

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Filed August 15, 1973; amended at 2 Ill. Reg. 5, p. 1, effective February 9, 1978; old rules repealed, new rules adopted at 3 Ill. Reg. 26, p. 167, effective June 30, 1979; emergency amendment at 5 Ill. Reg. 264, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11724; amended at 9 Ill. Reg. 1358, effective January 17, 1985; amended at 36 Ill. Reg. 13851, effective September 7, 2012.

**Section 120.5 Definitions**

"Act" means the Currency Exchange Act [205 ILCS 405].

"Ambulatory Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except banks organized under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in one or both of the businesses, or engaged in performing any one or more of the services authorized by the Act, solely on the premises of the employer whose employees are being served.

"Community Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except an ambulatory currency exchange as defined in this Section, banks incorporated under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in the business or service of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money acceptable to the community currency exchange, for a fee or service charge or other consideration, or engaged in the business of selling or issuing money orders under his/her or their or its name, or any other money orders (other than United States Post Office money orders, Postal Telegraph Company money orders, or Western Union Telegraph money orders), or engaged in both such businesses, or engaged in performing any one or more of the services authorized by the Act.

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

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions with the authority delegated by the Secretary.

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

(Source: Added at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.10 Minimum Requirements for Office Records – Community Currency Exchanges**

Every licensee (for the purpose of this Part, a licensee shall be defined to be all community and ambulatory currency exchanges unless otherwise stated) must maintain the following records:

- a) Daily cash sheets must be maintained on premises for 90 days after the date of the daily cash sheets~~sheet~~. (Section 120.30)
- b) Bank statements.
- ~~e) All printouts of Food Stamp transactions.~~
- ~~cd~~) Money order register or carbonized copy of money order stating original issue amount. (Section 120.50)
- ~~de~~) General ledger and supporting journals.
- ~~ef~~) Copy of the latest Annual Report filed with the Department.
- ~~fg~~) Transmittal record for utility bills, vehicle licenses, certificates of title, ~~and~~ vehicle stickers, stored value cards, and any other type of transmittal made for the benefit of a third party.
- ~~gh~~) Record of daily transactions.
- ~~hi~~) Check register~~Register~~. (Section 120.40)
- ~~ij~~) Corporate records~~Records~~.
- ~~jk~~) Copies of all contracts and business agreements entered into by the currency

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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exchange.

(Source: Amended at 36 Ill. Reg. 13851, effective Septmeber 7, 2012)

**Section 120.30 Cash Sheet**

- a) A cash sheet must be prepared daily for each day's business reflecting all transactions for that day. A fiscal day may be used. All items on the cash sheet must be balanced at the end of the day or prior to the opening of the next days business.
- b) The closing cash count must include all cash and cash items. Cash items include postage stamps, tokens, and stamped envelopes sold in the currency exchange Exchange.
- c) The beginning and ending number of money orders issued each day must be recorded on the cash sheet.
- d) Returned checks must not be counted as part of the cash on hand.
- e) Payment for utility bills and all other company bills must be remitted to the respective utility or other company by the currency exchangeCurrency Exchange before the end of the next business day.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.40 Check Register**

- a) A check register must be maintained for all checks, drafts, money orders, or other evidence of money thatwhich the licensee cashes.
- b) The check register must show for each instrument cashed: the maker, the payee, the date of the instrument, its amount, and its number.
- c) The foregoing will not apply to those currency exchangesExchanges that microfilm or maintain electronic copies of all checks, drafts, money orders, or other evidence of money, provided that thesueh microfilms or electronic records are available to the Department at all times and the microfilm machine or method of electronic storage is maintained in working order.

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(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.90 Returned Items Record ~~(Repealed)~~**

A currency exchange must maintain a log of all returned checks, drafts, money orders or other evidence of money. The log must include the maker, remitter, check number, date of instrument, amount, reason for return, date of return, attempts to collect by the currency exchange, and any fees charged by the currency exchange.

(Source: Section repealed at 9 Ill. Reg. 1358, effective January 17, 1985; new Section added at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.125 Supplemental Nutrition Assistance Program**

Licenses shall comply with all applicable regulations promulgated by the Secretary of the Illinois Department of Human Services and the Secretary of the United States Department of Agriculture regarding distribution of Supplemental Nutrition Assistance Program benefits and any successor program.

(Source: Added at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.160 Retention of Records**

In addition to those records required to be retained by Section 17~~(b)~~ of the ~~Currency Exchange~~ Act, all cash sheets, deposit slips, ~~utility~~Utility transmittal sheets, ~~Food Stamp Voucher and transmittal sheets~~, Chicago Transit Authority Voucher and transmittal sheets and Armored Car Sheets must be preserved for not less than three years.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.180 Display of Fee Schedules**

- a) In the case of a ~~community currency exchange~~Community Currency Exchange, each licensee must post, at all times, a complete, detailed, and unambiguous schedule for all of its fees for the cashing of checks, money orders, and other evidence of money; the sale or issuance of money orders; and the rendering of all services authorized by the ~~Currency Exchange~~ Act in a conspicuous place on its premises so that it is clearly legible to its customers. The lettering and numerals

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on this schedule shall be no less than ~~.5 one half of one~~ inch in height. The format of the schedule must be approved, in writing, by the ~~Secretary~~Director of the Department.

- b) In the case of an ambulatory currency exchange~~Ambulatory Currency Exchange~~, each licensee must conspicuously post, in the location it is servicing, a complete, legible, detailed, and unambiguous schedule for all of its fees for the cashing of checks, money orders, or other evidences of money; the sale or issuance of money orders; and the rendering of all services authorized by the ~~Currency Exchange~~ Act. The format of the schedule must be approved, in writing by the ~~Secretary~~Director of the Department.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.210 Bribery and Gratuities**

No licensee, or employee of a licensee, may, directly or indirectly, give, offer, or promise anything of value to any employee of the Department ~~of Financial Institutions~~.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.220 Conviction of Crime**

If any stockholder, director, officer, owner, or partner of a community~~Community~~ or ambulatory currency exchange~~Ambulatory Currency Exchange~~ is convicted of a crime under any law for which~~where~~ the crime was punishable by imprisonment in excess of one year under the law under which he or she was convicted, the ~~Secretary~~Director may order that he or she divest himself or herself of any interest that he or she may hold in any entity licensed by the Department.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.230 Ambulatory License Application**

Every applicant for an ambulatory~~Ambulatory~~ currency exchange license must specify in the application the location where the service will be provided on the premises, as well as the day, time, and type of service to be provided. Permanent changes cannot be made without written notification to the ~~Secretary~~Director.

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(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.240 Ambulatory Office Records**

The books and records, pertaining to the business of an ambulatory licensee are to be available upon written request to representatives of the Department of Financial Institutions. The Said records are not to be moved from their permanent location unless the Secretary Director of the Department is notified, in writing, of the move. Removal for accounting or business purposes is allowed.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.250 Sale of Capital Stock**

No sale, transfer or assignment of capital stock of a corporate licensee shall be made without first obtaining the consent and approval of the Secretary Director. Any person contemplating the acquisition of these such shares of stock shall first apply for such consent and approval by filing with the Secretary Director an applicant's questionnaire, together with a personal sworn financial statement, credit report, investigation fee and any other information the Secretary Director may deem necessary, pursuant to Section 10 of the Currency Exchange Act.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.260 Corporate Officers and Directors**

- a) The provisions of Sections 4 and 10 of the Illinois Currency Exchange Act, relating to the qualifications of officers and directors of corporate licensees, shall apply to all officers and directors of corporate licensees without regard as to the time of the election or to the designation of the such officers or directors.
- b) When any corporate licensee elects shall elect or otherwise designates designate any person as an officer or director who is not then an officer or director of the such a corporate licensee, written notice of the fact of the election or designation of the such a new officer or director, certified by the secretary of the licensee, shall be promptly given to the Secretary Director of the Department of Financial Institutions; and such a new officer or director shall not assume the office to which he or she has been elected or designated until he or she has shall have first complied with the provisions provision of Sections 4 and 10 of the Currency Exchange Act, relating to the qualifications of officers and directors of

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~~community currency exchanges~~Community Currency Exchanges and ~~ambulatory currency exchanges~~Ambulatory Currency Exchanges.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.270 Fine, Suspension, or Revocation of License**

- a) The Director may impose any of the sanctions authorized by Section 15 of the ~~Currency Exchange~~ Act if the Division ~~he~~ finds that any ~~community~~Community or ~~ambulatory currency exchange~~Ambulatory Currency Exchange has violated any of the ~~requirements of this Part~~forementioned Rules. ~~Sanctions~~Such ~~sanctions~~ will be determined on an individual basis depending on the severity ~~and~~ nature of the violation and the operating history of the ~~currency exchange~~Currency Exchange.
- b) If it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Amended at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.280 Cease and Desist**

*The Secretary may issue a cease and desist order to any currency exchange or other person doing business without the license required by Section 2 of the Act when, in the opinion of the Secretary, the currency exchange or other person is violating, or is about to violate, any provision of the Act or this Part or any requirement imposed in writing by the Department. If it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation. [205 ILCS 405/29.5]*

(Source: Added at 36 Ill. Reg. 13851, effective September 7, 2012)

**Section 120.290 Hearing Procedures**

- a) Hearings  
After receipt of a written request for a hearing, the Secretary shall send to the respondent requesting the hearing, by certified mail, at least 10 days prior to the date set for the hearing, a Notice of Hearing. The Notice shall include the date and

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the time and place of the hearing to review the propriety of any administrative actions made pursuant to the Act.

- b) The Secretary may designate, in writing, a Hearing Officer who shall have the minimum qualification of being licensed to practice law in Illinois. The Hearing Officer may be disqualified for bias or conflict of interest. The Hearing Officer shall have the authority to:
- 1) Examine or permit examination of any witness under oath;
  - 2) Determine the order of appearance of all parties;
  - 3) Receive all evidence and testimony and rule on its admissibility, as well as require the production of any relevant document or witness;
  - 4) Rule on objections to evidence;
  - 5) Make a written report with recommendations to the Secretary, which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
  - 6) Require any party or his or her attorney to provide proposed findings of fact or conclusions of law for consideration in the report.
- c) General Provisions
- 1) Delivery of notice shall be deemed complete when the notice is deposited in the United States mail.
  - 2) Continuances
    - A) A continuance shall be granted for good cause by the Hearing Officer. A request for a continuance shall be:
      - i) In writing and signed by the respondent or his or her attorney and shall state the reasons for the request.
      - ii) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.

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- B) For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include but not be limited to illness, service in the armed forces, etc.
- 3) The respondent shall bear all the costs of the hearing.
- 4) A court reporter shall be present and considered part of the costs of the hearing.
- d) Conduct of Hearings
- 1) The Hearing Officer shall open the hearing by presenting for the record his or her letter of authorization from the Secretary.
- 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under those rules if the evidence may be relevant to the case.
- 3) The Hearing Officer may, on his or her own motion or the motion of one of the parties, take notice of matters of which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. [5 ILCS 100/10-40(c)] The burden of opposing any material admitted upon notice shall be upon the opposing party.
- 4) Failure of the respondent to attend the hearing shall result in dismissal of the respondent's petition and an entry of a default against the respondent. Within 30 days after dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his or her failure to attend was caused by events beyond his or her control and he or she exercised due diligence to attend or seek a continuance.
- 5) The record of any hearing shall include:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- A) All pleadings and evidence received, whether admitted or excluded;
  - B) A statement of all matters officially noticed;
  - C) All offers of proof, objections and rulings on that proof and those objections;
  - D) All proposed findings and exceptions;
  - E) Any decision, opinion or report by the Hearing Officer;
  - F) Any evidence excluded by the Hearing Officer, even though the evidence is not used in the determination of the claim;
  - G) A proceeding transcript that shall be recorded to adequately ensure the preservation of the testimony.
- 6) Within 60 days after the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Secretary as required by subsection (b)(5).
- 7) Within 30 days after receiving the report of the Hearing Officer, the Secretary shall issue a decision that shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Secretary are available upon written request.
- e) Petition to Reconsider
- 1) Within 30 days after receipt of the Secretary's decision, the respondent may petition the Secretary for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance of the evidence, was contrary to law, was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or that could not have been discovered using due diligence at that time.

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- 2) The Secretary shall determine within 15 days whether to reconsider the case. If the Secretary determines after reading the affidavit that one or more of the findings listed in subsection (e)(1) has been alleged by the respondent, a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Secretary's initial decision shall be the final administrative decision of the Department.

(Source: Added at 36 Ill. Reg. 13851, effective September 7, 2012)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1500
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.15	Repealed
1500.25	Amendment
1500.35	Amendment
1500.47	Amendment
- 4) Statutory Authority: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rulemaking: September 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in *Illinois Register*: April 27, 2012; 36 Ill. Reg. 6178
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 1500.15, which was originally amended in the proposed version, is being repealed in the adopted version since Section 11 of the Act no longer allows the issuance of temporary permits.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: A means for individuals not actively practicing in another jurisdiction to restore an Illinois license by taking continuing education (CE)

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courses has been added to the rules and the fee for restoring a lapsed license was also increased due to the considerable time and resources involved in their processing. The United States Department of Agriculture (USDA) was added as a pre-approved CE sponsor, as well as any organization approved by the USDA to offer the USDA Recertification Course. Obsolete temporary permit language for endorsement candidates was also removed.

The main substantive part of this adopted rulemaking simply allows those who had not been actively practicing while they were living outside of Illinois to be able to restore their Illinois License without having to start completely over from square one in the licensure process. They can restore their license by taking continuing education courses.

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

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

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1500

## VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 2004

## Section

1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit ( <u>Repealed</u> )
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board (Repealed)
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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15353, effective August 10, 1998; amended at 24 Ill. Reg. 653, effective December 31, 1999; amended at 26 Ill. Reg. 12294, effective July 24, 2002; amended at 28 Ill. Reg. 9621, effective June 28, 2004; amended at 31 Ill. Reg. 15767, effective November 13, 2007; amended at 36 Ill. Reg. 13866, effective September 7, 2012.

**Section 1500.15 Temporary Permit (Repealed)**

- a) ~~A person who desires to obtain a temporary permit and who qualifies under Section 11 of the Act shall submit a written request with the application to the Division or its designated testing service and a statement of employment completed by the supervising licensed veterinarian on forms supplied by the Division or its designated testing service. A temporary permit is nonrenewable.~~
- b) ~~For an applicant for original licensure, the temporary permit shall be valid from the date he/she takes the examination until the results of that examination are reported.~~
- e) ~~For a person who is a licensed veterinarian in another jurisdiction and who has applied for licensure on the basis of endorsement, the temporary permit shall be valid for 6 months or until the withdrawal or denial of the application, whichever occurs first.~~

(Source: Repealed at 36 Ill. Reg. 13866, effective September 7, 2012)

**Section 1500.25 Continuing Education**

- a) Continuing Education Hours Requirements
  - 1) Each person who applies for renewal of a license as a veterinarian is required to complete 40 hours of continuing education (CE) relevant to the practice of veterinary medicine and surgery during the prerenewal period.
  - 2) A prerenewal period is the 24 months preceding the expiration date of the license.
  - 3) A renewal applicant is not required to comply with CE requirements for the first renewal.
  - 4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois if

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

the CE required by the other state is consistent with the CE requirements set forth in this Section.

- 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
  - 6) A licensee who serves as an instructor, speaker or discussion leader of an approved provider will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Time shall not be allowed for repetitious presentations of the same course.
  - 7) CE course credit will be allowed for actual authorship of published articles and books, provided the subject matter of such article or book complies with this Section. CE course credit shall be allowed for actual time spent in writing or researching.
- b) Approved CE Providers
- 1) CE credit may be earned for verified attendance at or participation in any program given or approved by one of the following:
    - A) An approved veterinary program, as provided in Section 1500.5(a)(2) and (a)(3);
    - B) The American Veterinary Medical Association or any of its constituent organizations;
    - C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
    - D) The American Animal Hospital Association;
    - E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);  
~~and~~
    - F) Programs provided by, or appropriate for, veterinary specialty organizations; ~~and-~~

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G) United States Department of Agriculture (USDA), or any organization approved by the USDA to offer the USDA Recertification Course.

## 2) Course Requirements

## A) All courses or programs shall:

- i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
- ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinary medicine;
- iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
- iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
- v) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.

## B) The Division may periodically review approved providers to ensure compliance.

c) The licensees shall maintain their CE records for 4 years.

## d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
- 2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

## e) Continuing Education Earned in Other Jurisdictions

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- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
  - 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CE late fee not to exceed \$500. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Division finds from the statement, or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.
  - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
    - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
    - B) An incapacitating illness; or

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- C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice veterinary medicine for a majority of the duration of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.
- 3) If an interview is requested at the time the request for a waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 36 Ill. Reg. 13866, effective September 7, 2012)

**Section 1500.35 Restoration**

- a) A licensee seeking restoration of a license that has been expired for 5 years or less shall have the license restored upon payment of ~~the fee~~\$20 plus all lapsed renewal fees as specified in Section 1500.47 and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period.
- b) A licensee seeking restoration of a license that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee specified in Section 1500.47 and proof of 40 hours of approved continuing education (e.g., certificate of attendance or completion) in accordance with Section 1500.25. The licensee shall also submit:
- 1) Sworn evidence of active veterinarian practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
  - 2) An affidavit attesting to military service as provided in Section 15 of the Act; or
  - 3) ~~Other evidence~~Evidence of experience within the profession other than active practice (such as research, teaching or publishing) during the time when the license was expired; ~~or, and proof of completion of the continuing education requirements for a single renewal period.~~
  - 4) 20 hours of approved continuing education for each year the license was

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expired completed during the 2 years proceeding application for restoration. These hours will be in addition to the 40 hours stated in subsection (b).

- c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less shall file an application, on forms provided by the Division, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 15 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 36 Ill. Reg. 13866, effective September 7, 2012)

**Section 1500.47 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees.** The fee for application for a veterinary license is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. 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 by the Department or the designated testing service shall result in the forfeiture of the examination fee.

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- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the applicable testing service.
  - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
  - 6) The fee for a roster of persons licensed as veterinarians in this State shall be the actual cost of producing the roster.

(Source: Amended at 36 Ill. Reg. 13866, effective September 7, 2012)

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- 1) Heading of the Part: Certified Veterinary Technicians
- 2) Code Citation: 68 Ill. Adm. Code 1505
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1505.40	Amendment
1505.52	Amendment
1505.55	Amendment
- 4) Statutory Authority: Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rulemaking: September 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in *Illinois Register*: April 27 2012; 36 Ill. Reg. 6188
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: A means for individuals not actively practicing in another jurisdiction to restore an Illinois license by taking continuing education (CE) courses has been added to the rules and the fee for restoring a lapsed license was also increased due to the considerable time and resources involved in their processing. The United States Department of Agriculture (USDA) was added as a pre-approved CE sponsor,

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as well as any organization approved by the USDA to offer the USDA Recertification Course. Obsolete temporary permit language for endorsement candidates was also removed.

The main substantive part of this adopted rulemaking simply allows those who had not been actively practicing while they were living outside of Illinois to be able to restore their Illinois License without having to start completely over from square one in the licensure process. They can restore their license by taking continuing education courses.

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

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

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1505

## CERTIFIED VETERINARY TECHNICIANS

## Section

1505.10	Application for Examination
1505.20	Examination
1505.30	Endorsement
1505.40	Restoration
1505.50	Renewals
1505.52	Fees
1505.55	Continuing Education
1505.60	Permissible Functions for Veterinary Technicians
1505.70	Granting Variances

**AUTHORITY:** Implementing the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. 11180, effective June 30, 1994; amended at 24 Ill. Reg. 501, effective December 31, 1999; amended at 26 Ill. Reg. 12300, effective July 24, 2002; amended at 31 Ill. Reg. 15792, effective November 13, 2007; amended at 36 Ill. Reg. 13876, effective September 7, 2012.

**Section 1505.40 Restoration**

- a) A veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the fees required by Section 1505.52(c)(1). However, a veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.
- b) A veterinary technician seeking restoration of a certificate that has expired or

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been on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1505.52(c)(1) and proof of 15 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1505.55. The veterinary technician shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the person was authorized to practice during the term of the active practice; or
  - 2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or
  - 3) An affidavit attesting to military service as provided in Section 15 of the Act; or
  - 4) Evidence of experience within the profession other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired; or-
  - 5) 8 hours of approved continuing education for each year the license was expired completed during the 2 years proceeding application for restoration. These hours will be in addition to the 15 hours stated in subsection (b).
- c) A veterinary technician seeking restoration of a certificate that has been on inactive status for less than 5 years shall have the certificate restored upon filing an application, on forms provided by the Division, and paying the current renewal fee.
- d) After January 31, 1997, a veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

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- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency of course work or experience, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 36 Ill. Reg. 13876, effective September 7, 2012)

**Section 1505.52 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees.** The fee for application for a certificate as a veterinary technician is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. 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 by the Department or the designated testing service shall result in the forfeiture of the examination fee.
- b) **Renewal Fees.** The fee for the renewal of a certificate shall be calculated at the rate of \$25 per year.
- c) **General Fees**
  - 1) The fee for the restoration of a certificate other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, but not to exceed \$150.
  - 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate for a certificate that has been lost or destroyed, or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate certificate is issued.
  - 3) The fee for a certification of a registrant's record for any purpose is \$20.
  - 4) The fee to have the scoring of an examination authorized by the Division

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reviewed and verified is \$20 plus any fees charged by the applicable testing service.

- 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons certified as veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Amended at 36 Ill. Reg. 13876, effective September 7, 2012)

**Section 1505.55 Continuing Education**

- a) Continuing Education Hours Requirements
  - 1) Each person who applies for renewal of a certificate as a veterinarian technician is required to complete 15 hours of continuing education (CE) relevant to veterinary medicine and surgery during the prerenewal period.
  - 2) A prerenewal period is the 24 months preceding January 1 in the year of the renewal.
  - 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the certificate.
  - 4) CE credit hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
  - 5) CE credit hours used to satisfy this requirement may be achieved through self study courses offered by an approved provider.
- b) Approved CE Providers
  - 1) CE credit may be earned for verified attendance at or participation in any program given by one of the following:
    - A) An approved veterinary program, as provided in 68 Ill. Adm. Code 1500.5, or a veterinary technician program;
    - B) The American Veterinary Medical Association Committee on

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Veterinary Technician Education and Activities (CVTEA);

- C) The Illinois State Veterinary Medical Association or any other state or provincial veterinary medical association or any of its constituent organizations;
- D) The American Animal Hospital Association;
- E) National Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB);  
~~and~~
- F) Programs provided by, or appropriate for, veterinary specialty organizations; ~~and-~~
- G) United States Department of Agriculture (USDA) or any organization approved by USDA to offer the USDA Recertification Course.

## 2) Courses Requirements

- A) All courses or programs shall:
  - i) Be a minimum of 1 hour in duration. An hour is defined as 50 to 60 minutes of contact time;
  - ii) Contribute to the advancement, extension and enhancement of professional skills and/or scientific knowledge in the practice of veterinarian medicine;
  - iii) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
  - iv) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
  - v) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- B) The Division may periodically review approved providers to

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ensure compliance.

- c) The certificate holder shall maintain CE records for 4 years.
- d) Certification of Compliance with CE Requirements
  - 1) Each renewal applicant shall certify, on a renewal application, full compliance with the CE requirements set forth in subsection (a).
  - 2) The Division may require additional evidence demonstrating compliance with CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- e) Continuing Education Earned in Other Jurisdictions
  - 1) If an individual has earned or is seeking CE hours offered in another jurisdiction for a program not approved by the Division for which the individual will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the certificate. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
  - 2) If an individual fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour of CE late fee not to exceed \$250. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
- f) Waiver of CE Requirements
  - 1) Any renewal applicant seeking renewal of a certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning noncompliance, a request for waiver of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE

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requirements, or any part thereof, the Division shall waive enforcement of CE requirements for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness; or
  - C) Undue hardship (e.g., prolonged hospitalization, being disabled or unable to practice as a veterinary technician for a majority of the duration of the renewal cycle) as determined by the Board. Every attempt should be made by the applicant to comply with CE through self-study.
- 3) If an interview is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

(Source: Amended at 36 Ill. Reg. 13876, effective Septmeber 7, 2012)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Number: 146.225                      Adopted Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rulemaking: August 27, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: April 27, 2012; 36 Ill. Reg. 6208
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendment currently in effect? Yes
- 14) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
146.225	Amendment	36 Ill. Reg. 8106; June 1, 2012
146.255	Amendment	36 Ill. Reg. 8106; June 1, 2012
146.205	Amendment	36 Ill. Reg. 9681; July 6, 2012

- 15) Summary and Purpose of Amendment: The purpose of the proposed amendment is to maintain supportive living facility (SLF) rates at the level in effect on April 30, 2011. Further, the proposed amendment separates the rate setting process for SLFs from the

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nursing facility rate increase effective May 1, 2011 which is tied to the long term care assessment tax paid by nursing facilities. SLFs were never intended to benefit from the nursing home assessment-related increase that is self-funded.

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

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 146

## SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

## Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

## SUBPART B: SUPPORTIVE LIVING FACILITIES

## Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

## SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

## SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

## SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing
146.670	Assessment and Service Plan and Quarterly Evaluation

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146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

**AUTHORITY:** Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

**SOURCE:** Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012.

## SUBPART B: SUPPORTIVE LIVING FACILITIES

**Section 146.225 Reimbursement for Medicaid Residents**

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

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- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be updated semi-annually on April 1 and on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates.  
Notwithstanding the provisions of this subsection, supportive living facility rates shall remain at the level in effect on April 30, 2011. Effective October 1, 2002, SLF rates shall remain at a minimum of the rate in effect as of September 30, 2002.
- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
- c) Single Occupancy: Each Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less a minimum of \$90 for room and board charges. Any income remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less a minimum of \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards that individual's medical expenses

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not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF may negotiate its own rate with the non-Medicaid individual or individuals.

- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) Payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLF when the absence is due to situations such as hospitalizations or vacations. The resident shall continue to be responsible for room and board charges during any absence. Involuntary discharge criteria relating to temporary absence are found at Section 146.255(b) and (d)(7). Nursing facilities that have a distinct part certified as an SLF shall consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payments pursuant to 89 Ill. Adm. Code 140.523.
  - 1) The day a resident is transferred to the hospital is the first day of the temporary absence.
  - 2) For all other temporary absences, except a long-term care admission, the day after resident leaves the SLF is the first day of the temporary absence.
  - 3) The day before resident returns to the SLF is the last day of the temporary absence.
  - 4) The Department does not pay for temporary absence due to admission to a long-term care facility. In this instance, an SLF shall discharge the resident from the Department's database. An SLF may choose to hold an apartment while a resident is in a long-term care facility.
  - 5) By agreement between the SLF and a resident, an SLF may continue to hold an apartment when a resident has exceeded the 30 days payable by the Department.

(Source: Amended at 36 Ill. Reg. 13885, effective August 27, 2012)

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- 1) Heading of the Part: Clean Construction or Demolition Debris Fill Operations And Uncontaminated Soil Fill Operations
- 2) Code Citation: 35 Ill. Adm. Code 1100
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1100.101	Amended
1100.103	Amended
1100.104	Amended
1100.201	Amended
1100.203	Amended
1100.204	Amended
1100.205	Amended
1100.206	Amended
1100.207	Amended
1100.208	Amended
1100.209	Amended
1100.211	Amended
1100.212	New
1100.304	Amended
1100.306	Amended
1100.307	Amended
1100.309	Amended
1100.412	Amended
1100.500	New
1100.505	New
1100.510	New
1100.515	New
1100.520	New
1100.525	New
1100.530	New
1100.600	New
1100.605	New
1100.610	New
1100.615	New
- 4) Statutory Authority: Implementing Sections 5, 10, 13, 22,51, 22.51a, 27 and 28. [415 ILCS 5/10, 22.51, 22.51a, 27, and 28]

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- 5) Effective date of rulemaking: August 27, 2012
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? Yes.
- 8) The text of the adopted amendments is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: February 24, 2012; 36 Ill. Reg. 2801
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

1. In Section 1100.103 redefined the following terms:

"Potentially impacted property" means property on which a historical or current use, or contaminant migration from a proximate site, increases the presence or potential presence of contamination at the source site.

"Potentially impacted property" is intended to identify soil that is more likely to be contaminated and in need of professional evaluation and certification before placement in a fill site. Source site owners are encouraged to coordinate with the receiving facility on soil certifications. The following should be considered when determining whether property is "potentially impacted property": the current use of the property, the prior uses of the property, and the prior and current uses of adjoining property. For example, for transportation rights of way or utility easements, the current use of the property as a right of way or easement, the uses of the property prior to its use as a right of way or easement, the prior and current uses of the property prior to its use as a right of way or easement, and the uses of adjoining property should be considered. One or more of the following environmental site assessment standards or policies, which are incorporated by reference at Section 1100.104, may be used for determining whether a property is "potentially impacted property":

ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved November 1, 2005.

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ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, approved February 1, 2006.

Illinois Department of Transportation, Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys, February 2011.

Illinois Department of Transportation, Local Roads and Street Manual, Chapter 20.

Illinois Department of Transportation, "A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects", Second Edition.

Illinois State Toll Highway Authority, "Environmental Studies Manual", Section F, July 2001."

2. Section 1100.104(a): After the entries for "ASTM" added:

" Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764. (217)782-7820

Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys, September 2010. (Available online at <http://www.dot.il.gov/desenv/Illinois%20BDE%20Manual.pdf>).

Bureau of Local Roads and Street Manual, Chapter 20, Fifth Edition. (Available online at <http://www.dot.il.gov/blr/manuals/Cover.pdf>).

"A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects", Second Edition, 2012.

Illinois State Toll Highway Authority, 2700 Ogden Avenue, Downers Grove IL 60515. (630) 241-6800. "Environmental Studies Manual", Chapter VI, Section F, July 2001. (Available online at [http://www.illinoistollway.com/documents/10157/30214/PPM\\_ENVIRONMENTAL+MANUAL\\_07012001.PDF](http://www.illinoistollway.com/documents/10157/30214/PPM_ENVIRONMENTAL+MANUAL_07012001.PDF)).".

3. Section 1100.201: Added:

"g) CCDD fill operations must not accept uncontaminated soil with pH outside the

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range of 6.25 to 9.0."

4. Section 1100.205(a)(1) & (2) to:

a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:

1) For all soil, including soil mixed with CCDD, obtain:

A) a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or

B) a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part, and the soil pH is within the range of 6.25 to 9.0.

2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and must provide, at a minimum:

A) For source site owners or source site operators who certify under subsection (a)(1)(A), the form must provide, at a minimum:

i) Description of the current and past uses of the site where the soil originated, giving consideration to, but not limited to: use of the site for commercial or industrial purposes; presence of any storage tanks (aboveground or underground) being located on the site; use of the site for waste treatment or disposal; any governmental notification of environmental violations pertaining to the site; any contamination in any private wells on site that exceeds the Board's groundwater quality standards; any transformers or capacitors manufactured before 1979 being used, stored, or disposed of on the

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site; and any fill dirt used at the site from either an unknown source or an unknown site;

ii) Soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0;

iii) A certification using the following language: In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I \_\_\_\_\_ (owner or operator of source site) certify that this site is not a potentially impacted property and the soil is presumed to be uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. Additionally, I certify that I am either the site owner or site operator or a duly authorized representative of the site owner or site operator and am authorized to sign this form. Furthermore, I certify that all information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete.

B) For PE or PG who certify under subsection (a)(1)(B), the following language: I \_\_\_\_\_ (name of licensed professional engineer or geologist) certify under penalty of law that the information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete. In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I certify that the soil from this site is uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. All necessary documentation is attached."

5. Changed Section 205(b)(8)(C) to:

"C3) Other operating procedures specified in the Agency permit for CCDD facility or approved by the Agency in writing for an uncontaminated soil fill operation."

6. Changed Section 205(c) to:

"c) Documentation required under this Section must be kept for a minimum of

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3 years at the facility or in some alternative location specified in the Agency permit for CCDD facility, or approved by the Agency in writing for an uncontaminated soil fill operation. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours."

7. In Section 209, introductory paragraph and subsection (a), deleted "or other written Agency approval".

8. Changed Section 212(b)(2) and the Board Note to:

"2) The CCDD is accompanied by a PE or PG certification, on forms prescribed by the Agency, affirming that the pavement markings comply with IDOT specifications for pavement markings found at Section 1095 of IDOT's "Standard Specifications for Road and Bridge Construction"."

9. In Section 500, added new subsection (f):

"f) Uncontaminated soil fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0."

10. Changed Section 505 to:

"Uncontaminated soil fill operations are subject to all of the standards and requirements of Sections 1100.202 through 1100.211 of Subpart B, with the following exceptions:

a) The provisions of Sections 1100.203 and 1100.210 will not apply.

b) The owner or operator must conduct postclosure maintenance in accordance with Section 1100.209 for a minimum of one year after the Agency issues a certificate of closure pursuant to Section 1100.525 unless a shorter period of time for postclosure maintenance is approved by the Agency in writing. Reasons for which the Agency may approve a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

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- c) The owner or operator must remove all equipment or structures not necessary for postclosure land use in accordance with Section 1100.209(a) unless otherwise approved by the Agency in writing.
11. In Section 510, in the introductory paragraph, after "approved by the Agency" added "in writing".
12. In Section 515(a)(1), changed "the effective date of this Section" to "August 27, 2012".
13. In Section 605(a)(2), after "Table C" added "between column range 6.25 to 6.64 and column range 8.75 to 9.0".
14. Changed Section 605(a)(3)(A) to:
- "A) The lowest chemical-specific, pH-dependent values for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742. Appendix B, Table C between column range 6.25 to 6.64 and column range 8.75 to 9.0; or".
15. Changed Section 610(d) to:
- "d) Compositing and averaging of soil samples.
- 1) Samples must not be composited for analysis, except as specified in subsection (d)(2).
- 2) Samples taken from a site that is not a potentially impacted property may be composited for analysis if samples are composited in accordance with 35 Ill. Adm. Code 742.225(c) and (d).
- 3) Analytical results of soil samples from subsections (d)(1) and (d)(2) must not be averaged."
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and purpose of rulemaking: This rulemaking sets standards and procedures for groundwater protection at uncontaminated clean construction or demolition debris (CCDD) fill operations. For all soil, including soil mixed with CCDD, the fill owner/operator is required to obtain from the source site owner/operator certification that the site is not a potentially impacted property (contains soil that is more likely to be contaminated and in need of professional evaluation before disposal) or certification from a Professional Engineer or Professional Geologist that the soil is uncontaminated. The fill owner or operator must confirm and document that the CCDD/uncontaminated soil (US) was not removed from a site as part of a cleanup or removal of contaminants or under an EPA remediation program and may accept loads rejected from the same or another fill operation under specified conditions. The disposal of painted CCDD under specified conditions is allowed. Requirements are established for the use of US as fill at quarries, mines and other excavations. US fill operations must be registered with EPA. Maximum concentrations of contaminants allowed in US are set.

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

Marie Tipsord  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

312/814-4925  
tipsorm@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R12-09 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE J: CLEAN CONSTRUCTION OR DEMOLITION DEBRIS  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 1100

CLEAN CONSTRUCTION OR DEMOLITION DEBRIS FILL OPERATIONS  
AND UNCONTAMINATED SOIL FILL OPERATIONS

## SUBPART A: GENERAL

## Section

1100.101	Scope and Applicability
1100.102	Severability
1100.103	Definitions
1100.104	Incorporations by Reference

SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS

## Section

1100.201	Prohibitions
1100.202	Surface Water Drainage
1100.203	Annual Facility Map
1100.204	Operating Standards
1100.205	<u>Certifications and</u> Load Checking
1100.206	Salvaging
1100.207	Boundary Control
1100.208	Closure
1100.209	Postclosure Maintenance
1100.210	Recordkeeping Requirements
1100.211	Annual Reports
<u>1100.212</u>	<u>Use of Painted CCDD as Fill Material</u>

SUBPART C: PERMIT APPLICATION INFORMATION FOR CCDD FILL OPERATIONS

## Section

1100.301	Scope and Applicability
1100.302	Notification
1100.303	Required Signatures
1100.304	Site Location Map

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1100.305	Facility Plan Maps
1100.306	Narrative Description of the Facility
1100.307	Proof of Property Ownership and Certifications
1100.308	Surface Water Control
1100.309	Closure Plan
1100.310	Postclosure Maintenance Plan

SUBPART D: PROCEDURAL REQUIREMENTS  
FOR PERMITTING CCDD FILL OPERATIONS

Section

1100.401	Purpose of Subpart
1100.402	Delivery of Permit Application
1100.403	Agency Decision Deadlines
1100.404	Standards for Issuance of a Permit
1100.405	Standards for Denial of a Permit
1100.406	Permit Appeals
1100.407	Permit No Defense
1100.408	Term of Permit
1100.409	Transfer of Permits
1100.410	Procedures for the Modification of Permits
1100.411	Procedures for the Renewal of Permits
1100.412	Procedures for Closure and Postclosure Maintenance

SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS

Section

<u>1100.500</u>	<u>Prohibitions</u>
<u>1100.505</u>	<u>Operating Standards</u>
<u>1100.510</u>	<u>Recordkeeping Requirements</u>
<u>1100.515</u>	<u>Registration</u>
<u>1100.520</u>	<u>Required Signatures</u>
<u>1100.525</u>	<u>Procedures for Closure</u>
<u>1100.530</u>	<u>Termination of Postclosure Maintenance</u>

SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS  
FILL MATERIAL AT FILL OPERATIONS REGULATED BY THIS PART

Section

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<u>1100.600</u>	<u>Purpose and Applicability</u>
<u>1100.605</u>	<u>Maximum Allowable Concentrations for Chemical Constituents in Uncontaminated Soils</u>
<u>1100.610</u>	<u>Compliance Evaluation; Performance and Documentation of Soil Sampling and Chemical Analysis</u>
<u>1100.615</u>	<u>Waste and Materials Other Than Chemical Constituents in Soils</u>

AUTHORITY: Implementing Sections 5, 3.160, 22.51, and 22.51a and authorized by Sections 3.160, 22.51, 22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 22.51, 22.51a, and 27].

SOURCE: Adopted in R06-19 at 30 Ill. Reg. 14534, effective August 24, 2006; amended in R12-9 at 36 Ill. Reg. 13892, effective August 27, 2012.

## SUBPART A: GENERAL

**Section 1100.101 Scope and Applicability**

- a) This Part applies to all clean construction or demolition debris (CCDD) fill operations that are required to be permitted pursuant to Section 22.51 of the Act, other than CCDD fill operations permitted pursuant to 35 Ill. Adm. Code 807 or 811 through 814, and to all uncontaminated soil fill operations that are required to be registered pursuant to Section 22.51a of the Act.
- b) This Part does not apply to:
  - 1) CCDD or uncontaminated soil that is not~~other than CCDD~~ used as fill material in a current or former quarry, mine, or other excavation;
  - 2) The use of CCDD or uncontaminated soil as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD or uncontaminated soil was generated~~The use of CCDD as fill material in a current or former quarry, mine, or other excavation located on the site where the CCDD was generated~~ [415 ILCS 5/22.51(b)(4)(A)];
  - 3) The use of CCDD or uncontaminated soil as fill material in an excavation other than a current or former quarry or mine if the use complies with Illinois Department of Transportation specifications~~The use of CCDD as fill material in an excavation other than a current or former quarry or~~

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~~mine if the use complies with Illinois Department of Transportation specifications [415 ILCS 5/22.51(b)(4)(B)];~~

BOARD NOTE: The Illinois Department of Transportation (IDOT) specifications applicable to the use of CCDD or uncontaminated soil as fill can be found at Articles 107.22 and 202.03 of IDOT's "Standard Specifications for Road and Bridge Construction." According to IDOT specifications, this exemption applies to IDOT, a county, a municipality, or a township.

- 4) ~~Current or former quarries, mines, and other excavations that do not use CCDD or uncontaminated soil as fill material~~ Current or former quarries, mines, and other excavations that do not use clean construction or demolition debris as fill material [415 ILCS 5/22.51(b)(4)(C)];
- 5) The use of the following types of material as fill material:
  - A) CCDD or soil that is considered "waste" under the Act or rules adopted pursuant to the Act; or
  - B) Any material other than CCDD or uncontaminated soil, including, but not limited to, material generated on site as part of a mining process; and
- 6) The portions of a site not used for a CCDD fill operation or an uncontaminated soil fill operation.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.103 Definitions**

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part will be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5]:

"10-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 10 years.

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"100-year, 24-hour precipitation event" means a precipitation event of 24-hour duration with a probable recurrence interval of once in 100 years.

"Acceptable Detection Limit" or "ADL" means the detectable concentration of a substance that is equal to the lowest appropriate Practical Quantitation Limit (PQL) as defined in this Section.

"Act" means the Environmental Protection Act [415 ILCS 5].

*"Agency" is the Illinois Environmental Protection Agency established by the Act. [415 ILCS 5/3.105]*

"Applicant" means the person submitting an application to the Agency for a permit for a CCDD fill operation.

*"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients and whose boundaries can be identified and mapped from hydrogeologic data. (Section 3 of the Illinois Groundwater Protection Act [415 ILCS 55/3])*

*"Board" is the Pollution Control Board established by the Act. [415 ILCS 5/3.105]*

"CCDD" means clean construction or demolition debris.

"CCDD fill operation" means *a current or former quarry, mine, or other excavation where clean construction or demolition debris is used as fill material.* ~~[415 ILCS 5/22.51(e)(3)]the use of CCDD as fill material in a current or former quarry, mine, or other excavation. For purposes of this Part, the term "other excavation" does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.~~

*"Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities. For purposes of this Part, CCDD may include uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt*

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pavement that has been painted (painted CCDD) if the painted CCDD is used as fill material at a CCDD fill operation in accordance with Section 1100. 212.

*Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste. For purposes of this Part, uncontaminated soil may include incidental amounts of stone, ~~clay~~, rock, ~~sand~~, gravel, roots, and other vegetation. [415 ILCS 5/3.160(b)*

*~~]To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure; or separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with the first indented paragraph immediately above within 30 days of its generation; or solely broken concrete without protruding metal bars used for erosion control; or generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. [415 ILCS 5/3.160(b)]~~*

"Documentation" means items, in any tangible form, whether directly legible or legible with the aid of any machine or device, including but not limited to affidavits, certificates, deeds, leases, contracts or other binding agreements, licenses, permits, photographs, audio or video recordings, maps, geographic surveys, chemical and mathematical formulas or equations, mathematical and statistical calculations and assumptions, research papers, technical reports, technical designs and design drawings, stocks, bonds, and financial records, that are used to support facts or hypotheses.

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"Facility" means the areas of a site and all equipment and fixtures on a site used for a CCDD fill operation or uncontaminated soil fill operation. A facility consists of an entire ~~CCDD~~-fill operation. All structures used in connection with or to facilitate the ~~CCDD~~-fill operation will be considered a part of the facility.

"Filled area" means areas within a unit where CCDD or uncontaminated soil has been placed as fill material.

"Fill operation" means a CCDD fill operation or an uncontaminated soil fill operation, as the context requires.

~~"Malodor" means an odor caused by one or more contaminant emissions into the atmosphere from a facility that is in sufficient quantities and of such characteristics and duration as to be described as malodorous and which may be injurious to human, plant, or animal life, to health, or to property, or may unreasonably interfere with the enjoyment of life or property. [415 ILCS 5/3.115]~~

"Mine" means an excavation created for the purpose of extracting ore or minerals, including, but not limited to, coal.

"National Pollutant Discharge Elimination System" or "NPDES" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under the Clean Water Act (33 USC 1251 et seq.), Section 12(f) of the Act, Subpart A of 35 Ill. Adm. Code 309, and 35 Ill. Adm. Code 310.

"NPDES permit" means a permit issued under the NPDES program.

*"Operator" means a person responsible for the operation and maintenance of a ~~CCDD~~-fill operation. [415 ILCS 5/22.51(e)(1)]*

"Other excavation" means a pit other than a quarry or mine created primarily for the purpose of extracting resources, including, but not limited to, clay or other soil and does not include holes, trenches, or similar earth removal created as part of normal construction, removal, or maintenance of a structure, utility, or transportation infrastructure.

*"Owner" means a person who has any direct or indirect interest in a ~~CCDD~~-fill operation or in land on which a person operates and maintains a ~~CCDD~~-fill*

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*operation. A "direct or indirect interest" does not include the ownership of publicly traded stock. The "owner" is the "operator" if there is no other person who is operating and maintaining a ~~CCDD~~-fill operation. [415 ILCS 5/22.51(e)(2)]*

*"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.115]*

"Potentially impacted property" means property on which a historical or current use, or contaminant migration from a proximate site, increases the presence or potential presence of contamination at the source site.

"Potentially impacted property" is intended to identify soil that is more likely to be contaminated and in need of professional evaluation and certification before placement in a fill site. Source site owners are encouraged to coordinate with the receiving facility on soil certifications. The following should be considered when determining whether property is "potentially impacted property": the current use of the property, the prior uses of the property, and the prior and current uses of adjoining property. For example, for transportation rights of way or utility easements, the current use of the property as a right of way or easement, the prior and current uses of the property prior to its use as a right of way or easement, and the uses of adjoining property should be considered. One or more of the following environmental site assessment standards or policies, which are incorporated by reference at Section 1100.104, may be used for determining whether a property is "potentially impacted property":

ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved November 1, 2005.

ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, approved February 1, 2006.

Illinois Department of Transportation, Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys, February 2011.

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Illinois Department of Transportation, Local Roads and Street Manual, Chapter 20.

Illinois Department of Transportation, "A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects", Second Edition.

Illinois State Toll Highway Authority, "Environmental Studies Manual", Section F, July 2001.

"Practical Quantitation Limit" or "PQL" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846, incorporated by reference in Section 1100.104 of this Part.

"Professional engineer" or "PE" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional Geologist" or "PG" means a person licensed to practice as a professional geologist pursuant to the Professional Geologist Licensing Act [225 ILCS 745].

"Quarry" means an open surface excavation or pit created for the purpose of extracting stone, rock, sand and gravel.

"Runoff" means water resulting from precipitation that flows overland before it enters a defined stream channel, any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.

"Salvaging" means the return of CCDD to use other than use as fill at a CCDD fill operation.

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*"Setback zone" means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters. [415 ILCS 5/3.450]*

"Site of origin" means the site where the CCDD or uncontaminated soil was generated from construction or demolition activities.

"Source site operator" means a person responsible for the operation of the site of origin of the CCDD or uncontaminated soil.

"Source site owner" means a person having an ownership interest in the site of origin of the CCDD or uncontaminated soil.

"Uncontaminated soil" means soil generated during construction, remodeling, repair or demolition of utilities, structures and roads that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment. [415 ILCS 5/3.160(c)] Subpart F of this Part establishes standards for soil that is considered uncontaminated for purposes of this Part.

"Uncontaminated soil fill operation" means a current or former quarry, mine, or other excavation where uncontaminated soil is used as fill material but does not include a clean construction or demolition debris fill operation. [415 ILCS 5/22.51a(a)(2)].

"Unit" means a contiguous area within a facility where CCDD or uncontaminated soil is placed that is permitted for the placement of CCDD as fill material.

"Working face" means any part of a unit where CCDD or uncontaminated soil is being placed as fill.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.104 Incorporations by Reference**

- a) The Board incorporates the following material by reference:

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ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. (610) 832-9585

ASTM E 1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, approved November 1, 2005.

ASTM E 1528-06 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process, approved February 1, 2006.

Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764. (217)782-7820

Bureau of Design and Environment Manual, Part III Environmental Procedures, Chapter 27 Environmental Surveys, September 2010. (Available online at <http://www.dot.il.gov/desenv/Illinois%20BDE%20Manual.pdf>).

Bureau of Local Roads and Street Manual, Chapter 20, Fifth Edition. (Available online at <http://www.dot.il.gov/blr/manuals/Cover.pdf>).

"A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Infrastructure Projects", Second Edition, 2012.

Illinois State Toll Highway Authority, 2700 Ogden Avenue, Downers Grove IL 60515. (630) 241-6800. "Environmental Studies Manual", Chapter VI, Section F, July 2001. (Available online at [http://www.illinoistollway.com/documents/10157/30214/PPM\\_ENVIRONMENTAL+MANUAL\\_07012001.PDF](http://www.illinoistollway.com/documents/10157/30214/PPM_ENVIRONMENTAL+MANUAL_07012001.PDF))

"Human Health Toxicity Values in Superfund Risk Assessments (2003)". U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, Washington, DC, OSWER Directive 9285.7-53, 2003. (Available online at <http://www.epa.gov/oswer/riskassessment/pdf/hhmemo.pdf>).

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IRIS. Integrated Risk Information System, National Center for Environmental Assessment, United States Environmental Protection Agency, 26 West Martin Luther King Drive, MS-190, Cincinnati, OH 45268, (513) 569-7254.

"Reference Dose (RfD): Description and Use in Health Risk Assessments", Background Document IA (March 15, 1993).

"Guidelines for Carcinogen Risk Assessment (2005)". U.S. Environmental Protection Agency, Washington, DC, EPA Publication No. EPA/630/P-03/001F, 2005. (Available online at [http://www.epa.gov/ttn/atw/cancer\\_guidelines\\_final\\_3-25-05.pdf](http://www.epa.gov/ttn/atw/cancer_guidelines_final_3-25-05.pdf).)

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847 U.S. Government Printing Office, Washington, D.C. 20402, Ph: 202-783-3238:

Test Methods for Evaluating Solid Waste, Physical/Chemical methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Updates I, II, IIA, IIB, III, IIIA, ~~and~~ IIIB, IVA and IVB).

- b) This incorporation includes no later amendments or editions.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

SUBPART B: OPERATING STANDARDS FOR CCDD FILL OPERATIONS

**Section 1100.201 Prohibitions**

- a) *No person shall conduct any CCDD fill operation in violation of the Act or any regulations or standards adopted by the Board.* [415 ILCS 5/22.51(a)].
- b) CCDD fill operations must not accept waste for use as fill.
- c) CCDD fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)

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- d) No person shall use soil other than uncontaminated soil as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(1)]
- e) No person shall use construction or demolition debris other than CCDD as fill material at a CCDD fill operation. [415 ILCS 5/22.51(g)(2)]
- f) Except as provided in Section 1100.212 of this Part, no person shall use painted clean construction or demolition debris (painted CCDD) as fill material at a CCDD fill operation.
- g) CCDD fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.203 Annual Facility Map**

The owner or operator must submit an annual facility map with the annual report required under Section 1100.211 to the Agency each calendar year by the date specified in the Agency permit. The map must have a scale no smaller than one inch equals 200 feet, show the horizontal extent of filled areas as of the date of the map, and show the same information as required for facility plan maps under Sections 1100.305(a) through (d) ~~of this Part.~~

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.204 Operating Standards**

- a) Placement of Fill Material  
Fill material must be placed in a safe manner that protects human health and the environment in conformance with the provisions of the Act and the regulations adopted under the Act.
- b) Size and Slope of Working Face  
The working face of the fill operation must be no larger than is necessary, based on the terrain and equipment used in material placement, to conduct operations in a safe and efficient manner in conformance with the provisions of the Act and the regulations adopted under the Act.
- c) Equipment

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Equipment must be maintained and available for use at the facility during all hours of operation, so as to achieve and maintain compliance with the requirements of this Part.

- d) **Utilities**  
All utilities, including but not limited to heat, lights, power, and communications equipment, necessary for safe operation in compliance with the requirements of this Part must be available at the facility at all times.
- e) **Maintenance**  
The owner or operator must maintain and operate all systems and related appurtenances and structures in a manner that facilitates proper operations in compliance with this Part.
- f) **Dust Control**  
The owner or operator must implement methods for controlling dust so as to minimize off-site wind dispersal of particulate matter.
- g) **Noise Control**  
The facility must be designed, constructed, and maintained to minimize the level of equipment noise audible outside the site. The facility must not cause or contribute to a violation of the Board's noise regulations or Section 24 of the Act.
- h) **Fill Elevation**  
The owner or operator must not place CCDD used as fill *higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area.* [415 ILCS 5/3.160(b)]
- BOARD NOTE: This does not prohibit non-CCDD materials, such as uncontaminated soil and other non-waste material, from being placed above grade in accordance with the Act and regulations adopted thereunder to increase elevations at the fill site.
- i) **Mud Tracking**  
The owner or operator must implement methods to minimize tracking of mud by hauling vehicles onto public roadways.
- j) **Odor and Nuisance**  
The fill operation must not cause foul odors or other nuisance.

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(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.205 Certifications and Load Checking**

- a) The owner or operator must do all of the following activities and document all the activities for all CCDD and uncontaminated soil accepted for use as fill material:
- 1) For all soil, including soil mixed with CCDD, obtain:
    - A) a certification from the source site owner or source site operator that the site is not a potentially impacted property and is presumed to be uncontaminated soil, and soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(A) must include soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0. If soil is consolidated from more than one source site, a certification must be obtained from each source site owner or source site operator; or
    - B) a certification from a PE or PG that the soil is uncontaminated soil, and the soil pH is within the range of 6.25 to 9.0. A certification under this subsection (a)(1)(B) must include analytical soil testing results to show that soil chemical constituents comply with the maximum allowable concentrations established pursuant to Subpart F of this Part, and the soil pH is within the range of 6.25 to 9.0.
  - 2) Certifications required under subsections (a)(1)(A) and (a)(1)(B) must be on forms and in a format prescribed by the Agency and must provide, at a minimum:
    - A) For source site owners or source site operators who certify under subsection (a)(1)(A), the form must provide, at a minimum:
      - i) Description of the current and past uses of the site where the soil originated, giving consideration to, but not limited to: use of the site for commercial or industrial purposes; presence of any storage tanks

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(aboveground or underground) being located on the site; use of the site for waste treatment or disposal; any governmental notification of environmental violations pertaining to the site; any contamination in any private wells on site that exceeds the Board's groundwater quality standards; any transformers or capacitors manufactured before 1979 being used, stored, or disposed of on the site; and any fill dirt used at the site from either an unknown source or a site;

- ii) Soil pH testing results to show that the soil pH is within the range of 6.25 to 9.0;
- iii) A certification using the following language: In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I \_\_\_\_\_ (owner or operator of source site) certify that this site is not a potentially impacted property and the soil is presumed to be uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. Additionally, I certify that I am either the site owner or site operator or a duly authorized representative of the site owner or site operator and am authorized to sign this form. Furthermore, I certify that all information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete.

- B) For PE or PG who certify under subsection (a)(1)(B), the following language: I \_\_\_\_\_ (name of licensed professional engineer or geologist) certify under penalty of law that the information submitted, including but not limited to all attachments and other information, is, to the best of my knowledge and belief, true, accurate and complete. In accordance with the Environmental Protection Act [415 ILCS 5/22.51 or 22.51a] and 35 Ill. Adm. Code 1100.205(a), I certify that the soil from this site

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is uncontaminated soil. I also certify that the soil pH is within the range of 6.25 to 9.0. All necessary documentation is attached.

- 3) Confirm and document that the CCDD or uncontaminated soil was not removed from a site as part of a cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a Closure or Corrective Action under the Resource Conservation and Recovery Act, as amended, or under an Agency remediation program, such as the Leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of the Act when there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, or from the real property.
- 4) For all testing conducted to determine that the soil is uncontaminated, obtain documentation to show that the soil was tested in accordance with the requirements of Subpart F of this Part.
- 5) Obtain documentation on rejected loads.
  - A) For loads rejected from the same or another fill operation, the owner or operator may accept a rejected load if subsections (a)(1) through (a)(4) are satisfied and the owner or operator also obtains the following information:
    - i) Information identifying the rejected load and the reasons it was rejected, including, but not limited to, a copy of the written notice the driver received pursuant to subsection (b)(4)(A) of this Section when the load was rejected;
    - ii) Information demonstrating that the load proposed for acceptance is the rejected load identified in [this](#) subsection (a)(5);
    - iii) Information demonstrating that the reasons for rejection of the load have been addressed by measures that would include, but not be limited to, testing and retesting of soils or removal of nonconforming materials; and



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Agency inspection must result in the rejection of the inspected load.

~~B2)~~ Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

~~2b)~~ Random Inspections

~~A1)~~ In addition to the inspections required under subsection ~~(b)(1)(a) of this Section~~, an inspector designated by the facility must conduct a discharge inspection of at least one randomly selected load delivered to the facility each day. The driver of the randomly selected load must be directed to discharge the load at a separate, designated location within the facility. The inspector must conduct an inspection of the discharged material that includes, but is not limited to, additional visual inspection and additional instrument testing using the instruments required under subsection ~~(b)(A)(a)(1) of this Section~~. All instruments shall be interpreted based on the manufacturer's margin of error. Any reading in excess of background levels using any of these instruments must result in the rejection of the inspected load. In addition, any reading in excess of background levels on any monitoring device used by the Agency during an Agency inspection must result in the rejection of the inspected load.

~~B2)~~ Cameras or other devices may be used to record the visible contents of shipments. Where such devices are employed, their use should be designated on a sign posted near the entrance to the facility.

~~3e)~~ Documentation of Inspection Results: The documentation for each inspection must include, at a minimum, the following:

~~A1)~~ The date and time of the inspection, ~~the date the CCDD or uncontaminated soil was received, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler~~, the name of the hauling firm, the vehicle identification number or license plate

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number, the source site owner and source site operator, and the location of the site of origin of the CCDD or uncontaminated soil~~source of the CCDD~~;

B2) The results of the routine inspection required under subsection (b)(1)(a) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection;

C3) The results of any random inspection required under subsection (b)(2) of this Section, including, but not limited to, the monitoring instruments used, whether the load was accepted or rejected, and for rejected loads the reason for the rejection; and

D4) The name of the inspector.

4d) Rejection of Loads

A+) If material other than CCDD or uncontaminated soil is found or suspected, the owner or operator must reject the load and present the driver of the rejected load with written notice of the following:

iA) That only CCDD or uncontaminated soil is accepted for use as fill at the facility;

iiB) ~~The reasons for rejections of the load, that the rejected load contains or is suspected to contain material other than CCDD, and that~~ the material must not be taken to another ~~CCDD~~-fill operation, except as provided in subsection (b)(4)(A)(iv) or the material ~~and~~ must be properly recycled ~~or~~ disposed of at a permitted landfill;

iiiC) That, for all inspected loads, the owner or operator is required to record and make available for Agency inspection, at a minimum, the date and time of the inspection, the weight or volume of the CCDD or uncontaminated soil, the name of the hauler, the name of the hauling firm, the vehicle identification number or license plate number, the source site owner and source site

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~~operator, and the location of the site of origin of the fill; and source of the fill and is required to make this information available to the Agency for inspection.~~

iv) That a load rejected from a fill operation may be accepted by the same fill operation or another fill operation if the requirements of subsection (a)(5) are satisfied.

B2) The owner or operator must ensure the cleanup, transportation, and proper disposal of any material other than CCDD or uncontaminated soil that remains at the facility after the rejection of a load.

5e) The owner or operator must take special precautionary measures ~~as specified in the Agency permit~~ prior to accepting loads from persons or sources found or suspected to be responsible for sending or transporting material other than CCDD or uncontaminated soil to the facility. The special precautionary measures may include, but are not limited to, communication with the source site owner or source site operator of the CCDD or uncontaminated soil, communication with the PE or PG certifying pursuant to subsection (a)(1)(B), questioning the driver about the load prior to its discharge, and increased visual inspection and instrument testing of the load.

6f) If material other than CCDD or uncontaminated soil is discovered to be improperly accepted or deposited at the facility, the owner or operator must remove and properly dispose of the material.

7g) The owner or operator must ensure that all appropriate facility personnel are properly trained in the identification of material that is not CCDD or uncontaminated soil.

8h) All field measurement activities relative to equipment and instrument operation, calibration and maintenance and data handling shall be conducted in accordance with the following:

A1) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 1100.104 ~~of this Part;~~

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- ~~B2~~) The equipment or instrument manufacturer's or vendor's published standard operating procedures; or
- ~~C3~~) Other operating procedures specified in the Agency permit for CCDD facility or approved by the Agency in writing for an uncontaminated soil fill operation.
- ~~c~~i) Documentation required under this Section must be kept for a minimum of 3 years at the facility or in some alternative location specified in the Agency permit for CCDD facility, or approved by the Agency in writing for an uncontaminated soil fill operation. Documentation relating to an appeal, litigation or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. The documentation must be available for inspection and copying by the Agency and by units of local government upon request during normal business hours.
- ~~d~~) For painted CCDD to be accepted for use as fill material in accordance with Section 1100.212, the owner or operator of the CCDD fill operation must:
- 1) Obtain a certification from a PE or PG that the painted CCDD satisfies the requirements of Section 1100.212. The certification required under this subsection (d)(1) must be on forms and in a format prescribed by the Agency. Documentation required by Section 1100.212(c)(2) must be attached to the certification form.
  - 2) Comply with the load checking requirements of subsection (b).
  - 3) Comply with the document retention requirements of subsection (c) for the PE or PG certification and the attached documentation required under Section 1100.212(c)(2).

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.206 Salvaging**

- a) All salvaging operations must in no way interfere with the ~~CCDD~~-fill operation, result in a violation of this Part, or delay the construction of final cover.

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- b) All salvaging operations must be performed in a safe manner in compliance with the requirements of this Part.
- c) Salvageable materials:
  - 1) May be accumulated onsite by an owner or operator, provided they are managed so as not to create a nuisance, harbor vectors, cause foul odors~~malodors~~, or create an unsightly appearance; and
  - 2) May not be accumulated at the facility for longer than one year unless a longer period of time is allowed under the Act or is specified in the Agency permit.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.207 Boundary Control**

- a) Unauthorized vehicular access to the working face of all units and to all other areas within the boundaries of the facility must be restricted.
- b) A permanent sign must be posted at the entrance to the facility or each unit stating that only CCDD or uncontaminated soil is accepted for use as fill.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.208 Closure**

- a) Completion of Filling
  - 1) The owner or operator is deemed to have completed ~~CCDD~~-filling with CCDD or uncontaminated soil:
    - A) 30 days after the date on which the facility receives the final load of CCDD or uncontaminated soil for use as fill; or
    - B) If the facility has remaining capacity and there is a reasonable likelihood that the facility will receive additional CCDD or uncontaminated soil for use as fill, no later than one year after the most recent receipt of CCDD or uncontaminated soil for use as fill.

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- 2) The Agency must grant extensions beyond the one year deadline in subsection (a)(1)(B) ~~of this Section~~ if the owner or operator demonstrates that:
  - A) The facility has the capacity to receive additional CCDD or uncontaminated soil for use as fill; and
  - B) The owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the facility.
- b) Closure
  - 1) Final Cover

All filled areas must be *covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or must be covered by a road or structure.* [415 ILCS 5/3.160] The minimum amount of soil to support vegetation is one foot. The final surface must prevent or minimize erosion.
  - 2) Final Slope and Stabilization
    - A) The final slopes and contours must be constructed to complement and blend with the surrounding topography of the proposed final land use of the area.
    - B) All drainage ways and swales must be constructed to safely pass the runoff from the 100-year, 24-hour precipitation event without scouring or erosion.
    - C) The final configuration of the facility must be constructed in a manner that minimizes erosion.
    - D) Standards for Vegetation
      - i) Vegetation must minimize wind and water erosion;

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- ii) Vegetation must be compatible with (i.e., grow and survive under) the local climatic conditions;
- iii) Temporary erosion control measures, including, but not limited to, the application, alone or in combination, of mulch, straw, netting, or chemical soil stabilizers, must be undertaken while vegetation is being established.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.209 Postclosure Maintenance**

The owner or operator must conduct postclosure maintenance in accordance with this Section and the Agency permit for a minimum of one year after the Agency issues a certificate of closure in accordance with Section 1100.412 ~~of this Part~~ unless a shorter period of time for postclosure maintenance is specified in the Agency permit. Reasons for which the Agency may specify a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.

- a) The owner or operator must remove all equipment or structures not necessary for the postclosure land use, unless otherwise authorized by the Agency permit.
- b) Maintenance and Inspection of the Final Cover
  - 1) Frequency of Inspections. The owner or operator must conduct a quarterly inspection of all surfaces during closure and for a minimum of one year after closure.
  - 2) All rills, gullies, and crevices 6 inches or deeper identified in the inspection must be filled. Areas identified by the owner or operator or the Agency as particularly susceptible to erosion must be recontoured.
  - 3) All eroded and scoured drainage channels must be repaired and lining material must be replaced if necessary.
  - 4) All holes and depressions created by settling must be filled and recontoured so as to prevent standing water.

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- 5) All reworked surfaces, and areas with failed or eroded vegetation in excess of 100 square feet cumulatively, must be revegetated in accordance with the approved closure plan for the facility.
- c) The Agency must approve postclosure use of the property if the owner or operator demonstrates that the disturbance of the final cover will not increase the potential threat to human health or the environment.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.211 Annual Reports**

The owner or operator must submit an annual report to the Agency each calendar year by the date specified in the Agency permit. For an uncontaminated soil fill operation, the first annual report shall be filed on the first of January that follows the year in which the facility is registered in accordance with this Part. The annual report must include, at a minimum, the following information:

- a) A summary of the number of loads accepted and the number of loads rejected during the calendar year.
- b) Amount of CCDD and uncontaminated soil accepted in the calendar year.
- c) Amount of CCDD and uncontaminated soil expected in the next year.
- d) Any modification affecting the operation of the facility.
- e) The signature of the owner or operator, or the owner or operator's duly authorized agent as specified in Section 1100.303 ~~of this Part.~~
- f) Annual facility map required pursuant to Section 1100.203.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.212 Use of Painted CCDD as Fill Material**

- a) For purposes of this Part, uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, or reclaimed or other asphalt pavement that has been painted (painted CCDD) may be used as fill material at a CCDD fill

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operation if it is evaluated analytically under the supervision of a PE or PG and if all requirements of this Section are satisfied. Acceptance or management of painted CCDD for any purpose other than use as fill material at a CCDD fill operation must be in accordance with applicable law and may require permits or beneficial use determinations from the Agency. Such other purposes include, but are not limited to, processing of painted CCDD for reuse.

- 1) The PE or PG must determine, on a site-specific basis, the number and location of paint samples that will provide a representative analysis of paint from the painted CCDD to be used as fill material.
- 2) The PE or PG must obtain paint samples consisting of representative paint chips or scrapings that include all layers of paint in the area sampled and that minimize the amount of substrate in the sample.
- 3) Paint samples must be analyzed for arsenic, cadmium, chromium (total), lead, mercury and zinc (contaminants of concern) using the TCLP or SPLP extraction test analytical procedures in accordance with Methods 1311 and 1312, respectively, in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in Section 1100.104.
  - A) Paint samples must not be composited for analysis, and analytical results from paint samples must not be averaged.
  - B) All quantitative analyses of paint samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation.
  - C) Documentation of any chemical analysis must include, but is not limited to:
    - i) Chain of custody control;
    - ii) A copy of the lab analysis;
    - iii) Accreditation status of the laboratory performing the analysis; and



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- c) All potable water supply wells within 1000 meters (3300 feet) of the facility boundaries;
- d) All potable water supply well setback zones established pursuant to Section 14.2 or 14.3 of the Act;
- e) Any wellhead protection areas pursuant to Section 1428 of the Safe Drinking Water ~~Drinking~~-Act (SDWA) (42 USC 300f) and any sole source aquifer designated by the United States Environmental Protection Agency pursuant to Section 1424(e) of SDWA; and
- f) All main service corridors, transportation routes, and access roads to the site and facility.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.306 Narrative Description of the Facility**

The permit application must contain a written description of the facility with supporting documentation describing the procedures and plans that will be used at the facility to comply with the requirements of this Part. Such descriptions must include, but are not limited to, the following information:

- a) A description of the CCDD and the uncontaminated soil being used as fill and a load checking plan describing how the owner or operator will comply with Section 1100.205 ~~of this Part~~;
- b) The types of CCDD and uncontaminated soil expected in each unit, an estimate of the maximum capacity of each unit, and the rate at which fill~~CCDD~~ is to be placed in each unit;
- c) The estimated density of the CCDD and the uncontaminated soil;
- d) The length of time each unit will receive CCDD and uncontaminated soil;
- e) A description of all equipment to be used at the facility for complying with the facility permit, the Act, and Board regulations;

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- f) A description of any salvaging to be conducted at the facility, including, but not limited to, a description of all salvage facilities and a description of how the owner or operator will comply with Section 1100.206 ~~of this Part~~;
- g) A description of how the owner or operator will comply with the requirements of Section 1100.207 ~~of this Part~~;
- h) A description of how the owner or operator will comply with Sections 1100.204(c) and (e) ~~of this Part~~;
- i) A description of the methods to be used for controlling dust in compliance with Section 1100.204(f) ~~of this Part~~;
- j) A description of how the owner or operator will control noise in compliance with Section 1100.204(g) ~~of this Part~~; and
- k) A description of all existing and planned roads in the facility that will be used during the operation of the facility, the size and type of such roads, and the frequency with which they will be used.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.307 Proof of Property Ownership and Certifications**

The permit application must contain a certificate of ownership of the facility property and certifications regarding the provisions of Sections 39(i) and 39(i-5) of the Act. The owner and operator ~~provide written notification to the Agency must certify that the Agency will be notified~~ within 7 days after any changes in ownership.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.309 Closure Plan**

The permit application must contain a written closure plan that contains, at a minimum, the following:

- a) Maps showing the configuration of the facility after closure of all units, including, but not limited to, appropriate contours as needed to show the proposed final

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topography after placement of the final cover for all filled areas. All maps must have a scale no smaller than one inch equals 200 feet;

- b) Steps necessary for the temporary suspension of ~~the fill operation~~CCDD filling in accordance with ~~Section~~Sections 1100.208(a)(1)(B) or (a)(2) ~~of this Part~~;
- c) Steps necessary for closure of the facility at the end of its intended operating life;
- d) An estimate of the expected year of closure;
- e) Schedules for temporary suspension of ~~the fill operation~~CCDD filling and closure, which must include, at a minimum, the total time required to close the facility and the time required for closure activities that will allow tracking of the progress of closure;
- f) A description of how the applicant will comply with Section 1100.208 ~~of this Part~~; and
- g) A description of the final cover, including, but not limited to, the material to be used as the final cover, application and spreading techniques, the types of vegetation to be planted, and the types of roads or structures to be built pursuant to Section 1100.208 ~~of this Part~~.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

SUBPART D: PROCEDURAL REQUIREMENTS  
FOR PERMITTING CCDD FILL OPERATIONS

**Section 1100.412 Procedures for Closure and Postclosure Maintenance**

- a) Notification of ~~Closure~~Receipt of Final Volume  
The owner or operator must provide written notification of closure to the Agency within 30 days after the date the owner or operator is deemed to have completed filling under Section 1100.208(a). Within 30 days after the date the final volume of CCDD is received, the owner or operator must notify the Agency in writing of the receipt of the final volume of CCDD.
- b) Certification of Closure

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- 1) When the closure of the facility is complete, the owner or operator must submit to the Agency:
  - A) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.
  - B) An affidavit by the owner or operator and the seal of a PE or PG~~professional engineer~~ that the facility has been closed in accordance with the closure plan and the closure requirements of this Part.
- 2) When the Agency determines, pursuant to the information received pursuant to subsection (b)(1) of this Section and any Agency site inspection, that the facility has been closed in accordance with the specifications of the closure plan and the closure requirements of this Part, the Agency must:
  - A) Issue a certificate of closure; and
  - B) Specify the date the postclosure maintenance period begins, based on the date closure was completed.
- c) Termination of the Permit
  - 1) At the end of the postclosure maintenance period, the owner or operator may submit to the Agency an application for termination of the permit. The application must be submitted in a format prescribed by the Agency and must include, at a minimum, the certification of a PE or PG~~professional engineer~~ and the affidavit of the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:
    - A) Vegetation has been established on all nonpaved areas;
    - B) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures, pursuant to the postclosure maintenance plan, are no longer necessary; and

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- C) The owner or operator has completed all requirements of the postclosure maintenance plan.
- 2) Within 90 days after receiving the certification required by subsection (c)(1)~~of this Section~~, the Agency must notify the owner or operator in writing that the permit is terminated, unless the Agency determines, pursuant to the information received pursuant to subsection (c)(1)~~of this Section~~ and any Agency site inspection, that continued postclosure maintenance is required pursuant to the postclosure maintenance plan and this Part.
- 3) For purposes of appeal pursuant to Section 40(d) of the Act and the appeal provisions of this Part, Agency action pursuant to subsection (c)(2) of this Section is deemed a denial or grant of permit with conditions.

(Source: Amended at 36 Ill. Reg. 13892, effective August 27, 2012)

**SUBPART E: UNCONTAMINATED SOIL FILL OPERATIONS**

**Section 1100.500 Prohibitions**

- a) No person shall conduct any uncontaminated soil fill operation in violation of the Act or any regulations or standards adopted by the Board.
- b) No person shall use soil other than uncontaminated soil as fill material at an uncontaminated soil fill operation. [415 ILCS 5/22.51a(b)]
- c) Uncontaminated soil fill operations must not accept waste for use as fill.
- d) Uncontaminated soil fill operations must not accept CCDD for use as fill.
- e) Uncontaminated soil fill operations must not be located inside a setback zone of a potable water supply well.
- f) Uncontaminated soil fill operations must not accept uncontaminated soil with pH outside the range of 6.25 to 9.0.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

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**Section 1100.505 Operating Standards**

Uncontaminated soil fill operations are subject to all of the standards and requirements of Sections 1100.202 through 1100.211 of Subpart B, with the following exceptions:

- a) The provisions of Sections 1100.203 and 1100.210 will not apply.
- b) The owner or operator must conduct postclosure maintenance in accordance with Section 1100.209 for a minimum of one year after the Agency issues a certificate of closure pursuant to Section 1100.525 unless a shorter period of time for postclosure maintenance is approved by the Agency in writing. Reasons for which the Agency may approve a shorter period of time for postclosure maintenance include, but are not limited to, conformance with existing reclamation plan requirements, zoning requirements, local ordinances, private contracts, or development plans.
- c) The owner or operator must remove all equipment or structures not necessary for postclosure land use in accordance with Section 1100.209(a) unless otherwise approved by the Agency in writing.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.510 Recordkeeping Requirements**

The owner or operator must maintain an operating record at the facility or in some alternative location approved by the Agency in writing. The owner or operator must make the operating record available for inspection and copying by the Agency upon request during normal business hours. Information maintained in the operating record must include, but is not limited to, the following:

- a) Any information submitted to the Agency pursuant to this Part.
- b) Written procedures for load checking, load rejection notifications, and training required under Section 1100.205.
- c) A site location map as described under Section 1100.304.
- d) A facility plan map as described under Section 1100.305.

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- e) A narrative description of the facility as described under Section 1100.306.
- f) Proof of property ownership. The owner and operator must notify the Agency within 7 days after any changes in ownership.
- g) A surface water control plan as described under Section 1100.308.
- h) A closure plan and postclosure maintenance plan as described under Sections 1100.309 and 1100.310.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.515 Registration**

- a) Owners and operators of uncontaminated soil fill operations must register the fill operation with the Agency.
  - 1) Uncontaminated soil fill operations must be registered with the Agency within 60 days after August 27, 2012. Uncontaminated soil fill operations already registered with the Agency pursuant to Section 22.51a(c) of the Act must be re-registered in accordance with this subsection (a)(1).
  - 2) Uncontaminated soil fill operations that first receive uncontaminated soil on or after August 27, 2012 must be registered with the Agency prior to the receipt of any uncontaminated soil.
- b) Registrations must be submitted on forms and in a format prescribed by the Agency and must include information set forth at Sections 1100.304 through 1100.310, excluding the certifications required under Section 1100.307.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.520 Required Signatures**

- a) All registrations must contain the name, address, and telephone number of the owner and operator and any duly authorized agents of the owner or operator to whom inquiries and correspondence should be addressed.

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- b) All registration applications must be signed by the owner and operator or by their duly authorized agents with an accompanying oath or affidavit attesting to the agent's authority to sign the application on behalf of the owner or operator. The following persons are considered duly authorized agents of the owner and operator:
- 1) For corporations, a principal executive officer of at least the level of vice president;
  - 2) For a sole proprietorship, the sole proprietor;
  - 3) For a partnership, a general partner;
  - 4) For a municipality, State, federal or other public agency, by the head of the agency or a ranking elected official; and
  - 5) For a member-managed limited liability company, by a member and for a manager-managed limited liability company, by a manager or member.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.525 Procedures for Closure**

- a) Notification of Closure  
The owner or operator must provide written notification to the Agency within 30 days after the owner or operator begins closure in accordance with the closure plan required by Section 1100.510(h) and the closure requirements of Section 1100.208.
- b) Certification of Closure  
When the closure of the facility is complete, the owner or operator must submit to the Agency:
- 1) Documentation concerning closure of the facility, including, but not limited to, plans or diagrams of the facility as closed and the date closure was completed.

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- 2) An affidavit by the owner or operator and the seal of a PE or PG that the facility has been closed in accordance with the closure plan required by Section 1100.510(h) and the closure requirements of Section 1100.208.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.530 Termination of Postclosure Maintenance**

At the end of the postclosure maintenance period, the owner or operator must submit a certification by a PE or PG and an affidavit by the owner or operator demonstrating that, due to compliance with the postclosure maintenance plan and the postclosure maintenance requirements of this Part, postclosure maintenance is no longer necessary because:

- a) Vegetation has been established on all nonpaved areas;
- b) The surface has stabilized sufficiently with respect to settling and erosion so that further stabilization measures required by the postclosure maintenance plan are no longer necessary; and
- c) The owner or operator has completed all requirements of the postclosure maintenance plan.

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**SUBPART F: STANDARDS FOR UNCONTAMINATED SOIL USED AS  
FILL MATERIAL AT FILL OPERATIONS REGULATED BY THIS PART****Section 1100.600 Purpose and Applicability**

- a) The purpose of this Subpart F is to establish standards for soils that are considered uncontaminated for purposes of this Part.
- b) This Subpart F applies only to soil that is:
- 1) Generated during construction, remodeling, repair or demolition of utilities, structures and roads as provided in Section 3.160 of the Act; and

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- 2) Used as fill material at Clean Construction or Demolition Debris Fill Operations or Uncontaminated Soil Fill Operations as provided at Sections 22.51 and 22.51a of the Act and in this Part.
- c) Soil that is generated during construction, remodeling, repair or demolition of utilities, structures and roads and commingled with CCDD must satisfy the standards for maximum allowable concentrations of chemical constituents in uncontaminated soil as set forth in this Subpart F if used as fill material at CCDD Fill Operations pursuant to Section 22.51 of the Act.
- d) Soil or materials to which this Subpart F does not apply include, but are not limited to:
- 1) Soil that must be managed as hazardous waste;
  - 2) Soil that has at any time been treated or diluted to reduce contaminant concentrations or contaminant mobility (e.g., treatment to reduce extraction test contaminant concentrations) except for soil that has been treated to reduce contaminants by physical separation from construction or demolition debris at the site where the soil was generated or at a site authorized by applicable law to perform such separation; and
  - 3) Soil that has been removed from a site as part of cleanup or removal of contaminants, including, but not limited to, activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; as part of a closure of corrective action under the Resource Conservation and Recovery Act, as amended; or under an Agency remediation program, such as the leaking Underground Storage Tank Program or Site Remediation Program, but excluding sites subject to Section 58.16 of the Act where there is no presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on or from the real property and excluding soil that is uncontaminated and has not been excavated or treated as part of the cleanup or removal of contaminants. [415 ILCS 5/22.51(f)(2)(C) and 22.51a(d)(2)(C)]

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.605 Maximum Allowable Concentrations for Chemical Constituents in Uncontaminated Soils**

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- a) Except as provided for background concentrations in subsection (b), the maximum allowable concentrations for chemical constituents in uncontaminated soil must be determined pursuant to this subsection (a).
- 1) The maximum allowable concentration for a chemical constituent in uncontaminated soil will be the lowest Tier 1 chemical-specific soil value of the exposure routes for residential and construction worker receptors set forth in 35 Ill. Adm. Code 742.Appendix B, Tables A and B (e.g., soil ingestion exposure route, outdoor inhalation exposure route, soil component of the groundwater ingestion exposure route, construction worker exposure route). Class I values must be used when determining the lowest Tier 1 chemical-specific value for the soil component of the groundwater ingestion exposure route. Before making the comparison among exposure routes to determine the lowest value for ionizing organic chemical constituents and inorganic chemical constituents, the requirements of subsections (a)(2) and (a)(3) must be satisfied, as applicable.
  - 2) For ionizing organic constituents, the lowest pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742.Appendix B, Table C **between column range 6.25 to 6.64 and column range 8.75 to 9.0** must be substituted for the pH-neutral value provided for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742.Appendix B, Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.
  - 3) For inorganic constituents, the remediation objectives for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Tables A and B are based on the contaminant concentration resulting from an extraction test and are not directly comparable to the remediation objectives provided for the ingestion and inhalation exposure routes, which are based on total concentrations. The following values, based on total concentrations, must be substituted for the extraction test values in Table A before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section:

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- A) The lowest chemical-specific, pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742. Appendix B, Table C between column range 6.25 to 6.64 and column range 8.75 to 9.0; or
- B) For inorganic constituents that are listed in 35 Ill. Adm. Code 742. Appendix B, Table A but not in Appendix B, Table C, the extraction test values for the soil component of the groundwater ingestion exposure route in Appendix B, Table A may be multiplied by 20 (i.e., 20 liters/kilogram, the liquid to solid ratio in the extraction test assuming complete constituent leaching) to enable direct comparison with the ingestion and inhalation exposure route values. The resulting value must be substituted for the extraction test value before determining the lowest Tier 1 chemical-specific soil value pursuant to subsection (a)(1) of this Section.
- 4) If the lowest Tier 1 soil value for a chemical is less than the Acceptable Detection Limit (ADL), the ADL will serve as the lowest soil value.
- 5) The total concentration of organic contaminants may not exceed the attenuation capacity of the soil as determined in accordance with 35 Ill. Adm. Code 742.215(b)(1) and (b)(1)(A) using a default value of 2000 mg/kg for the natural organic carbon fraction ( $f_{oc}$ ).
- b) Background concentrations from 35 Ill. Adm. Code 742. Appendix A, Tables G and H may be used as the maximum allowable concentrations at locations specified by the tables if the most stringent exposure route value for the chemical constituent, as determined pursuant to subsection (a) of this Section, is lower than the chemical's applicable background value listed in Table G or H. The chemical's applicable background value in Table G or H must be established based on the location of the fill operation where the soil is placed.
- c) For chemicals not listed in 35 Ill. Adm. Code 742. Appendix B, Table A, B or C, the values may be obtained from the Agency by making a request for chemical-specific values.
- 1) The Agency will develop these objectives based upon USEPA's toxicity value hierarchy as specified in OSWER Directive 9285.7-53, incorporated

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by reference in Section 1100.104. USEPA's Integrated Risk Management System (IRIS), incorporated by reference in Section 1100.104, is the first tier of this hierarchy.

- 2) Calculation of the maximum allowable concentrations must use the applicable risk-based soil screening level equations from 35 Ill. Adm. Code 742.Appendix C, Table A. Default exposure durations and contact rates from 35 Ill. Adm. Code 742.Appendix C, Table B must be used in making these calculations.
- 3) If the person making the request of the Agency disagrees with the Agency's decision, the person who made the request may file an appeal of the Agency's decision with the Board pursuant to Section 40(a) of the Act and 35 Ill. Adm. Code 105.
- d) Other provisions of 35 Ill. Adm. Code 742 (e.g., institutional controls, engineered barriers, exposure route exclusions, site-specific evaluations, local area background calculations) may not be used to exclude or otherwise alter exposure routes or exposure route values for the purpose of determining the maximum allowable concentrations under this Part.
- e) For purposes of this Part, the Agency shall publish at its website a list of chemical-specific values for maximum allowable concentrations of chemical constituents in uncontaminated soils based on the methodology for determining those values set forth in this Section. In addition, the Agency shall publish at its website a list of chemical-specific values for chemicals not listed in 35 Ill. Adm. Code 742.Appendix B, Tables A, B or C when values are calculated by the Agency in accordance with subsection (c) of this Section or of 35 Ill. Adm. Code 742.510(c).

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.610 Compliance Evaluation; Performance and Documentation of Soil Sampling and Chemical Analysis**

- a) For purposes of this Subpart F, the chemical constituents to be evaluated and the soil sample points must be determined on a site-specific basis by the PE or PG.

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- b) If soil sampling and analysis are used to evaluate compliance with the maximum allowable concentrations for chemical constituents in uncontaminated soils, compliance generally must be determined by comparing total soil concentrations from the laboratory reports with the maximum allowable concentrations as determined pursuant to Section 1100.605. The following procedures will be required, as applicable, when making the comparisons:
- 1) If the background value from 35 Ill. Adm. Code 742. Appendix A, Table G or H was determined to be the maximum allowable concentration in accordance with Section 1100.605 for an inorganic constituent or a polynuclear aromatic hydrocarbon constituent, compliance must be determined as follows:
    - A) The applicable background value from Table G or H may be compared directly with the total soil concentration from the laboratory report; or
    - B) If, as determined pursuant to Section 1100.605 (a) and (b), the applicable background value for an inorganic chemical constituent from Table G has been selected as the maximum allowable concentration in place of a more stringent value for the Class I soil component of the groundwater ingestion exposure route in 35 Ill. Adm. Code 742. Appendix B, Table A, concentration in the extract from the Toxicity Characteristic Leaching Procedure (TCLP) or Synthetic Precipitation Leaching Procedure (SPLP) analytical extraction test in accordance with Methods 1311 and 1312, respectively, in SW-846, incorporated by reference at Section 1100.104, may be compared with the chemical's Class I soil component of the groundwater ingestion exposure route value in 35 Ill. Adm. Code 742. Appendix B, Table A.
  - 2) For ionizing organic constituents, if, as determined pursuant to Section 1100.605, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, the total soil concentration from the laboratory report must be compared with the lowest corresponding pH-dependent value in 35 Ill. Adm. Code 742. Appendix B, Table C.

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- 3) For inorganic constituents and, except as provided in subsection (b)(1)(B) of this Section, if, as determined pursuant to Section 1100.605, the lowest Tier 1 chemical-specific soil value is for the soil component of the Class I groundwater ingestion exposure route, compliance must be evaluated by comparing the total soil concentration from the laboratory report using the following methods:
- A) Total soil concentrations from the laboratory report must be compared with the lowest chemical-specific, pH-dependent value for the soil component of the Class I groundwater ingestion exposure route in 35 Ill. Adm. Code 742. Appendix B, Table C; or
- B) For inorganic chemical constituents that are listed in Appendix B, Table A but not in Appendix B, Table C, the total soil concentrations from the laboratory report must be compared with the product of the extraction test values for the soil component of the Class I groundwater ingestion exposure route in Appendix B, Table A multiplied by 20 to convert to total soil concentration values; or
- C) As an alternative to subsections (b)(3)(A) and (b)(3)(B) of this Section, concentrations in the extract from TCLP or SPLP analytical extraction test in accordance with Methods 1311 and 1312, respectively, in SW-846 may be compared with the chemical's Class I soil component of the groundwater ingestion exposure route value in 35 Ill. Adm. Code 742. Appendix B, Table A.
- c) Chemical analysis of soil samples conducted under this Subpart F must be conducted in accordance with the requirements of 35 Ill. Adm. Code 742 and "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" USEPA Publication No. SW-846, incorporated by reference in Section 1100.104 [415 ILCS 5/22.51(f)(3) and 22.51a(d)(3)]. If SW-846 methods do not support detection at the concentration specified for a particular chemical constituent (e.g., aldicarb, carbofuran, endothall), the laboratory may use modified or alternative methods available to the laboratory to achieve the lowest practical detection level possible. If concentrations of these constituents in soil are demonstrated to be equal to or lower than the applicable maximum allowable concentrations using

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modified or alternative methods pursuant to this subsection (c), the soil may be certified as complying with the maximum allowable concentrations.

- d) Compositing and averaging of soil samples.
- 1) Samples must not be composited for analysis, except as specified in subsection (d)(2).
  - 2) Samples taken from a site that is not a potentially impacted property may be composited for analysis if samples are composited in accordance with 35 Ill. Adm. Code 742.225(c) and (d).
  - 3) Analytical results of soil samples from subsections (d)(1) and (d)(2) must not be averaged.
- e) All quantitative analyses of samples must be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation. Documentation of any chemical analysis must include, but is not limited to:
- 1) Chain of custody control;
  - 2) A copy of the lab analysis;
  - 3) Accreditation status of the laboratory performing the analysis; and
  - 4) Certification by an authorized agent of the laboratory that the analysis has been performed in accordance with the Agency's rules for the accreditation of environmental laboratories and the scope of the accreditation. [415 ILCS 5/22.51(f)(2)(D)]

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

**Section 1100.615 Waste and Materials Other Than Chemical Constituents in Soils**

For purposes of this Part:

- a) Uncontaminated soil may include incidental amounts of stone, rock, gravel, roots, and other vegetation.

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- b) Except as provided in subsection (a), soil containing waste or other materials or exceeding the standards for chemical constituents in uncontaminated soil is not uncontaminated soil and must be managed in accordance with applicable provisions of the Act and 1100.605.
- 1) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with general construction or demolition debris is general construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and 1100.605. (See 415 ILCS 5/3.160(a).)
  - 2) Soil satisfying the standards for chemical constituents in uncontaminated soil but that is commingled with clean construction or demolition debris is clean construction or demolition debris and must be managed as such in accordance with applicable provisions of the Act and implementing rules (See 415 ILCS 5/3.160(b).)

(Source: Added at 36 Ill. Reg. 13892, effective August 27, 2012)

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- 1) Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
420.300	Amendment
420.330	Amendment
- 4) Statutory Authority: 15 ILCS 310/10
- 5) The effective date of amendments: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in agency principal office and is available for public inspection at: Room 197 Howlett Building Springfield, Illinois 62756
- 9) Notices of Proposal Published in Illinois Register: May 11, 2012; 36 Ill. Reg. 6998
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:  
420.330 – Intermittents
  - In Section 420.330(b)(2), the following has been struck: "may" and replaced with "shall".
  - In Section 420.400(b)(2), the following has been added after Personnel: "The Director will consider the operational needs of the department before approving work schedule changes."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No

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- 15) Summary and Purpose of this rulemaking: This rulemaking seeks to conform with current merit practices, regulations of federal and state legislative enactments and technical changes.
  
- 16) Information and questions regarding this rulemaking shall be directed to:

Stephan Roth or Linda Green  
Office of the Secretary of State

Department of Personnel

Room 197 Howlett Building  
Springfield, Illinois 62756

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER II: SECRETARY OF STATE

PART 420  
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section  
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section  
420.200 Positions  
420.210 Position Classification  
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section  
420.300 Application and Examination  
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420.670	Leaves of Absence – Special – Salary (Repealed)
420.680	Employee Rights After Leave
420.690	Leave of Absence – Election to Public Office
420.700	Failure to Return from Leave of Absence
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420.710	Military Leave
420.715	Disaster Services Leave with Pay
420.720	Leave for Annual Military Reserve Training or Special Duty
420.730	Leave for Military Physical Examinations
420.740	Leave to Take Exempt Position (Repealed)
420.745	Blood/Organ/Tissue Donation Leave
420.750	School Visitation Leave
420.760	Non-service Connected and Service Connected Disability Leave
420.770	Attendance in Court
420.775	Victims' Economic Security and Safety Leave
420.800	Vacation
420.810	Work Schedules
420.820	Overtime
420.825	Temporary Assignment (Repealed)
420.830	Holidays
420.835	Notification of Absence

## SUBPART E: GENERAL PROVISIONS

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420.1000	Records

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420.1010	Benefits
420.1015	Proration of Rights and Benefits
420.1020	Prohibition of Discrimination
420.1030	Other Provisions

**AUTHORITY:** Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

**SOURCE:** Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed at 32 Ill. Reg. 6659, effective April 2, 2008; amended at 32 Ill. Reg. 15017, effective September 8, 2008; amended at 35 Ill. Reg. 4278, effective March 1, 2011; amended at 36 Ill. Reg. 12125, effective July 16, 2012; amended at 36 Ill. Reg. 13945, effective September 1, 2012.

## SUBPART C: MERIT AND FITNESS

**Section 420.300 Application and Examination**

- a) Examinations:
  - 1) The Director of Personnel shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

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- 2) In lieu of announcing or conducting examinations, the Director of Personnel may accept the results of competitive examinations conducted by any established merit system subject to the Director of Personnel's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.
  - 3) Entrance examination shall mean the examination that resulted in the initial appointment of an applicant to a position in the Office of the Secretary of State.
  - 4) The Director of Personnel may rank applicants participating in competitive examinations on the basis of numeric or category ratings. When numeric ratings are used, applicants will be ranked from the highest passing numeric score to the lowest passing numeric score. When category ratings are used, applicants will be ranked by categories such as excellent, well-qualified and qualified.
- b) Examination – Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Secretary of State, provide economical administration, and be generally convenient for applicants. The Director of Personnel may cancel or postpone examinations at any time.
  - c) Veterans' Preference: Preference in entrance examinations shall be granted to qualified persons who, while citizens of the United States, were members of the Armed Forces of the United States or the armed forces of allies of the United States in times of hostilities with a foreign country (as set forth in the Merit Employment Code Section 10b.7) and to certain other persons as set forth in this Section. To be eligible, an applicant must have proof of his/her service or discharge under honorable conditions. Preference shall be granted as follows:
    - 1) Three points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States, in the Illinois National Guard, or any reserve component of the Armed Forces of the United States and:
      - A) Served for at least 6 months and has been discharged under

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honorable conditions, or

- B) Has been discharged on the ground of hardship, or
  - C) Was released from active duty because of a service connected disability.
- 2) Five points or equivalent credit shall be added to the entrance examination grade for veterans who have served in the Armed Forces of the United States during time periods of hostility or who, as members of the Illinois National Guard or any reserve component of the Armed Forces of the United States, were called into active duty during time periods of hostility and served under one or more of the following conditions:
- A) The veteran served a total of at least 6 months, or
  - B) The veteran served for the duration of the hostilities regardless of the length of engagement, or
  - C) The veteran was discharged on the basis of hardship, or
  - D) The veteran was released from active duty because of a service connected disability.
- 3) Ten points or equivalent credit shall be added to the entrance examination grade for veterans who are currently receiving compensation from the United States Veterans' Administration or from such allied country for war service connected disabilities, or if the veteran is a recipient of the Purple Heart.
- 4) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category. Such preference may be disregarded if, during the interview process, an applicant fails to meet the minimum standards set prior to the interview.
- 5) A surviving unremarried spouse of a veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois shall be entitled to

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the same preference to which the veteran would have been entitled under this Section.

- 6) Ten points or equivalent credit shall be added to the examination score for one parent of an unmarried veteran who suffered a service connected death or disability that prevents the veteran from qualifying for employment in a merit system with the State of Illinois. The first parent to receive an appointment in an Illinois merit system shall be the parent entitled to the preference.
- d) **Public Notice of Examinations:** The Director of Personnel shall publicly announce examinations at least two weeks in advance of the final date the examination will be given, except as otherwise noted. Announcements may be advertised through the press, radio or other media. Announcements shall be posted in a conspicuous place in the Department of Personnel in both Chicago and Springfield. Announcements shall specify the date and manner in which an application for examination shall be made. In place of individual announcements, the Director of Personnel may announce the examination process and testing locations and times by various means, including, but not limited to, using the Secretary of State's website, a brochure or a pamphlet.
- e) **Notice to Eligibles:** In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director of Personnel shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.
- f) **Test Ratings – Notice and Review:** The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of the final earned rating or of the failure to attain a place on the list.
- g) **Retaking or Regrading Examinations:** The retaking or regrading of examinations will be permitted only in accordance with the following provisions:
  - 1) No applicant may retake a test or tests included within an examination

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until 14 calendar days have elapsed.

- 2) In all cases of retaking examinations, the candidate's highest valid grade on record for the title most recent passing score obtained on the retake shall be used to determine the candidate's rank on the eligible list. The examination score retained will expire 12 months from the date of examination.
- 3) Examination results are valid for 12 months from the original date of examination. An examination shall not be regraded more than 12 months after the original test date. Regraded examinations shall expire on the same date as the original examination.
- h) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Secretary of State removing examination materials from the premises at which examinations are being administered or stored, in any manner whatsoever, shall be subject to prosecution and/or discipline up to and including discharge if the individual is an employee of the Office of the Secretary of State.
- i) Admission to Examinations: All persons who meet requirements established by the Director of Personnel may be admitted to competitive examinations and may be lawfully appointed to the position. Following are the only criteria by which the Director of Personnel may reject the application of any person for admission to a test or decline to test or certify for employment:
  - 1) subsequent to participating in the examination, the applicant is found to lack the qualifications prescribed for admission to the test as announced in the public notice;
  - 2) the applicant is physically unfit to perform effectively the duties of the class;
  - 3) the applicant has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;
  - 4) the applicant has made false statements of any material fact or has practiced deception or fraud in the application or test;

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- 5) the applicant does not meet the United States Citizenship and Immigration Services regulations for permanent employment;
  - 6) the applicant is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in examinations; or
  - 7) the applicant has been convicted of a crime relevant to the duties and responsibilities of the class of the examination he/she is taking or the position to which he/she is being hired.
- j) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director of Personnel and only when there are fewer than three qualified residents of Illinois available, including statewide candidates or candidates on the eligibility list for the geographical area in which the position is located.
- k) Linguistic Requirements: The Director of Personnel may establish linguistic options when it appears that this would benefit the operation of the office by increasing communication with those served by the Office of the Secretary of State.
- l) Authorization of Investigation: The Director of Personnel shall, when a position is to be filled, require that an applicant seeking employment with the Office of the Secretary of State authorize an investigation to determine if the applicant has ever been convicted of a crime and, if so, the disposition of those convictions.
- m) Confidentiality: Any information concerning criminal convictions obtained by the Director of Personnel shall be confidential. No information obtained from such investigation may be placed in any automated information system. No information may be transmitted to anyone within or outside the Office of the Secretary of State, except as needed for the purposes set forth in subsection (l). Any violation of this subsection shall result in disciplinary action and possible civil action.

(Source: Amended at 36 Ill. Reg. 13945, effective September 1, 2012)

**Section 420.330 Intermittents**

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- a) Intermittent Positions: The Director of Personnel shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in lieu of permanent positions, but intermittent employees may substitute for absent employees. Appointments will be made to intermittent positions in the same manner as appointments to other permanent positions.
- b) Limitations on Intermittent Employees: An intermittent employee will be subject to the following limitations and conditions of employment, but will otherwise be covered by the full benefits of Jurisdiction A, B and C:
  - 1) Intermittents will work 800-1500 hours per year (12 month period).
    - A) If, as a result of timekeeping error or omission in reporting hours worked, it is determined that an intermittent employee worked more than 1500 hours in the prescribed 12 month period, the employee shall immediately be placed in inactive status until the commencement of the next 12 month period, and the hours worked in the next 12 month period shall be reduced by the excess hours from the previous 12 month period.
    - B) Intermittent employees offered less than 800 hours of work in any prescribed 12 month period shall be deemed suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspensions.
  - 2) There shall not be more than a 10% variance in hours scheduled from the ~~current~~original in hire work schedule of employees in the same title and organizational unit in any 12-month period, unless approved by the Director of Personnel. The Director will consider the operational needs of the department before approving work schedule changes. Intermittent employees whose schedules vary more than 10% may grieve or appeal the schedule changes. An effort will be made to balance the hours worked among intermittent employees of the same title within the same organizational unit.
  - 3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7½ hours being equivalent to one day.

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- 4) An intermittent employee shall accrue sick and vacation leave on a prorated basis, dependent upon the amount of time in pay status during a given month.
  - 5) Employees refusing to be scheduled 3 times in one calendar quarter shall be considered for discharge for failure to perform assigned duties, if given 24 hour notice of scheduling, unless proof of illness or death in the family is presented.
- c) Nothing in this Section shall be deemed to prevent a legitimate reorganization to promote the efficiency of the agency. In the event a reorganization temporarily precludes full compliance with this Section, management shall have 6 months in which to revise its schedules in order to bring the schedules into compliance.
  - d) An annual review of the intermittent program will be made by the Director of Personnel to insure compliance with this Part.

(Source: Amended at 36 Ill. Reg. 13945, effective September 1, 2012)

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- 1) The Heading of the Part: Golden Apple Scholars of Illinois Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2764.10	Amendment
2764.20	Amendment
2764.30	Amendment
2764.40	Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)]
- 5) Effective date of rulemaking: September 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: April 27, 2012, 36 Ill. Reg. 6509
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposed and Final Version: Section 2764.30(j) was re-written for clarity. The other changes made were non-substantive in nature.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part is being amended to accommodate Public Act 096-0411, which requires the consolidation of the Illinois Future Teacher Corps Program and the Golden Apple Foundation for Excellence in Teaching's Golden

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- Apple Scholars of Illinois Program.  
16) Information and questions regarding this rulemaking shall be directed to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015

Telephone: 847/948-8500, ext. 2305  
Fax: 847/831-8299  
Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2764

GOLDEN APPLE SCHOLARS OF ILLINOIS PROGRAM  
~~ILLINOIS FUTURE TEACHER CORPS (IFTC) PROGRAM~~

## Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

**AUTHORITY:** Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

**SOURCE:** Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006; amended at 32 Ill. Reg. 10333, effective July 1, 2008; amended at 33 Ill. Reg. 9784, effective July 1, 2009; amended at 36 Ill. Reg. 13957, effective September 1, 2012.

**Section 2764.10 Summary and Purpose**

- a) *The Golden Apple Scholars of Illinois*~~*The Illinois Future Teacher Corps (IFTC)*~~ Program encourages academically talented Illinois students, especially minority students, to pursue teaching careers, especially in teacher shortage disciplines or at hard-to-staff schools [110 ILCS 947/52] .
- b) This Part establishes the rules that govern the Golden Apple Scholars of Illinois~~IFTC~~ Program, hereinafter the "Program". Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

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- c) The rights and obligations of students receiving scholarship assistance through the Illinois Future Teacher Corps (IFTC) Program, as previously described in this Part, shall continue to be governed by any administrative rules in effect at the time scholarship assistance was awarded to the recipient through the IFTC Program.

(Source: Amended at 36 Ill. Reg. 13957, effective September 1, 2012)

**Section 2764.20 Applicant Eligibility**

- a) All qualified applicants must be designated as a Golden Apple Scholar by the Golden Apple Foundation for Excellence in Teaching (the Foundation).
- b)a) A qualified applicant, at the time of designation as a Golden Apple Scholar by the Golden Apple Foundation for Excellence in Teaching, shall:~~A qualified applicant:~~
- 1) be a United States citizen or eligible noncitizen~~shall be: A) a United States citizen or eligible noncitizen;~~
  - 2)B) be a resident of Illinois~~a resident of Illinois;~~
  - 3)C) be a high school graduate or a person who has received a General Educational Development (GED) Certificate~~a high school graduate or a person who has received a General Educational Development (GED) Certificate;~~
  - 4)D) be enrolled at a four-year institution designated by the Foundation as a participating Illinois college or university; and~~enrolled, or accepted for enrollment, at or above the junior level, on at least a half-time basis at an Illinois institution of higher learning; and~~
  - 5)E) have entered into a program agreement and promissory note with the Foundation and ISAC, as described in this Part.~~pursuing a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification [110 ILCS 947/52]; or~~
- c)2) In order to receive scholarship assistance under this Part, a qualified applicant shall:~~shall be a Golden Apple Scholar enrolled, or accepted for enrollment, at or~~

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~~above the junior level, on at least a half-time basis at an Illinois institution of higher learning.~~

- 1) be enrolled at the junior or senior level in a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification [110 ILCS 947/52];
- 2) have earned a cumulative grade point average of 2.5 on a 4.0 scale; and
- 3) have participated in all required programs and adhered to the residential guidelines and standards of conduct as a designated Golden Apple Scholar of the Foundation.

~~d)~~<sup>b)</sup> In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship (23 Ill. Adm. Code 2768), or from the Golden Apple Foundation, the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 36 Ill. Reg. 13957, effective September 1, 2012)

**Section 2764.30 Program Procedures**

- a) Qualified applicants shall have completed and filed an application for program participation with the Foundation prior to becoming eligible for scholarship assistance under this Section. Applications shall be made available to qualified applicants by and submitted to the Foundation before a qualified applicant may be designated as a Golden Apple Scholar by the Foundation.
- b) The Foundation shall designate Golden Apple Scholars as defined in their established selection protocol.
- c) Each year, the Foundation shall identify Golden Apple Scholars eligible to receive scholarship assistance from ISAC under this Part by submitting to ISAC any necessary data related to the qualified applicant and, at such time, by certifying that:

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- 1) Students selected to receive scholarship assistance under this Part meet the eligibility requirements described in Section 2764.20(a) or in the Higher Education Student Assistance Act [110 ILCS 947/52];
  - 2) Students selected to receive scholarship assistance under this Part have entered into a Program Agreement and Promissory Note with the Foundation that satisfies the requirements listed in this Part; and
  - 3) Thirty percent of students selected to receive scholarship assistance under this Part in a given fiscal year will be awarded to students residing in counties having a population of fewer than 500,000.
- d) In order to receive scholarship assistance under this Part, a Golden Apple Scholar must have signed a Program Agreement and Promissory Note with the Foundation and ISAC that includes the following stipulations:
- 1) the recipient pledges to teach, on a full time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline, which shall include early childhood education;
  - 2) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;
  - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school that qualifies for teacher loan cancellation under section 465(a)(2)(A) of the HEA (20 USC 1087ee(a)(2)(A));
  - 4) if the teaching requirement is not fulfilled, the scholarship assistance provided under this Part converts to a loan and the recipient must repay the entire amount of the scholarship prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;
  - 5) the recipient agrees to provide the Foundation or ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

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- 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- e) All amounts collected on a scholarship that converts to a loan under this Part, less any portion of those funds that equals the amount in expenses that ISAC has incurred in collecting the debt, shall be remitted to the Comptroller for deposit in the General Revenue Fund.
- f) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (d) during the period in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
  - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
  - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
  - 4) is actively seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (d)(3) for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
  - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
  - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching commitment; or
  - 7) is participating in a program established by Executive Order 10924 of the President of the United States or the National Community Service Act of 1990 (42 USC 12501 et seq., as amended).
- g) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within 10 years after the scholarship converts to a loan.

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This 10-year period may be extended if the recipient:

- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
  - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
  - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
  - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
  - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- h) During the time a recipient qualifies for any of the extensions listed in subsection (g), he or she shall not be required to make payments and interest shall not accrue.
- i) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
  - 2) the date the Foundation informs ISAC or ISAC otherwise learns that a recipient of scholarship assistance has not fulfilled the teaching obligation; or
  - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- j) A recipient shall not be required to repay the amount of the scholarship received if he or she becomes permanently and totally disabled, so as to be unable to perform the essential function of a teacher with or without accommodation as determined

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by a licensed physician, or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

- a) ~~Golden Apple Scholars shall be designated by the Golden Apple Foundation. All other applicants must complete and file the form the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) that is used as a selection criterion for this award. (See section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)~~
- b) ~~A completed ISAC application for the IFTC Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.~~
  - 1) ~~Applications are available at qualified institutions of higher learning, ISAC's Web site, and ISAC's Springfield, Deerfield and Chicago offices.~~
  - 2) ~~ISAC will make renewal applications available to all qualified students who were awarded assistance under this Part during the preceding academic year.~~
  - 3) ~~If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.~~
- e) Selection of Recipients
  - 1) ~~In each year, a minimum of 200 awards shall be allocated to participants in the Golden Apple Scholars of Illinois program [110 ILCS 947/52].~~
  - 2) ~~After satisfying the minimum number of awards to participants in the Golden Apple Scholars of Illinois program, ISAC shall give first preference in the selection process to the previous academic year's recipients of assistance under this Part who are not Golden Apple Scholars, provided he or she meets the following qualifications:~~

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- A) ~~continues to maintain a cumulative grade point average (GPA) of no less than 2.5 on a 4.0 scale;~~
  - B) ~~maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a);~~
  - C) ~~maintains satisfactory academic progress as determined by the institution; and~~
  - D) ~~has submitted an application on a timely basis.~~
- 3) ~~For all other qualified applicants who are not Golden Apple Scholars, priority, in combination with the following criteria, is given to those who filed timely applications and are enrolled in a teacher shortage discipline (including early childhood education), pledged on the Teaching Agreement/Promissory Note to teach in a hard-to-staff school, or enrolled in a teacher shortage discipline and pledged to teach in a hard-to-staff school. Point values are assigned to the criteria and awards are made according to the highest point totals.~~
- A) ~~Cumulative grade point averages: 0-40 points, reflecting the GPA from highest to the lowest. All grade point averages will be converted to a four-point scale;~~
  - B) ~~Expected Family Contribution (EFC): 0-30 points, from the lowest to the highest;~~
  - C) ~~Minority students: 15 points.~~
- 4) ~~If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.~~
- d) ~~A recipient may receive up to 4 semesters/6 quarters of scholarship assistance under this program.~~
  - e) ~~Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.~~
  - f) ~~The total number of scholarships awarded in a given fiscal year is contingent~~

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~~upon available funding.~~

- ~~g) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors and scholarship amounts established by this Section.~~
- ~~h) ISAC shall publish guidelines for the awarding of IFTC scholarships.~~
- ~~i) Notice of eligibility shall be sent to each qualified applicant who is selected to receive an IFTC scholarship. A notice will be sent to each qualified applicant who is not selected to receive an IFTC scholarship.~~
- ~~j) Scholarship Stipulations~~
  - ~~1) For Golden Apple Scholars to receive scholarship assistance for any academic year, the qualified applicant must have signed the Golden Apple Scholars of Illinois Agreement and Statement of Eligibility and Compliance that are on file at the Golden Apple Foundation.~~
  - ~~2) For all others, prior to receiving scholarship assistance for any academic year, the qualified applicant must sign an IFTC Teaching Agreement/Promissory Note that is submitted to ISAC. The IFTC Teaching Agreement/Promissory Note shall include the following stipulations:~~
    - ~~A) the recipient pledges to teach, on a full-time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline (which shall include early childhood education) or at a hard-to-staff school, or both;~~
    - ~~B) the recipient shall begin teaching within one year following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;~~
    - ~~C) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school and if the award made under this Part was for teaching at a hard-to-staff school, the school must~~

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- ~~qualify for teacher loan cancellation under section 465(a)(2)(A) of the HEA (see 20 USC 1087ee);~~
- D) ~~if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;~~
- E) ~~the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and~~
- F) ~~the recipient promises to use the proceeds of the scholarship for educational expenses.~~
- k) ~~Except for Golden Apple Scholars, a recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (j)(2) during the period in which the recipient:~~
- ~~1) serves, for not more than three years, as a member of the United States Armed Forces; or~~
  - ~~2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or~~
  - ~~3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or~~
  - ~~4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (j)(2)(C) for one continuous period not to exceed two years, and is able to provide evidence of that fact; or~~
  - ~~5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or~~
  - ~~6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching commitment.~~

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- ~~l) Except for Golden Apple Scholars, if a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:~~
- ~~1) serves, for not more than three years, as a member of the United States Armed Forces; or~~
  - ~~2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or~~
  - ~~3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or~~
  - ~~4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or~~
  - ~~5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.~~
- m) ~~During the time a recipient qualifies for any of the extensions listed in subsection (l), he or she shall not be required to make payments and interest shall not accrue.~~
- n) ~~Except for Golden Apple Scholars, a recipient shall enter repayment status on the earliest of the following dates:~~
- ~~1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;~~
  - ~~2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or~~
  - ~~3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.~~

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- o) ~~Except for Golden Apple Scholars, a recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.~~
- p) ~~Renewal recipients may receive a subsequent award even if their discipline is no longer on the approved list of teacher shortage disciplines.~~
- q) ~~Golden Apple Scholars must comply with the stipulations as stated in the Golden Apple Scholars of Illinois Agreement and Statement of Eligibility and Compliance.~~

(Source: Amended at 36 Ill. Reg. 13957, effective September 1, 2012)

**Section 2764.40 Institutional Procedures**

- a) The institution shall submit eligibility information for selected recipients~~qualified applicants~~ in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for selected recipients~~qualified applicants~~ with its request for payment, within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the

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recipient.

- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship assistance provided under this Part shall be subject to the following conditions:~~Scholarship Amount~~
- 1) A recipient may receive up to 4 semesters or 6 quarters of scholarship assistance under this program.~~IFTC scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.~~
  - 2) Scholarship funds are applicable toward two semesters or three quarters of half-time and full-time study within an academic year.
  - 3) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
  - 4) Program scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
  - 5) The annual scholarship amount shall be computed by the institution and be the lesser of:
    - A) tuition and fees plus room and board expenses charged by the institution;
    - B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;
    - C) an amount not to exceed \$10,000 unless otherwise authorized by this Section~~\$5000~~; or
    - D) an amount not to exceed \$15,000~~\$10,000~~, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, and~~or~~ the student has also made a commitment to teach at a hard-to-staff school.~~;~~~~or~~

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- E) ~~an amount not to exceed \$15,000, subject to appropriation, if the student is pursuing a course of study necessary to teach in a teacher shortage discipline in which he or she commits to teach, and has also made a commitment to teach at a hard-to-staff school.~~
- 6)3) The total amount of ~~IFTC~~ scholarship assistance awarded under this Section to a recipient of scholarship assistance under this Partqualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 7)4) A recipient of scholarship assistance under this Partqualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the ~~IFTC~~ scholarship assistance awarded under this Section.
- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests ~~except for summer term~~ must be received by ISAC no later than July 1. ~~Summer term payment requests must be received no later than July 31.~~

(Source: Amended at 36 Ill. Reg. 13957, effective Septmeber 1, 2012)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.600                      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 310.600, to reflect a Memorandum of Understanding (MOU). The MOU is between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed August 22, 2012. The MOU reinstates the payment of general increases, longevity pay increases (or extended service increases) and step increases (or satisfactory performance increases) for employees represented by AFSCME bargaining units at the Department of Human Rights (DHR) effective July 1, 2011. In other words, the employees represented by AFSCME bargaining units at DHR are not subject to the frozen negotiated-rates-of-pay during fiscal year (FY) 2012.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 514/8, 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 and 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: August 22, 2012
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.600, DHR is removed from the work locations affected by the frozen negotiated-rates-of-pay during fiscal year 2012.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: August 22, 2012
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel. (See # 14)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 11) Is this rulemaking 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	36 Ill. Reg. 4991, April 6, 2012
310.130	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.600	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.630	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.640	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.660	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.670	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.Appendix A Table S	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.Appendix A Table W	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.Appendix A Table AA	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.Appendix B Table S	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.Appendix B Table W	Amendment	36 Ill. Reg. 4991, April 6, 2012
310.47	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.80	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.130	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.300	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.600	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.630	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.640	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.660	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.670	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table D	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table E	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table F	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table S	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table W	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix A Table AA	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix B Table S	Amendment	36 Ill. Reg. 10552, July 20, 2012
310.Appendix B Table W	Amendment	36 Ill. Reg. 10552, July 20, 2012

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 14) Information and questions regarding this peremptory 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  
Fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (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 Equivalent
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)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY  
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section	
310.600	Jurisdiction

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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310.610	Pay Schedules
310.620	In-Hiring Rate
310.630	Definitions
310.640	Increases in Pay
310.650	Other Pay Provisions
310.660	Effective Date
310.670	Negotiated Rate
310.680	Trainee Rate
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010
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' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
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)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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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 Central Management Services, 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	Frozen Negotiated-Rates-of-Pay
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)

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310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
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; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory 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; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; 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,

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effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 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.

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## NOTICE OF PEREMPTORY AMENDMENT

Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; 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;

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peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective

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October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective 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

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amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; 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

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amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; 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; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg.

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19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; peremptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; peremptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; peremptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012.

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY  
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

**Section 310.600 Jurisdiction**

- a) Overview – The Frozen Negotiated-Rates-of-Pay due to Fiscal Year 2012 Appropriations (Subpart D) shall apply to the positions and employees represented by the CU-500, HR-010, RC-006, RC-009, RC-010, RC-014, RC-023, RC-028, RC-029, RC-042, RC-056, RC-062, RC-063, RC-090, RC-104, RC-110, RC-150, RC-184 or VR-704 bargaining units and with work location located at the Departments of Corrections, ~~Human Rights~~, Human Services, Juvenile Justice, Natural Resources or Public Health or the Human Rights Commission. The positions and employees shall be covered by the provisions of the Narrative (Subpart A) and Schedule of Rates (Subpart B) except as provided in the sections of Subpart D. The Departments of ~~Human Rights~~, Labor and Revenue, Criminal Justice Information Authority, Deaf and Hard of Hearing Commission, Guardianship and Advocacy Commission, Historic Preservation Agency and Prisoner Review Board are removed from the work locations where frozen negotiated-rates-of-pay are effective during fiscal year 2012.
- b) Exception – The employees represented by the American Federation of State, County and Municipal Employees (AFSCME) bargaining units CU-500, RC-006, RC-009, RC-010, RC-014, RC-028, RC-042, RC-062, RC-063 and RC-150 who by May 1, 2011 submitted for retirement prior to January 1, 2012 are excluded from Subpart D. The employees represented by AFSCME who by May 1, 2011 submitted for retirement prior to January 1, 2012 shall be paid at a rate of pay or step in the appropriate pay grade rate table in Appendix A for the position in which the employee is employed.

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NOTICE OF PEREMPTORY AMENDMENT

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 13973, effective August 22, 2012)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Foreign Banking Corporations
- 2) Code Citation: 38 Ill. Adm. Code 400
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
400.10	Withdrawn
400.20	Withdrawn
400.30	Withdrawn
400.40	Withdrawn
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: October 21, 2011, 35 Ill. Reg. 16933
- 5) Reason for the Withdrawal: The Division of Banks is currently unable to meet the statutory incorporation by reference requirement set forth in Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5]; therefore this proposal is being withdrawn.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING  
ROOM 600C  
CHICAGO, ILLINOIS  
SEPTEMBER 11, 2012  
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

**RULEMAKINGS CURRENTLY BEFORE JCAR**

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, 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](mailto:jcar@ilga.gov)  
Phone: 217/785-2254*

**PROPOSED RULEMAKINGS**

Agriculture

1. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
  - First Notice Published: 36 Ill. Reg. 9005 – 6/22/12
  - Expiration of Second Notice: 10/7/12
2. Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850)
  - First Notice Published: 36 Ill. Reg. 6873 – 5/11/12
  - Expiration of Second Notice: 10/4/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

Attorney General

3. Married Families Domestic Violence Grants (89 Ill. Adm. Code 1110)
  - First Notice Published: 36 Ill. Reg. 7745 – 5/25/12
  - Expiration of Second Notice: 9/20/12

Children and Family Services

4. Residential Services Construction Grant Program (89 Ill. Adm. Code 363)
  - First Notice Published: 36 Ill. Reg. 5656 – 4/13/12
  - Expiration of Second Notice: 9/20/12

Commerce Commission

5. Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (83 Ill. Adm. Code 595)
  - First Notice Published: 36 Ill. Reg. 8059 – 6/1/12
  - Expiration of Second Notice: 10/7/12
6. Customer Credits (83 Ill. Adm. Code 732)
  - First Notice Published: 35 Ill. Reg. 15718 – 10/7/11
  - Expiration of Second Notice: 9/30/12

Education

7. Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)
  - First Notice Published: 36 Ill. Reg. 3803 – 3/9/12
  - Expiration of Second Notice: 10/3/12
8. Contested Cases and Other Formal Hearings (Repealer) (23 Ill. Adm. Code 475)
  - First Notice Published: 36 Ill. Reg. 3782 – 3/9/12
  - Expiration of Second Notice: 10/3/12
9. Appeal Proceedings before the State Teacher Certification Board (Repealer) (23 Ill. Adm. Code 485)
  - First Notice Published: 36 Ill. Reg. 3831 – 3/9/12
  - Expiration of Second Notice: 10/3/12
10. Charter Schools (23 Ill. Adm. Code 650)
  - First Notice Published: 36 Ill. Reg. 8063 – 6/1/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

-Expiration of Second Notice: 9/30/12

Financial and Professional Regulation

11. Illinois Public Accounting Act (68 Ill. Adm. Code 1420)  
-First Notice Published: 36 Ill. Reg. 8579 – 6/15/12  
-Expiration of Second Notice: 9/30/12

Gaming Board

12. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-First Notice Published: 36 Ill. Reg. 9377 – 6/29/12  
-Expiration of Second Notice: 9/30/12

Healthcare and Family Services

13. Medical Payment (89 Ill. Adm. Code 140)  
-First Notice Published: 36 Ill. Reg. 8081 – 6/1/12  
-Expiration of Second Notice: 10/4/12

Human Services

14. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)  
-First Notice Published: 35 Ill. Reg. 20039 – 12/23/11  
-Expiration of Second Notice: 10/6/12
15. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)  
-First Notice Published: 36 Ill. Reg. 6345 – 4/27/12  
-Expiration of Second Notice: 10/11/12

Natural Resources

16. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)  
-First Notice Published: 36 Ill. Reg. 8187 – 6/1/12  
-Expiration of Second Notice: 9/13/12

Pollution Control Board

17. Groundwater Quality (35 Ill. Adm. Code 620)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

- First Notice Published: 35 Ill. Reg. 18502 – 11/14/11
- Expiration of Second Notice: 10/4/12

Racing Board

- 18. Pentafecta (11 Ill. Adm. Code 324)
  - First Notice Published: 36 Ill. Reg. 8622 – 6/15/12
  - Expiration of Second Notice: 9/20/12

Secretary of State

- 19. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
  - First Notice Published: 36 Ill. Reg. 7520 – 5/18/12
  - Expiration of Second Notice: 9/22/12
- 20. Issuance of Licenses (92 Ill. Adm. Code 1030)
  - First Notice Published: 36 Ill. Reg. 8227 – 6/1/12
  - Expiration of Second Notice: 9/15/12

Workers' Compensation Commission

- 21. Issuance of Licenses (92 Ill. Adm. Code 1030)
  - First Notice Published: 36 Ill. Reg. 8227 – 6/1/12
  - Expiration of Second Notice: 9/15/12
- 22. Miscellaneous (50 Ill. Adm. Code 7110)
  - First Notice Published: 36 Ill. Reg. 3164 – 3/2/12
  - Expiration of Second Notice: 10/11/12

**EMERGENCY RULEMAKINGS**

Gaming Board

- 23. Video Gaming (General) (11 Ill. Adm. Code 1800)
  - Notice Published: 36 Ill. Reg. 12895 – 8/10/12

Education

- 24. Certification (23 Ill. Adm. Code 25)
  - Notice Published: 36 Ill. Reg. 12903 – 8/10/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
SEPTEMBER AGENDA

**PEREMPTORY RULEMAKING**Central Management Services

25. Pay Plan (80 Ill. Adm. Code 310)  
-Notice Published: 36 Ill. Reg. 13680 – 8/31/12

**ADOPTED RULEMAKING**Commerce Commission

26. Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 1700)  
-Notice Published: 36 Ill. Reg. 13123 – 8/17/12

**EXPEDITED CORRECTION**Chief Procurement Officer for the Department of Transportation

27. Chief Procurement Officer for the Department of Transportation – Contract Procurement  
(44 Ill. Adm. Code 6)  
-Notice of Correction: 36 Ill. Reg. 13725 – 8/31/12

**AGENCY RESPONSES**Agriculture

28. Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850)  
-Notice Published: 36 Ill. Reg. 7330 – 5/11/12  
Recommendation Date: 6/12/12  
Agency Response: Agreement

Pollution Control Board

29. Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)  
-Notice Published: 36 Ill. Reg. 2801 – 2/24/12  
Recommendation Date: 8/14/12  
Agency Response: Agreement

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 August 21, 2012 through August 27, 2012 and have been scheduled for review by the Committee at its September 11, 2012 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>
10/4/12	<u>Department of Agriculture</u> , Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850)	5/11/12 36 Ill. Reg. 6873	9/11/12
10/4/12	<u>Pollution Control Board</u> , Groundwater Quality (35 Ill. Adm. Code 620)	11/14/11 35 Ill. Reg. 18502	9/11/12
10/4/12	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	6/1/12 36 Ill. Reg. 8081	9/11/12
10/6/12	<u>Department of Human Services</u> , Medicaid Community Mental Health Services Program (59 Ill. Adm. 132)	12/23/11 35 Ill. Reg. 20039	9/11/12
10/7/12	<u>Illinois Commerce Commission</u> , Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (83 Ill. Adm. Code 595)	6/1/12 36 Ill. Reg. 8059	9/11/12
10/7/12	<u>Department of Agriculture</u> , Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	6/22/12 36 Ill. Reg. 9005	9/11/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/11/12	<u>Department of Human Services</u> , Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	4/27/12	9/11/12
		36 Ill. Reg. 6345	

## PROCLAMATIONS

2012-252

**Emancipation Proclamation Day**

WHEREAS, January 1, 2013, marks the 150<sup>th</sup> anniversary of the Emancipation Proclamation, providing an historic opportunity for all Americans to remember the sacrifices made and the achievement of President Abraham Lincoln in outlawing slavery; and,

WHEREAS, the Emancipation Proclamation declares all slaves freed, stating "all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free," making its framework an essential element of the future of our country and the civil health of our populace; and,

WHEREAS, the Emancipation Proclamation provides opportunities unprecedented, giving chances to newly freed slaves in the course of President Abraham Lincoln declaring " that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service;" and,

WHEREAS, President Abraham Lincoln began the process of mending the Union through this exceptional document, allocating future generations the ability to enforce measures taken to form a more perfect Union; and,

WHEREAS, it is fitting and proper to officially recognize this remarkable document and the sesquicentennial celebration of its creation; and,

WHEREAS, in recognition of the Emancipation Proclamation and of the Americans who fulfill the duties and responsibilities of citizenship, we observe and celebrate this exceptional document, drafted and issued by President Abraham Lincoln; and,

WHEREAS, citizens of the Land of Lincoln are proud to join in observance of the 150<sup>th</sup> anniversary of the Emancipation Proclamation; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 1, 2013 as **EMANCIPATION PROCLAMATION DAY** in Illinois in honor of the enduring greatness of President Abraham Lincoln and the citizens of these United States, encourage all citizens to recognize and appreciate the importance of this enduring document to our nation, reaffirm our commitment to the rights and responsibilities of citizenship, to celebrate and reflect upon the Emancipation Proclamation and to conduct ceremonies and programs in befitting this milestone.

Issued by the Governor August 1, 2012

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-253****Keep the Spirit of '45 Alive**

WHEREAS, "The Greatest Generation" of Americans rallied our nation against the greatest threat to freedom the world has ever seen; and

WHEREAS, in August of 1945 that generation achieved total victory against the forces of evil in the Second World War; and

WHEREAS, Congress has designated the second Sunday of each August as a national day of remembrance honoring members of "The Greatest Generation;" and

WHEREAS, in keeping with that tradition, McHenry, Illinois observes "Keep the Spirit of 45 Alive" to celebrate and honor the legacy of these brave men and women; and

WHEREAS, this year McHenry VFW Post 4600 is celebrating its 65<sup>th</sup> anniversary; and

WHEREAS, the members of McHenry VFW Post 4600 who served in the Second World War and other armed conflicts put their lives on the line to defend our nation in the darkest of times; and

WHEREAS, McHenry VFW Post 4600 has played a crucial role in fostering the enrichment of patriotic and civic spirit in its local community; and

WHEREAS, Americans must never forget the dedication and sacrifice paid by members of "The Greatest Generation" and all those who have served to protect America; and

WHEREAS, the current generation and future generation of Americans owe a debt of gratitude to those fighting men and women that can never be repaid; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 12, 2012 as **KEEP THE SPIRIT OF '45 ALIVE** day in Illinois and do hereby salute McHenry VFW Post 4600 and its members for their service and sacrifice, and honor its 65 years of service to its community, its state and its nation.

Issued by the Governor August 1, 2012

Filed by the Secretary of State August 22, 2012

**2012-254****Bill Garver Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Bill Garver of Virginia; and,

WHEREAS, Bill Garver has dedicated much of his life to serving communities around Cass County; and,

WHEREAS, Bill Garver has been involved with his community through his work as President of the Virginia Park Board, President of Virginia High School's athletic booster club and township supervisor; and,

WHEREAS, Bill Garver has served as emcee for the Virginia Annual Bar-B-Que for the past two decades and has been announcing western horse shows at the Illinois State Fair and other venues for almost half a century; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 10, 2012 as **BILL GARVER DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

**2012-255**  
**Mike Bigger Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Mike Bigger of Wyoming; and,

WHEREAS, Mike Bigger has dedicated much of his life to serving Stark County through local civic groups such as Lion's Club and the Chamber of Commerce; and,

WHEREAS, Mike Bigger, among his many other achievements, was founding chair of the Stark County Economic Development Partnership, served as chair for his county board and helped secure funds to restore the cupola and add an elevator to Wyoming's 1856 courthouse; and,

WHEREAS, Mike Bigger's efforts have helped bring new tax revenue to Stark County from the hundred-turbine Camp Grove Wind Farm; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 11, 2012 as **MIKE BIGGER DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

**2012-256**

**Anthony Haislar Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Anthony Haislar of Highland; and,

WHEREAS, Anthony Haislar, community servant and now-retired farmer, has spent nearly eight decades in the Land of Lincoln; and,

WHEREAS, Anthony Haislar's commitment to the community and volunteer work was recognized by President Barack Obama in 2010 for completing 4,000 hours of community service; and,

WHEREAS, Anthony Haislar's public service extends beyond Illinois to the United States of America, where he served in the U.S. Army during the Korean Conflict; and,

WHEREAS, Anthony Haislar continues to volunteer for a number of service-oriented activities including Memorial Day celebrations and military funeral firing squads; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 12, 2012 as **ANTHONY HAISLAR DAY** in Illinois, in recognition of his positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-257****Sister Rosemary Connelly Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Sister Rosemary Connelly of Chicago; and,

WHEREAS, Sister Rosemary Connelly has been a member of the Religious Sisters of Mercy for more than 60 years; and,

WHEREAS, Sister Rosemary Connelly has displayed a true servant's heart by assisting those less fortunate in this world, as well as helping the developmentally disabled through her work at Misericordia, where she has served as executive director since 1976; and,

WHEREAS, Sister Rosemary Connelly has received numerous awards and honors throughout her years and has gratefully received all of them on behalf of everyone who is involved with Misericordia; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 13, 2012 as **SISTER ROSEMARY CONNELLY DAY** in Illinois, in recognition of her positive impact on our state.

**Issued by the Governor August 2, 2012**

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-258****Ken Getz Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Ken Getz of Morton; and,

WHEREAS, Ken Getz is a lifelong Illinois farmer who has dedicated his time and energy to serving the people of Morton; and,

WHEREAS, Ken Getz has served the community through his work on the local school board, local planning commission and serving as a village trustee. He also connects with his community by actively engaging with youth involved in 4-H; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2012 as **KEN GETZ DAY** in Illinois, in recognition of his positive impact on our state.

**Issued by the Governor August 2, 2012**

Filed by the Secretary of State August 22, 2012

**2012-259****Marla Behrends Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Marla Behrends of Carlock; and,

WHEREAS, Marla Behrends' life has revolved around agriculture, devoting much of her time and energy to 4-H and Future Farmers of America (FFA) statewide; and,

WHEREAS, Marla Behrends was the first female FFA member at her high school in Clifton, Illinois; and,

WHEREAS, Marla Behrends also serves as superintendent of Illinois' historic Daily Building, home of the famous butter cow; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 15, 2012 as **MARLA BEHREND'S DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

**2012-260**  
**Lynn Chard Day**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Lynn Chard of Rochester; and,

WHEREAS, Lynn Chard grew up on a Sangamon County farm and remains passionate about agricultural by helping guide the University of Illinois Extension as well as farm crop promotion with the Land of Lincoln Ag-Coalition; and,

WHEREAS, Lynn Chard serves on the Sangamon County Soil and Water Conservation District Board where she works on the Lake Springfield Watershed Committee; and,

WHEREAS, Lynn Chard has remains involved in her community through her through her service as an officer of Rochester Township; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 16, 2012 as **LYNN CHARD DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

**2012-261**  
**Haley Jo Bosler**

## PROCLAMATIONS

WHEREAS, the hard work and determination of America's citizen are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Haley Jo Bosler of Sandoval; and,

WHEREAS, at only 19 years of age, Haley Jo Bosler is this year's youngest Illinoisan of the Day for her strong work-ethic and numerous contributions to her local community; and,

WHEREAS, Haley Jo Bosler a 2012 graduate from Sandoval High School, was an honor roll student and involved in a range of extra-curricular activities from student council to the golf team; and,

WHEREAS, Haley Jo Bosler was involved in so many extra-curricular activities that Sandoval High School created an award to recognize such devotion to service and awarded Hayley as the first recipient of The Golden Hawk; and,

WHEREAS, Haley Jo Bosler has remains involved in her community through her work on local blood drives, summer lunch programs and a community food-and-clothing pantry; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 17, 2012 as **HALEY JO BOSLER DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 2, 2012  
Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-262****Pauline McDonald Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Pauline McDonald of Bushnell; and,

WHEREAS, Pauline McDonald has been involved with her community through her work as an elected official, serving on the city council for over a decade; and,

WHEREAS, Pauline McDonald has devoted much of her time over the past 20 years as a volunteer and fund-raiser for the village swimming pool, a non-profit that needs regular cleaning and funds to remain open to the public; and,

WHEREAS, Pauline McDonald is also known for organizing community celebrations during holidays in Bushnell; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 18, 2012 as **PAULINE MCDONALD DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-263****Vanessa Tyus Day**

WHEREAS, the hard work and determination of America's citizens are among our greatest resources; and,

WHEREAS, one person can effect a positive change with just a single selfless act, no matter how big or small; and,

WHEREAS, the Land of Lincoln is blessed with men and women who dedicate their time and energy to performing acts of good will and improving the quality of life for all people; and,

WHEREAS, countless people throughout the state strive to improve our communities by supporting volunteer and community service efforts; and,

WHEREAS, to recognize several of these individuals, on each day of the Illinois State Fair one person will be named Illinoisan of the Day; and,

WHEREAS, each winner is being honored for making a difference in their community, displaying a true Illinois spirit through their hard work and dedication to helping others, and for making the State of Illinois a great place to live; and,

WHEREAS, one such person is Vanessa Tyus of Jacksonville; and,

WHEREAS, Vanessa Tyus, homeless at one point in her life, has worked tirelessly to establish some form of haven for those less fortunate that do not have a place to call home; and,

WHEREAS, Vanessa Tyus' initiative has helped lead to the creation of New Directions Warming and Cooling Center inside Grace United Methodist Church where she serves as the center's director; and,

WHEREAS, Vanessa Tyus dedication to creating home-life extends beyond her community and into her own home where she is a foster parent; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 19, 2012 as **VANESSA TYUS DAY** in Illinois, in recognition of her positive impact on our state.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-264****Women's Business Development Day**

WHEREAS, there are over 8.1 million women-owned businesses in the U.S., employing over 7.6 million workers and generating more than \$1.2 billion in revenues; and,

WHEREAS, more than 350,000 of those women-owned businesses are located in Illinois; and,

WHEREAS, the Women's Business Development Center (WBDC) is a nationally-recognized nonprofit women's business assistance organization, devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and

WHEREAS, the WBDC was founded in 1985 by S. Carol Dougal and Hedy M. Ratner, and is now celebrating its third decade of commitment to meeting the demands of women entrepreneurs for greater opportunities in business ownership and development; and,

WHEREAS, the WBDC has put forth creative and innovative approaches to empowering women and their families, influencing the larger political and economic environment in a way that encourages and supports women's economic empowerment; and,

WHEREAS, since its inception, more than 66,000 women business owners have used the programs and services provided by the WBDC; and,

WHEREAS, these services include one-on-one counseling, workshops, and entrepreneurial training, as well as programs focused on finance, certification and capacity building, procurement and technical assistance, and child care; and,

WHEREAS, the Women's Business Development Center will hold its 26<sup>th</sup> Annual Entrepreneurial Woman's Conference on September 20, 2012 at Chicago's McCormick Place-West; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 14, 2011 as **WOMEN'S BUSINESS DEVELOPMENT DAY** in Illinois, in recognition of the Women's Business Development Center's 25<sup>th</sup> Anniversary Entrepreneurial Woman's Conference, and in celebration of the past twenty-five years of the WBDC's outstanding advocacy and service to women business owners in the Land of Lincoln.

Issued by the Governor August 2, 2012

Filed by the Secretary of State August 22, 2012

**2012-265**

## PROCLAMATIONS

**Chiropractic Health Care Month**

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractors who locate and help correct joint and spinal problems; and,

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and,

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and,

WHEREAS, chiropractic is a safe, conservative approach to pain relief and wellness, and is the most popular form of natural healthcare in the world; and,

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the health and wellbeing of the people of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2012 as **CHIROPRACTIC HEALTH CARE MONTH** in Illinois, to raise awareness about chiropractic care.

Issued by the Governor August 3, 2012

Filed by the Secretary of State August 22, 2012

**2012-266****Farmers Market Day**

WHEREAS, for the past 100 years, the city of Aurora has successfully operated a farmers market, making it the longest running farmers market in the State; and,

WHEREAS, farmers markets throughout the country have flourished in response to community interests in local and fresh foods; and,

WHEREAS, the city of Aurora, through its efforts, has enabled Illinois to become the third largest conglomerate of farmers markets in the State; and

WHEREAS, fresh local food compliments Illinois' robust agricultural industry by strengthening as well as expanding its proud farming heritage; and,

## PROCLAMATIONS

WHEREAS, the men and women farmers who dedicate their lives to this tradition should be recognized for the outstanding and meaningful contributions they make to our State; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 11, 2012 as **FARMERS MARKET DAY** in Illinois, and call for all citizens to recognize farmers markets and the roles they play in serving our communities.

Issued by the Governor August 6, 2012

Filed by the Secretary of State August 22, 2012

**2012-267****Veterans' Day at The State Fair**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

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

WHEREAS, it is our duty to ensure the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve everything we can give them; and,

WHEREAS, Sunday, August 12, 2012 is Veterans' Day at the Illinois State Fair – a day to give thanks to those who have served our country, to salute our service members and to honor the men and women who have lost their lives protecting our freedom; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy, not only on this day, but throughout the year; and,

WHEREAS, on this day, veterans and their families are admitted to the fairgrounds for free, and a number of special Veterans' Day activities will be held; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 12, 2012 as **VETERANS' DAY AT THE STATE FAIR** in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor August 7, 2012

Filed by the Secretary of State August 22, 2012

## PROCLAMATIONS

**2012-268****Korean War Veterans Day**

WHEREAS, following the end of World War II and the surrender of Japan in 1945, American administrators, along with the Allied forces, divided the Korean peninsula along the 38<sup>th</sup> parallel; and,

WHEREAS, divisions between North Korea, supported by the People's Republic of China, and South Korea, supported by the United Nations, intensified until North Korean forces crossed the 38<sup>th</sup> parallel and invaded South Korea on June 25<sup>th</sup>, 1950, serving as the first significant armed conflict since WWII and marking the beginning of the Korean War; and,

WHEREAS, The United Nations, in particular the United States, aided South Korea in repelling the invasion and continued to support South Korea until 1953, when an armistice was signed suspending armed conflict; and,

WHEREAS, during the period of 1950-1953, hundreds of thousands of American troops entered the Korean peninsula, with over 30,000 casualties and over 100,000 wounded during the Korean War; and,

WHEREAS, the 2011 Defense Authorization Bill authorized the establishment of the Department of Defense's 60<sup>th</sup> Anniversary of the Korean War Commemoration Committee; and,

WHEREAS, the Korean War Commemoration period is dedicated to thanking and honoring all of the veterans of the Korean War, their families and especially those who lost loved ones; and,

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, on this 60<sup>th</sup> Anniversary we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen and thank our veterans who answered the call to duty with honor, decency and selflessness; and,

WHEREAS, Department of Defense ambassadors, Fields and Amaro, along with Berwyn Mayor Robert J. Lovero, and Illinois State Representative Lisa Hernandez, host a commemorative breakfast on this anniversary to honor and thank our Korean War Veterans; and,

WHEREAS, the commemorative celebration for the 60<sup>th</sup> Anniversary is held in conjunction with the Chicago Korean Festival with the support of the City of Chicago Mayor, the 60th

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Anniversary of the Korean War Commemoration Committee, the Chicago Korean American Chamber of Commerce and the Veteran Organizations of the State of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 18, 2012 as **KOREAN WAR VETERANS DAY** in the State of Illinois and encourage all residents of the Land of Lincoln to remember the sacrifice of the brave men and women who answered their country's call to serve during the Korean War period.

Issued by the Governor August 8, 2012

Filed by the Secretary of State August 22, 2012

**2012-269****Life Insurance Awareness Month**

WHEREAS, the vast majority of Americans recognize that life insurance helps safeguard their families' financial security, and nearly 80 percent of U.S. households have some form of life insurance coverage; and,

WHEREAS, the life insurance industry, which holds \$5 trillion in assets distributed among all segments of the economy, is a primary source of financial and retirement security to more than 75 million American families; and,

WHEREAS, the life insurance industry paid \$59 billion to beneficiaries in 2009; and,

WHEREAS, each year, life insurance benefits are a tremendous source of financial relief and security to families that are confronted by the death of a loved one; and,

WHEREAS, despite the peace of mind that life insurance brings to millions of American families, there are still too many Americans who lack adequate life insurance coverage; and,

WHEREAS, the unfortunate reality is that 95 million adult Americans have no life insurance, and most of those with life insurance have less coverage than experts recommend; and,

WHEREAS, during difficult times such as these, life insurance coverage is more important than ever because most individuals have far fewer financial resources with which to rely on in the event of a premature death in their family; and,

## PROCLAMATIONS

WHEREAS, when someone who financially provides for their family dies prematurely, insufficient life insurance coverage often results in hardship for surviving family members, forcing them to work additional jobs or longer hours, borrow money from family and friends, scale back educational plans for children, spend down money from savings and investment accounts, and move to less expensive housing; and,

WHEREAS, determining how much and what kind of insurance to buy is one of the most important financial decisions consumers will ever make; individuals, families, and businesses can benefit greatly from the expert advice of a qualified life insurance professional; and,

WHEREAS, the nonprofit Life and Health Insurance Foundation for Education (LIFE) and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month," whose goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve financial security for their loved ones; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2012 as **LIFE INSURANCE AWARENESS MONTH** in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 9, 2012  
Filed by the Secretary of State August 22, 2012

**2012-270****National Public Lands Day**

WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and,

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and,

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and,

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of citizens, community, city and state officials, business leaders, children and adults; and,

## PROCLAMATIONS

WHEREAS, land managers improve public lands for outdoor recreation and provide Americans with an opportunity to engage in regular physical activity; and,

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and,

WHEREAS, alliances between private citizens, land managers and community leaders can improve the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and,

WHEREAS, National Public Lands Day, co-sponsored by the National Environmental Education Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the Environmental Protection Agency, the National Park Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and USDA Forest Service has become an annually anticipated event for local participation on publicly held lands throughout the Land of Lincoln; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 29, 2012 as **NATIONAL PUBLIC LANDS DAY** in Illinois, and encourage all citizens to join in this special observance.

Issued by the Governor August 9, 2012

Filed by the Secretary of State August 22, 2012

**2012-271**

**Senior Services Associates Inc. Day**

WHEREAS, as the aging population increases, demand for and development of assisted and supportive living facilities, caregiver assistance, legal services, healthcare needs, and other day to day services is at an all-time high; and,

WHEREAS, older adults are the fastest growing segment of our population, with an estimated 1.5 million person in Illinois aged 65 years or older; and,

WHEREAS, Senior Services Associates, Inc. was established on August 31, 1973 with a mission to sustain and improve the quality of life for individuals and their caregivers by providing access to the social services they need. They are dedicated to preserving independence, promoting mental and physical well-being and protecting the rights and dignity of the seniors they serve; and,

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WHEREAS, Senior Services Associates, Inc. was designated by the Illinois Department on Aging to be the Care Coordination Unit for Kane, Kendall and McHenry Counties. There are now a total of five offices located in McHenry, Crystal Lake, Elgin, Aurora and Yorkville serving over 27,000 seniors; and,

WHEREAS, in 2011, Senior Services Associates served over 27,000 seniors and their families in all three counties. They help connect seniors with resources to help them live the highest quality of life possible in their own homes as long as safely manageable and to assist seniors and their families to make decisions when other options must be considered; and,

WHEREAS, as Care Coordination Units (CCU's), Senior Service Associates serves as a "one stop shopping center" for services for adults 60 years and older. In order to best advocate for seniors in the community, The Senior Services Associates is a member agency of many organizations and agencies including the Community Care Advisory Committee, Senior Citizen Service committee, American Society on Aging, and a number of county organizations.

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 19, 2012 as **SENIOR SERVICES ASSOCIATES, INC. DAY** in Illinois and call upon all citizens to identify ways they can improve the quality of life for all seniors throughout the state.

Issued by the Governor August 9, 2012  
Filed by the Secretary of State August 22, 2012

**2012-272****Ukrainian Independence Day**

WHEREAS, over two decades ago, on August 24, 1991, the Ukrainian parliament established and declared itself an independent, sovereign, democratic state, which was then upheld by over 90 percent of its citizens in a national referendum in December of that same year; and,

WHEREAS, for centuries the people of Ukraine yearned and struggled to achieve an independent state, all the while preserving their culture, language, and self identity; and,

WHEREAS, that element of self-preservation was evident in the brave Ukrainian immigrants who settled on the shores of the United States and contributed greatly to the mosaic which is America by giving back to their adopted homeland, never forgetting about their rich history and heritage; and,

WHEREAS, the country of Ukraine has proven its commitment to democratic ideals which were embodied in its restoration of independence in 1991 and the values and responsibilities

## PROCLAMATIONS

associated with it, even through hardship and regression, the people of Ukraine continue their efforts to become a vital partner of the western community of democratic countries; and,

WHEREAS, in this 21<sup>st</sup> year of Ukraine's restored independence, one must remember the victims of Stalin's brutal genocide against the Ukrainians in 1932-1933 and the continuing consequences of the 1986 Chernobyl nuclear disaster and vow to never forget these tragic events or let history repeat itself; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 24, 2012 as **UKRAINIAN INDEPENDENCE DAY** in Illinois, and join the Ukrainian community in celebrating the 21<sup>st</sup> anniversary of Ukrainian Independence, and commend the worthy efforts of the Ukrainian people to establish a stable and prospering nation.

Issued by the Governor August 13, 2012

Filed by the Secretary of State August 22, 2012

**2012-273****United States Department of Agriculture Day**

WHEREAS, in 1862 President Abraham Lincoln signed legislation to establish the United States Department of Agriculture (USDA), bringing to bear the government's commitment to the health of our people and the well-being of our land; and,

WHEREAS, in the Land of Lincoln we celebrate and honor the 150th Anniversary of the USDA during Agriculture Day at the Illinois State Fair; and,

WHEREAS, during the past 150 years the USDA has worked together with the American people to support the tremendous growth and success of American agriculture, drive economic growth, conserve natural resources and build stronger communities and a more resilient nation; and,

WHEREAS, since the time of Lincoln, the USDA has lived up to our 16<sup>th</sup> President's characterization of the agency as "The People's Department" by promoting soil conservation during the Dust Bowl period of the 1930's, supporting the troops during both World Wars with Victory Gardens, and bringing electricity to rural America in 1935; and,

WHEREAS, the USDA will continue to ensure a supply of safe and nutritious food, protect our natural resources, provide infrastructure and support that guarantees thriving rural communities, and expand our agriculture markets for producers and consumers for many years to come; and,

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WHEREAS, as we commemorate this historic milestone, I encourage all Americans to take advantage of this celebration to learn about the contributions of the USDA and how they continue to work and provide the best result for the people of Illinois and the nation; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2012 **UNITED STATES DEPARTMENT OF AGRICULTURE DAY** in Illinois to commemorate the 150 years of commitment by the men and women of the USDA to the people of Illinois and all of the United States.

Issued by the Governor August 13, 2012

Filed by the Secretary of State August 22, 2012

**2012-274****Easton – Bell Sports Day**

WHEREAS, the prosperity of our businesses and success of our entrepreneurs are vital to Illinois' economic development and growth; and,

WHEREAS, Illinois' businesses help preserve our communities and are integral to our state's unique economic identity; and,

WHEREAS, Illinois supports those businesses that create jobs, boost our local economy and preserve our neighborhoods; and,

WHEREAS, one such business is Easton – Bell Sports, whose Bell Sports brand is maintained in Rantoul, Illinois; and,

WHEREAS, Easton – Bell Sports has become a leader in the athletic industry through the successful design and marketing of high-performance athletic equipment; and,

WHEREAS, as a market leader, the Easton – Bell Sports brand has become a household name for countless sports enthusiasts who use their products for athletic enhancement or protection; and,

WHEREAS, on August 14, 2012, Bell Sports will hold a groundbreaking ceremony at the future site of their new facility in Rantoul, Illinois; and,

WHEREAS, the health of Illinois' economy depends on our support of businesses owned by our friends and neighbors; and,

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 14, 2012 as **EASTON – BELL SPORTS DAY** in Illinois and encourage consumers in the Land of Lincoln to support the businesses and merchants that create jobs within our communities and reinvest in our local economies.

Issued by the Governor August 13, 2012

Filed by the Secretary of State August 22, 2012

**2012-275****Childhood Cancer Awareness Month**

WHEREAS, the American Cancer Fund for Children as well as the Kids Cancer Connection both report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 15,000 of our nation's young people each and every year; and,

WHEREAS, founded nearly twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and,

WHEREAS, both the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the Children's Memorial Hospital: Department of Pediatrics; Division of Hematology/Oncology in Chicago, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and,

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and,

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2012 as **CHILDHOOD CANCER AWARENESS MONTH** in Illinois, in order to raise awareness of childhood cancer and in support of the efforts of these wonderful organizations dedicated to helping the children and families affected by childhood cancer.

Issued by the Governor August 14, 2012

## PROCLAMATIONS

Filed by the Secretary of State August 22, 2012

**2012-276**

**Texting and Driving Awareness Month**

WHEREAS, The Illinois Department of Transportation and the Illinois Tollway, are committed to safety on our state's roadways and educating the public about the dangers of texting and driving through our "Drive Now. Text Later." campaign; and,

WHEREAS, The Illinois Department of Transportation and the Illinois Tollway are cognizant of the increase in highway fatalities in the last year, notably those involving distracted driving. Texting while driving occurs with drivers of all ages, but especially among teenagers, as text messaging is the main mode of communication for most teenagers; and,

WHEREAS, The Illinois Department of Transportation and the Illinois Tollway recognize a recent survey found that, 43% of American teenage drivers admitted to texting while driving even though 97% know it is dangerous. A driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of passengers, pedestrians, and other drivers; and,

WHEREAS, The Illinois Department of Transportation and the Illinois Tollway, to further address this traffic safety issue through education, supports AT&T in establishing the first-ever "No Text On Board Pledge Day," on September 19 when all Americans will be urged to sign a pledge to not text and drive from that day onward in an effort to change behavior and save lives; and,

THEREFORE, I, Pat Quinn, the Governor of Illinois, do hereby proclaim September 2012 as **TEXTING AND DRIVING AWARENESS MONTH** in Illinois, and do hereby proclaim September 19, 2012 as **NO TEXT ON BOARD PLEDGE DAY** in Illinois encourage all drivers to take the pledge to never text and drive.

Issued by the Governor August 14, 2012

Filed by the Secretary of State August 22, 2012

**2012-277**

**Celebrate My Drive Day**

WHEREAS, learning to drive is an exciting and big step in life for many teenagers but also comes with increased responsibility and risk; and,

## PROCLAMATIONS

WHEREAS, motor vehicle accidents continue to claim the lives of far too many young people every year and are the leading cause of death among teenagers. In the United States, 1 in 4 crash fatalities involve someone 16 to 24 years old, nearly twice as high as other age groups; and,

WHEREAS, State Farm has led a nationwide safety initiative, designed for teens, that educates them about the responsibilities of driving a motor vehicle; and,

WHEREAS, State Farm's Celebrate My Drive Program is dedicated to reducing driving-related teen deaths and injuries in the State of Illinois and the nation by working together to promote safe driving practices for all drivers; and,

WHEREAS, the Celebrate My Drive program boosts confidence and comfort in parents who are concerned about their teens as they take to the road and get behind the wheel of a motor vehicle by providing teens and their parents with the tools, tips, and resources needed during the process of learning to drive; and,

WHEREAS, State Farm encourages parents and community members to get involved in this program by sharing your tools, expertise, and resources to support new drivers in your community during and after the event; and,

WHEREAS, in an effort to maintain safety and independence while driving, teens are encouraged to take full advantage of this program, designed to provide them with necessary driving techniques needed to become safe drivers; and,

WHEREAS, better education and awareness leads to safer drivers and driving habits; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 15, 2012 as **CELEBRATE MY DRIVE DAY** in Illinois, and encourage all drivers to continue to help keep our roadways safe through education and awareness.

Issued by the Governor August 16, 2012

Filed by the Secretary of State August 22, 2012

**2012-278**

**Reuben Soderstrom Day**

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, Reuben Soderstrom is one such servant, who dedicated his life to helping the people of Illinois; and,

## PROCLAMATIONS

WHEREAS, Reuben Soderstrom's story is the gritty, hardscrabbled story of labor itself; and,

WHEREAS, Reuben Soderstrom toiled as a child worker in a blacksmith shop, carried water for trolley car operators, worked as a glass blower and also as a print shop typesetter, where he learned the power of ideas and words; and,

WHEREAS, motivated by the working conditions he experienced and endured, Soderstrom served the State of Illinois as a State Representative from 1918 to 1936 as well as president of the Illinois Federation of Labor and AFL-CIO from 1930 to 1970 where he guided legislation that serves as the foundation of the majority of today's labor laws; and,

WHEREAS, throughout his career, Reuben developed and maintained close personal contacts with some of our nation's most influential leaders such as President Franklin Delano Roosevelt, Eugene Debs, President Lyndon B. Johnson, President John F. Kennedy and Reverend Martin Luther King; and,

WHEREAS, Reuben was a driving force behind the merger of the American Federation of Labor and Congress of Industrial Organizations, helping lead the labor movement on a national level; and,

WHEREAS, day in and day out, dedicated public servants like Reuben have provided the diverse services demanded by the American people of their government with efficiency and integrity; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2, 2012 as **REUBEN SODERSTROM DAY** in Illinois, and call for public attention to his legacy and cause in recognition of his dedication to public service and the working American.

Issued by the Governor August 16, 2012

Filed by the Secretary of State August 22, 2012

**2012-279****Older Adult Falls Prevention Awareness Day**

WHEREAS, we must develop a society where all people, including our oldest citizens, are provided the opportunity to live up to their fullest full potential; and,

WHEREAS, older adults are the fastest growing segment of our population, with an estimated 1.5 million persons in Illinois aged 65 years or older; and,

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WHEREAS, it is estimated that one-third of Illinois' residents older than the age of 65 will fall each year, thereby limiting their potential for living full and active lives; and,

WHEREAS, falling and fear of falling can lead to depression, loss of mobility, and loss of functional independence in older adults; and,

WHEREAS, falls are the leading cause of injury deaths among adults 65 years of age and older in Illinois; and,

WHEREAS, falls can result in brain injuries or hip fractures that necessitate admission to a long-term care facility; and,

WHEREAS, one in 10 falls in older adults results in a broken bone. The risk of breaking a bone is even greater if the person has osteoporosis, a disease that causes bones to become thin and weak; and,

WHEREAS, the total cost of unintentional, nonfatal, fall-related hospital admitted injuries for adults age 65 and older in Illinois was approximately \$4.2 billion in the year 2005; and,

WHEREAS, research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested; and,

WHEREAS, many falls can be prevented. Fall prevention strategies include physical activity to improve balance and strength, medication management, regular health and vision check-ups, and home safety measures; and,

WHEREAS, older adults are not alone in their efforts to reduce fall risk. Health care professionals, family members, friends, and community resources can provide the support needed to safely live life to its fullest; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim September 22, 2012 as **OLDER ADULT FALLS PREVENTION AWARENESS DAY** in Illinois, and call upon all citizens to observe the day by becoming familiar with the risk factors for falls among older adults and implementing fall risk reduction strategies in order to reduce older adult's risk of falling, add years to life, and maintain quality of life and independence.

Issued by the Governor August 17, 2012

Filed by the Secretary of State August 22, 2012

**2012-280**

**Direct Support Professionals Recognition Week**

## PROCLAMATIONS

WHEREAS, direct support professionals, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals are the primary providers of publicly-funded long term support and services for millions of individuals; and,

WHEREAS, direct support professionals assist individuals with disabilities with their most intimate needs on a daily basis, and must build a close, trusting relationship with those they serve; and,

WHEREAS, direct support professionals provide a broad range of support, including preparation of meals, helping with medications, bathing, dressing, mobility, getting to school, work, religious and recreational activities, and other general daily affairs; and,

WHEREAS, direct support professionals provide essential support to help keep individuals with disabilities connected to family and community, enabling individuals with disabilities to lead meaningful, productive lives; and,

WHEREAS, direct support professionals are the key to allowing individuals with disabilities to live successfully in the community, thereby avoiding more costly institutional care; and,

WHEREAS, the majority of direct support professionals are female, and many are the sole income earners in their families; and,

WHEREAS, direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same federal and state public assistance programs for which the individuals with disabilities they serve also depend; and,

WHEREAS, currently, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase in the coming years; and,

WHEREAS, there is a documented critical and growing shortage of direct support professionals in many communities throughout the United States; and,

WHEREAS, many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support for individuals with disabilities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 11 – 17, 2012 as **DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK** in Illinois, in recognition of the dedication of direct support professionals in enhancing the lives of individuals with disabilities of all ages.

## PROCLAMATIONS

Issued by the Governor August 17, 2012

Filed by the Secretary of State August 22, 2012

**2012-281****Betty White Day**

WHEREAS, Ralph Waldo Emerson once explained that "[t]he perception of the comic is a tie of sympathy with other men, a pledge of sanity, and a protection from those perverse tendencies and gloomy insanities in which fine intellects sometimes lose themselves", noting the importance of absurdity and humor in society and human consolation; and,

WHEREAS, no one recognizes this better than actress, comedienne, author, singer, television personality, philanthropist and Illinois native Betty White, who understands the role of comedy in lifting the human spirit and the importance of humor in moving on from conflict, anguish and grief; and,

WHEREAS, Betty White was born on January 17, 1922 in Oak Park, Illinois to parents Tess and Horace, a homemaker and travelling salesman, respectively; and,

WHEREAS, Betty White, discovering a love of performing during high school, pursued a career in acting and was performing three months after graduation on a Los Angeles television channel singing songs from "The Merry Widow"; and,

WHEREAS, shortly after her television debut, the United States entered World War II and Betty White took a break from acting in order to join the American Women's Voluntary Service (AWVS), an organization dedicated to supporting the war effort by training and organizing women volunteers; and,

WHEREAS, after the war, Betty White resumed her acting and continues to enjoy a successful career, which has included roles on "The Mary Tyler Moore Show", "Golden Girls", "Just Men!", "The Proposal", "Hot in Cleveland" and her new show "Betty White's Off Their Rockers"; and,

WHEREAS, Betty White has been nominated for many awards throughout her career, winning seven Emmy Awards and three American Comedy Awards. She has also been inducted into the Television Hall of Fame, has a star on the Hollywood Walk of Fame, and was honored with Lifetime Achievement Awards by the American Comedy Awards and the Screen Actors Guild and was bestowed the title of "Honorary Forest Ranger" by the USDA's Forest Service, fulfilling her childhood dream; and,

## PROCLAMATIONS

WHEREAS, in addition to her volunteer service during the war with AWVS, Betty White is also a passionate advocate for animals and dedicates much of her time to organizations such as The Los Angeles Zoo Commission, the Morris Animal Foundation, Actors & Others for Animals, Greater Los Angeles Zoo Association, and the American Humane Association; and,

WHEREAS, combining her love of animals, comedic talent and philanthropic spirit, Betty White will return to her native Chicagoland to serve as a special guest during an annual fundraiser for Bravehearts Therapeutic Riding and Educational Center, an organization dedicated to providing therapy horses and equine-assisted activities to individuals suffering terminal or life-threatening diseases, and military servicemembers who suffer from post-traumatic stress or are otherwise returning from the trauma of war; and,

WHEREAS, Betty White embodies Emerson's belief that comedy and the ludicrous serve as a universal connector among men, a tool to maintain sanity and a protection from sadness, and through her work lives that conviction daily; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 18, 2012 as **BETTY WHITE DAY** in Illinois, in recognition of her extraordinary contributions to the global community through the art of laughter and in recognition of her charitable efforts that improve the lives of our veterans and animals.

Issued by the Governor August 17, 2012

Filed by the Secretary of State August 22, 2012

**2012-282****Fetal Alcohol Syndrome Disorders Awareness Day**

WHEREAS, Fetal Alcohol Syndrome Disorders are the leading cause of developmental disabilities in western civilization, including the United States, and are 100 percent preventable; and,

WHEREAS, FAS is a lifelong, mentally and physically disabling condition caused by mothers who drink during pregnancy; and,

WHEREAS, research has found that even minimal drinking during pregnancy can kill developing brain cells and result in brain damage, facial deformities, and growth abnormalities. Heart, kidney, and liver defects are also common; and,

WHEREAS, those with FAS typically have difficulty communicating, learning, and memorizing. Consequently, they have trouble in school and are often deficient in interpersonal skills; and,

## PROCLAMATIONS

WHEREAS, unfortunately, there is no cure for FAS. However, with early detection and diagnosis, children with FAS can receive services that increase their chance for a better life; and,

WHEREAS, since 1999, September 9 has been observed as International FAS Day to encourage expectant mothers to abstain from alcohol during their nine months of pregnancy; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 9, 2012 as **FETAL ALCOHOL SYNDROME DISORDERS AWARENESS DAY** in Illinois, to raise awareness about Fetal Alcohol Syndrome, and to urge all expectant mothers to take extra precautions while pregnant for the health and well-being of their children.

Issued by the Governor August 17, 2012

Filed by the Secretary of State August 22, 2012

**2012-283**  
**Peace Days**

WHEREAS, Peace Day has been celebrated annually in Chicago, Illinois since September 7, 1978 through the observance of One Minute of Silence for World Peace; and,

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed to promote global cease-fire and non-violence from every country across the globe; and,

WHEREAS, Peace Day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and,

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and,

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and,

WHEREAS, in 2001 a resolution was passed by the United Nations declaring September 21 of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and,

WHEREAS, these events encourage all individuals to take a minute for peace every day as a positive step toward making every day Peace Day:

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 7 - 21, 2012 as **PEACE DAYS** in Illinois, in recognition of this effort to build a more peaceful state, a more peaceful county, and a more peaceful world.

Issued by the Governor August 17, 2012

Filed by the Secretary of State August 22, 2012

**2012-284****Principals Week and Principals Day**

WHEREAS, school principals play an important role in the education and growth of children in elementary, middle, and secondary schools across the State of Illinois; and,

WHEREAS, school principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and,

WHEREAS, it is the responsibility of the State of Illinois to preserve and improve resources for schools so that all students have the opportunity to receive a quality education and foundation for a successful future; and,

WHEREAS, the Illinois Principals Association, which represents 4,200 educational leaders statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and,

WHEREAS, for that reason, the Illinois Principals Association is dedicated to advancing student learning through effective and innovative educational leadership development; and,

WHEREAS, educational leaders face many challenges in educating our young people and it is through their perseverance and passion that Illinois is able to continue to produce quality, career ready students; and,

WHEREAS, we must continue to encourage, support, and recognize those who have a positive impact on Illinois' students and the educational system in the Land of Lincoln; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim the week of October 22-26, 2012 as **PRINCIPALS WEEK** and October 26, 2012 as **PRINCIPALS DAY** in Illinois, to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

## PROCLAMATIONS

Issued by the Governor August 20, 2012  
Filed by the Secretary of State August 22, 2012

**2012-285****Keep Chicago Beautiful Day**

WHEREAS, protecting the environment is becoming more important than ever; and,

WHEREAS, Keep Chicago Beautiful was established on June 11, 1987, in order to sustain and improve the quality of life for individuals on this Earth by protecting the environment for those who inhabit it, by pledging to reduce, reuse and recycle and to spread their work to those throughout the city, state and nation; and,

WHEREAS, Keep Chicago Beautiful has successfully founded the nationwide program known as "Waste in Place" which has educated younger generations on the importance of reducing, reusing and recycling, as well the advantages of eradicating litter to clean up Chicago; and,

WHEREAS, this organization understands the importance of maintaining a beautiful environment, leading by example through their efforts with the city of Chicago, and appreciates the significance of educating those who will nurture the environment for years to come; and,

WHEREAS, it is fitting and proper to officially recognize this organization on their efforts to preserve our environment and to keep it beautiful; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 13, 2012 as **KEEP CHICAGO BEAUTIFUL DAY** and call upon all citizens to observe the day by becoming familiar with the actions that harm the environment and measures that can be taken to ensure that we maintain and preserve the beautiful environment in which we live.

Issued by the Governor August 21, 2012  
Filed by the Secretary of State August 22, 2012

**2012-286****National Alpaca Farm Days**

WHEREAS, the State of Illinois recognizes the alpaca as part of our livestock industry; and,

WHEREAS, known worldwide for its luxurious fiber, the number of alpaca livestock and breeding farms dedicated to raising this specific breed has increased in the State of Illinois; and,

## PROCLAMATIONS

WHEREAS, the State of Illinois recognizes and celebrates the Farmers who prepare, maintain and provide proper breeding and care for alpacas in Illinois; and

WHEREAS, the alpaca is an earth friendly species that enables farmers to maintain their green space while emerging into the national alpaca textile industry; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 28-30, 2012 as **NATIONAL ALPACA FARM DAYS** in Illinois, and call for public attention and recognition of the alpaca farm industry throughout the Land of Lincoln.

Issued by the Governor August 22, 2012

Filed by the Secretary of State August 22, 2012

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

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