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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 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 725

3)

Section Numbers:	Proposed Actions:
725.100	Amendment
725.101	Amendment
725.200	Repealed
725.205	Repealed
725.210	Repealed
725.215	Repealed
725.220	Repealed
725.300	Repealed
725.305	Repealed
725.310	Repealed
725.400	Repealed
725.402	New Section
725.405	Amendment
725.410	Amendment
725.412	New Section
725.415	Repealed
725.500	Repealed
725.505	Repealed
725.510	Repealed
725.515	Repealed
725.520	Amendment
725.525	Repealed
725.600	Repealed
725.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]

5) A Complete Description of the Subjects and Issues Involved: PA 99-6 was signed into law on June 29, 2015. Many of the provisions in the legislation take effect on January 1, 2016, including those that transfer overall responsibility for the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce to the Department of State Police. Under the new legislation, the Commission will retain jurisdiction over the telecommunications carriers and 9-1-1 service providers that provide

9-1-1 network and database services in the state. The proposed amendments that are the subject of this rulemaking will effectively continue the Commission's oversight of those functions, and the changes proposed in the amendments will ensure consistency with the new provisions of the legislation.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No; the Agency has adopted emergency amendments that will remain in effect for 150 days or until the adoption of the rules proposed in this rulemaking, whichever is earlier.

11) Statement of Statewide Policy Objectives: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

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

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 15-0645 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: This rulemaking will affect any subject jurisdictional entities that are

also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures

C) Types of professional skills necessary for compliance: Managerial and accounting skills

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

The full text of the Proposed Amendments is identical with the text of the Emergency Amendments for this Part and begins in this issue of the *Illinois Register* on page 961.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Regulations Under Illinois Securities Law of 1953

2) Code Citation: 14 Ill. Adm. Code 130

3)

Section Number:	Proposed Action:
130.493	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5]

5) Complete Description of the Subjects and Issues Involved: The rulemaking sets forth requirements for crowdfunding issuers.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: These rules are based on the Illinois exemption for crowdfunding which will take effect January 1, 2016, 815 ILCS 5/4(T). A similar federal rule addressing interstate crowdfunding is published at 17 CFR Parts 200, 232, 239, 240, 249, and 269). Numerous other states have enacted crowdfunding legislation and regulation similar to that proposed in Illinois (see, e.g., Texas, Wisconsin, Indiana, Washington, Massachusetts).

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

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

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
130.874	New Section	40 Ill. Reg. 175, January 4, 2016
130.830	New Section	40 Ill. Reg. 329, January 8, 2016

11) Statement of Statewide Policy Objective: The proposed amendments do not require expenditures by units of local government.

12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Texts of the proposed amendment are posted on Secretary of State's web site, http://www.cyberdriveillinois.com/departments/index/register/home.html, as part of

the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Tanya Solov, Director
Illinois Secretary of State, Department of Securities
69 West Washington St., Suite 1220
Chicago IL 60602

tsolov@ilsos.net

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].

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Crowdfunding Issuers

B) Reporting, bookkeeping or other procedures required for compliance: Filings with the Secretary of State as follows: Notice as a Crowdfunding Issuer before sale of securities or solicitation, filing an annual renewal, and filing of Termination of Funding forms when an offering concludes; disclosures to investors regarding specifics and status of an offering.

C) Types of professional skills necessary for compliance: No skills over and above the basic skills required to operate as a crowdfunding issuer.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

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SECRETARY OF STATE

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130.843	Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of $500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
130.845 Records Required of Investment Advisers
130.846 Written Disclosure Statements of a Registered Investment Adviser
130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
130.848 Advertisements by Investment Advisers
130.849 Consumer Information Privacy Provisions
130.850 Account Transactions
130.851 Commission, Profit or Other Compensation
130.852 Compensation
130.853 Account Transactions
130.854 Use of the Term "Investment Counsel"
130.855 Use of Senior Certifications and Professional Designations
130.860 Additional Fees Under Section 8 of the Act
130.872 Procedures with Respect to Abandoned Dealer Applications
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130.1001 Service of Process upon the Secretary of State

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130.1101 Qualifications and Duties of the Hearing Officer
130.1102 Notice of Hearing
130.1103 Institution of a Contested Case by the Securities Department
130.1104 Requirement to File an Answer
130.1105 Amendment or Withdrawal of the Notice of Hearing
130.1106 Representation
130.1107 Special Appearance (Repealed)
130.1108 Substitution of Parties
130.1109 Failure to Appear
130.1110 Motions

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130.1121 Record of Proceedings
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130.1661 Investors Syndicate of America, Inc.
130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
130.1701 Inspection of Applications
130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

130.1703 Non-Public Distribution of Information

130.APPENDIX A Uniform Consent to Service of Process
130.APPENDIX B Uniform Application to Register Securities
130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg.

12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010; emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 36 Ill. Reg. 2852, effective February 8, 2012; amended at 40 Ill. Reg. 391, effective December 22, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART D: EXEMPT TRANSACTIONS

Section 130.493 Crowdfunding Pursuant to Section 4.T of the Act − Issuers

a) Duties of the Issuer
For purposes of this Section, "investor" means a purchaser or prospective purchaser, and "internet portal" means a registered internet portal required by Section 4.T of the Act and Section 130.494 of this Part.

1) Filing Requirements and Forms

A) Notice Filing. The issuer shall file a notice on Form CF (Crowdfunding Issuer Form) with the Secretary of State and provide to investors and the relevant internet portal a copy of the Form CF not less than 15 days before the earlier of the first sale of securities or the use of any general solicitation with respect to the offering. The Form CF must include the offering statement and all required information and documentation specified on the form.

B) Annual Renewal. The notice filed pursuant to this subsection (a)(1) shall be effective for up to 12 months, subject to annual renewal. The annual renewal shall be filed on Form CF within 30 days before the expiration of the original filing, and shall include a sales report indicating the number of investors in the offering and the number of, and value of, securities sold.

C) Termination of Offering. The issuer shall file Form CF-T with the Secretary of State, and provide a copy to the relevant internet portal, within 15 days before the termination of the offering. Termination shall include those offering that are completed for purposes of this exemption.

D) Filing Fees. The filing of Form CF, including the filing of a renewal Form CF and an amended Form CF, shall include the payment of the filing fee of $100 required by Section 18.1 of the Act.

2) Escrow Agreements and Accounts

A) The issuer shall enter into an escrow agreement with a qualified escrowee, providing that, at a minimum:

i) all funds to be received in connection with the proposed offering shall be delivered to, and held by, the qualified escrowee pursuant to the terms of the escrow agreement; and

ii) the issuer shall not have access to the escrow funds, or any portion of those funds, until the aggregate funds received by the qualified escrowee in connection with the proposed offering equal or exceed the minimum amount of securities to be sold as established by the issuer.

B) Investors shall receive a return of the entirety of their investment funds if the target offering amount is not raised by the deadline date established in the offering materials.

3) Required Disclosures. In additional to all other material disclosures that are required by law or rules, the issuer must disclose the following to investors:

A) Offering Maximum and Minimum Amounts. The issuer shall establish a maximum amount and a minimum amount of securities to be sold and a deadline date for selling the designated minimum amount of securities. This information shall be conspicuously disclosed in any agreement evidencing the investor's subscription agreement to purchase the securities. The minimum amount designated for sale shall be no less than 50% of the maximum amount.

B) Cancellation Rights. An investor may cancel, without penalty, an investment commitment until 48 hours prior to the deadline

identified in the issuer's offering materials. The issuer shall conspicuously disclose in the investor's subscription agreement this right of cancellation. Upon receipt of the notice of cancellation, the intermediary shall direct the refund of investor funds within 5 business days.

4) Early Completion of Offering. If an issuer reaches the target offering amount prior to the deadline identified in its offering materials, the issuer may close the offering on a date earlier than the deadline identified in its offering materials.

5) Material Changes of the Offering. If there is a material change to the terms of the offering or to the information provided by the issuer, the issuer must provide notice of the material changes to the Secretary of State, the relevant internet portal and the investors (communication to investors may occur through the internet portal).

6) Return of Funds if Offering is Not Completed. If an issuer does not complete an offering, the internet portal must, within 5 business days:

A) Notify each investor of the cancellation, disclosing the reason for the cancellation and the amount of funds that the investor is expected to receive;

B) Direct the refund of investor funds;

C) Prevent investors from making investment commitments with respect to that offering on the issuer's internet platform.

7) Investor Qualification

A) Each time before accepting any investment commitment (including any additional investment commitment from the same person), an issuer must have a reasonable basis for believing that the investor satisfies the requirements of Section 4.T of the Act and this Section.

B) The issuer may rely on an investor's representations regarding compliance with the investment limitation requirements

concerning the investor's annual income and net worth, and the amount of the investor's other investments made pursuant to Section 4.T of the Act, unless the issuer has reason to question the reliability of the representation. The issuer may obtain the required investor affirmations through the internet portal.

C) The issuer may establish Illinois residency by relying on:

i) a valid Illinois driver's license or official personal identification card issued by the Illinois Secretary of State;

ii) a current Illinois voter registration; or

iii) general property tax records showing the investor owns and occupies property in Illinois as his or her principal residence.

b) Disqualifications. No exemption under Section 4.T of the Act and this Section shall be available for a sale of securities if the issuer, any predecessor of the issuer, any affiliated issuer, any director, officer, general partner or managing member of the issuer, any beneficial owner of 20% or more of the issuer's outstanding voting equity securities, calculated on the basis of voting power, any promoter connected with the issuer in any capacity at the time of the sale, any person that has been or will be paid (directly or indirectly) remuneration for solicitation of purchasers in connection with the sales of securities, or any general partner, director, officer or managing member of any such solicitor:

1) Is or has been subject to any of the statutory disqualification provisions set forth in Section 8.E(1) of the Illinois Securities Act; or

2) Has filed a registration statement within the last 5 years that is the subject of a currently effective registration stop order entered by any state securities administrator or the U.S. Securities and Exchange Commission.

(Source: Added at 40 Ill. Reg. _____, effective _____)

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement Rules

2) Code Citation: 44 Ill. Adm. Code 4

3)

Section Numbers:	Adopted Actions:
4.3	Amendment
4.5	Amendment
4.8	Amendment
4.10	Amendment
4.13	Repealed
4.14	Repealed
4.15	Amendment
4.1005	Amendment
4.1060	Amendment
4.1501	Amendment
4.1510	Amendment
4.1515	Amendment
4.1525	Amendment
4.1535	New Section
4.1550	Amendment
4.1560	Amendment
4.1580	Amendment
4.1595	Amendment
4.2005	Amendment
4.2010	Amendment
4.2012	Amendment
4.2013	Amendment
4.2015	Amendment
4.2020	Amendment
4.2025	Amendment
4.2030	Amendment
4.2035	Amendment
4.2036	Amendment
4.2038	Amendment
4.2039	Amendment
4.2040	Amendment

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

4.2043	Amendment
4.2044	Amendment
4.2045	Amendment
4.2046	Amendment
4.2047	Amendment
4.2050	Amendment
4.2055	Amendment
4.2060	Amendment
4.2065	Amendment
4.2067	New Section
4.2080	Amendment
4.2084	Amendment
4.2086	Amendment
4.3005	Amendment
4.4015	Amendment
4.4020	Amendment
4.4025	Amendment
4.4505	Amendment
4.4515	Amendment
4.4520	Amendment
4.4525	Amendment
4.4526	Amendment
4.4530	Amendment
4.4535	Amendment
4.4540	Amendment
4.4545	Amendment
4.4557	Amendment
4.4570	Amendment
4.4575	Amendment
4.4579	Repealed
4.5002	Amendment
4.5005	Amendment
4.5009	Amendment
4.5010	Amendment
4.5011	Amendment
4.5012	Amendment
4.5013	Amendment
4.5014	Amendment

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

4.5020	Amendment
4.5021	Amendment
4.5030	Amendment
4.5035	Amendment
4.5036	Amendment
4.5037	Amendment
4.5038	Amendment
4.5039	Amendment
4.5325	Amendment
4.5550	Amendment
4.5560	Amendment
4.5620	Amendment
4.5730	Amendment
4.5740	Amendment
4.7015	Amendment
4.7030	Amendment

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]

5) Effective Date of Rules: January 15, 2016

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 rules, 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*: 39 Ill. Reg. 8481; June 26, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Technical corrections and amendments proposed by JCAR were made and typographical errors were corrected. Sections 4.13 and 4.14 were repealed. Section 4.1080 was withdrawn. In response to university and Procurement Policy Board comments, minor revisions were made to multiple sections to clarify definitions and to clarify the roles of the CPO and the universities. Sections dealing with change orders were revised to be consistent throughout. Section 4.2036 was

revised to clarify the process for making a multiple award and use of a pre-qualified pool of vendors and procurements for grant-funded research. Section 4.2067 was revised to clarify when a change order must be published. Section 4.2080 was revised to clarify what information must be available at the time an award is published. Section 4.5030 (c) was withdrawn.

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: The amendments implement the changes of PA 96-795 and PA 98-1076 for the Chief Procurement Office for Public Institutions of Higher Education, further defining terms, the structure and procurement authority oversight of the CPO-HE and SPOs, and providing direction to universities on procurement matters. The amendments allow for CPO-HE access to records to determine if a contract or expenditure is subject to the provisions of the Procurement Code and provide for exemption from the Illinois Procurement Code for certain contracts entered into by the University of Illinois and Southern Illinois University for certain supplies and services. The amendments increase from $25,000 to $50,000 the disclosure requirements of subcontractors and clarify vendors' responsibilities when there is a change of subcontractor. The amendments: provide direction on publication requirements for renegotiated contracts and change orders; provide instruction on how to receive bids and offers in order to maintain confidentiality; specify the requirements for evaluation committees; specify what discussion may occur with apparent awardees prior to notice of award; provide guidance on the use of contracts with qualified not-for-profit agencies for person with severe disabilities; and allow for the use of electronic signatures by vendors. The amendments: clarify notice and hearing requirements for sole source contracts and for alleged conflict of interests; clarify an SPO's obligation to approve (and not sign) contracts by universities; provide for the CPO-HE to be responsible for and publish the Illinois Procurement Bulletin/Chief Procurement Officer for Institutions of Public Higher Education; provide guidance on the establishment and use of a vendor portal; implement publication requirements for awards to other than the low bidder; and clarify that procurement files shall not include trade secrets or other sensitive, confidential or proprietary information. The amendments: define criteria for contracts with Illinois small businesses; provide for the CPO-HE to verify a business entity is in compliance with

requirements to register with the State Board of Elections; and allow opportunity for contractors to terminate subcontractors who provide false certifications. The amendments: clarify when vendors may be prohibited bidders and contractors; specify when state employees are required to report conversations with potential vendors; and provide due process when suspected prohibited political contributions are made by vendors.

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

Shirley Webb
Deputy Chief Procurement Officer
Chief Procurement Office for Public Institutions of Higher Education
401 S. Spring Street
Room 522 Stratton Office Building
Springfield IL 62706

217/558-2247
shirley.j.webb@illinois.gov

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

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER II: CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

PART 4
CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION STANDARD PROCUREMENT

SUBPART A: GENERAL

Section
4.1 Title
4.3 Authority
4.5 Policy
4.8 Implementation of This Part
4.10 Application
4.13 Additional Exemptions Applicable to Higher Education (Repealed)
4.14 Certification, Hearing and Registration Waivers Applicable to Higher Education (Repealed)
4.15 Definition of Terms Used in This Part
4.25 Property Rights

SUBPART B: PROCUREMENT RULES, POLICIES AND PROCEDURES

Section
4.525 Rules
4.530 Policies and Procedures

SUBPART C: PROCUREMENT AUTHORITY

Section
4.1005 Procurement Authority
4.1010 Appointment of State Purchasing Officers (Repealed)
4.1011 Procurement Authority of the CPO (Repealed)
4.1030 Other Procurement Authority of the Universities (Repealed)
4.1060 Delegation

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

4.1080 Illinois Mathematics and Science Academy (Repealed)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
4.1501 Illinois Procurement Bulletin − Higher Education
4.1510 Publication of Higher Education Bulletin
4.1515 Registration
4.1525 Bulletin Content
4.1535 Vendor Portal
4.1545 Supplemental Notice (Repealed)
4.1550 Error in Notice
4.1560 Alternate and Supplemental Notice
4.1580 Direct Solicitation
4.1585 Notice Time
4.1595 Availability of Solicitation Document

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
4.2005 General Provisions
4.2010 Competitive Sealed Bidding
4.2012 Multi-Step Sealed Bidding
4.2013 Reverse Auctions
4.2015 Competitive Sealed Proposals
4.2020 Small Purchases
4.2025 Sole Source and Sole Economically Feasible Source Procurement
4.2030 Emergency Procurements
4.2035 Competitive Selection Procedures for Professional and Artistic Services
4.2036 Other Methods of Source Selection
4.2037 Tie Bids and Proposals
4.2038 Modification or Withdrawal of Bids or Proposals
4.2039 Mistakes
4.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

4.2043 Suppliers
4.2044 Vendor List
4.2045 Vendor Prequalification
4.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
4.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
4.2050 Specifications and Samples

SUBPART I: CONTRACTS

Section
4.2055 Types of Contracts
4.2060 Duration of Contracts − General
4.2065 Cancellation of Contracts
4.2067 Contract Amendments and Change Orders

SUBPART J: PROCUREMENT FILES

Section
4.2080 Public Procurement File
4.2084 Record Retention
4.2086 Filing with the Comptroller

SUBPART K: WORKING CONDITIONS

Section
4.2560 Prevailing Wage
4.2570 Equal Employment Opportunity; Affirmative Action

SUBPART L: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

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NOTICE OF ADOPTED AMENDMENTS

Section
4.3005 Construction and Construction Related Professional Services

SUBPART M: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
4.4005 Real Property Leases and Capital Improvement Leases
4.4010 Authority
4.4015 Method of Source Selection
4.4020 RFI-RPL Process~~Request for Information-Real Property and Capital Improvement Leases~~
4.4025 Lease Requirements
4.4030 Purchase Option
4.4035 Rent Without Occupancy
4.4040 Local Site Preferences
4.4042 Historic Area Preference
4.4044 Emergency Lease Procurement

SUBPART N: PREFERENCES

Section
4.4505 Procurement Preferences
4.4510 Resident Bidder Preference
4.4515 Soybean Oil-Based Ink
4.4520 Recycled Materials
4.4525 Recyclable Paper
4.4526 Environmentally Preferable Procurement
4.4530 Correctional Industries
4.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities
4.4540 Gas Mileage, ~~and~~ Flex-Fuel, Biodiesel and Hybrid Requirements
4.4545 Small Business
4.4550 Illinois Agricultural Products
4.4555 Corn-Based Plastics~~Plastic Products~~
4.4557 ~~Disabled~~ Veterans and Service-Disabled Veterans
4.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
4.4575 Domestic Products

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF ADOPTED AMENDMENTS

4.4578 Bio-Based Products
4.4579 Notice of Preferences (Repealed)

SUBPART O: ETHICS

Section
4.5002 Continuing Disclosures; False Certification
4.5005 Bribery
4.5009 Felons
4.5010 Prohibited Bidders and Contractors
4.5011 Debt Delinquency
4.5012 Collection and Remittance of Illinois Use Tax
4.5013 Conflicts of Interest Prohibited by the Code
4.5014 Environmental Protection Act Violations
4.5015 Lead Poisoning Prevention Act Violations
4.5016 Negotiations for Future Employment
4.5020 Exemptions
4.5021 Bond Issuances
4.5023 Other Conflicts of Interest
4.5030 Revolving Door Prohibition
4.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
4.5036 Disclosure of Business in Iran
4.5037 Vendor Registration, Certification and Prohibition on Political Contributions
4.5038 Lobbying Restrictions
4.5039 Procurement Communication Reporting Requirement
4.5055 Supply Inventory

SUBPART P: CONCESSIONS

Section
4.5325 Concessions

SUBPART Q: COOPERATIVE PURCHASING

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4.5400 General
4.5420 Governmental Joint Purchasing Act Contracts
4.5440 Other Joint Purchasing

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF ADOPTED AMENDMENTS

4.5460 No Agency Relationship

SUBPART R: PROTESTS

Section
4.5520 Suspension (Repealed)
4.5530 Cancellation of Contracts (Repealed)
4.5540 Violation of Statute or Rule (Repealed)
4.5550 Protests

SUBPART S: SUSPENSION AND DEBARMENT

Section
4.5560 Suspension and Debarment

SUBPART T: VIOLATION OF STATUTE OR RULE

Section
4.5620 Violation of Statute or Rule

SUBPART U: HEARING PROCEDURES

Section
4.5700 General
4.5710 Informal Process
4.5720 Hearing Officers
4.5730 Notice of Hearing
4.5740 Written Comments and Oral Testimony
4.6500 General (Repealed)
4.6510 No Agency Relationship (Repealed)

SUBPART V: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
4.7000 Severability
4.7005 Supply Inventory (Repealed)
4.7010 University Furnished Property
4.7015 Inspections

CHIEF PROCUREMENT OFFICER FOR
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NOTICE OF ADOPTED AMENDMENTS

4.7020 Taxes, Licenses, Assessments and Royalties
4.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998; adopted at 22 Ill. Reg. 20964, effective November 20, 1998; amended at 32 Ill. Reg. 16388, effective September 24, 2008; recodified, pursuant to PA 96-795, from 44 Ill. Adm. Code 526 to 44 Ill. Adm. Code 4 at 35 Ill. Reg. 10151; amended at 36 Ill. Reg. 10951, effective August 6, 2012; recodified Title heading at 39 Ill. Adm. Code 5903; amended at 40 Ill. Reg. 456, effective January 15, 2016.

SUBPART A: GENERAL

Section 4.3 Authority

a) This Part is promulgated by the Chief Procurement Officer for Public Institutions of Higher Education (CPO-HE) in accordance with the provisions of the Illinois Procurement Code (Code) [30 ILCS 500]. This Part may be amended in accordance with the Code and the Illinois Administrative Procedure Act [5 ILCS 100/5].

b) Section 10-20 of the Code creates four Chief Procurement Officers: one for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board; one for procurements for all construction, construction-related services, operation of any facility, and the provision of any construction or construction-related services or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation; one for all procurement actions made by a public institution of higher education; and one for all other procurements. For purposes of this Part, any reference to Chief Procurement Officer or CPO-HE means the Independent Chief Procurement Officer for Public Institutions of Higher Education unless the context indicates otherwise. This Part applies to all procurement actions and procurement rulemaking under the jurisdiction of the CPO-HE.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5 Policy

The principles of competitive bidding and economical procurement practices shall apply to all purchases and contracts by or for the universities~~Universities~~, except as otherwise provided by law, this Part and other applicable rules. It is the policy of the CPO-HE that all activities of the State Purchasing Officers (SPOs) and other designees related to the procurement process maximize the value of the expenditure of public funds in procuring contracts, and that those appointed and designated act in a manner that maintains public trust in the integrity of the process.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.8 Implementation of This Part

a) This Part establishes rules necessary and appropriate to implement the procurement authority~~authorities~~ granted by the Code to the CPO-HE relating to the procurement of supplies, including inventory level, services, real estate and capital improvement leases, and, as applicable, construction and concessions, and necessary rulemaking under the authority of the Code.

~~b) Section 10-20 of the Code creates four Chief Procurement Officers: one for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board; one for procurements for all construction, construction-related services, operation of any facility, and the provision of any construction or construction-related services or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation; one for all procurement actions made by a public institution of higher education; and one for all other procurements. For purposes of this Part, any reference to Chief Procurement Officer or CPO-HE means the Independent Chief Procurement Officer for Public Institutions of Higher Education unless the context indicates otherwise. This Part applies to all procurement actions and procurement rulemaking under the jurisdiction of the CPO-HE and any State Purchasing Officer (SPO) appointed by the CPO-HE.~~

b~~c~~) This Part is intended to make procurement actions of the public universities uniform and consistent among and within the universities under the jurisdiction of

the CPO-HE in order to facilitate participation in procurements, encourage competition, and ensure that procurements are conducted in a fair and open manner. Implementation by and within the universities shall be consistent with this Part. Operational interpretations are to be made in a flexible manner designed to secure the universities' needs and protect the interests of the universities and the State of Illinois.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.10 Application

The Code and this Part apply *to procurements for which bidders, offerors, potential contractors, contractors* or vendors *were first solicited on or after July 1, 1998.* [30 ILCS 500/1-10(a)] For purposes of this Part, the terms bidder, offeror, potential contractor, contractor or vendor may be used interchangeably unless the context indicates otherwise. *The Code* and this Part *do not apply to*:

a) *contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in* the *Code*. (For purposes of this subsection (a), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not apply to State universities use of contracts established by other governmental entities);

b) *grants (except for the filing requirements of Section 20-80 of the Code)*;

c) *purchase of care;*

d) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;*

e) *collective bargaining contracts;*

f) *purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar~~7~~ days after the deed is recorded in the county of jurisdiction* (This

applies to purchases whether outright or by means of an installment purchase. The exercise of an option to purchase in a real estate lease is exempt, but the underlying lease is not exempt from this Part). *The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract*;

g) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to* the *Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.* Anticipated litigation is that which a university may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, the retention of counsel, investigators, expert witnesses and court reporters. This Section is applicable to equipment or services necessary in the furtherance of covert activities lawfully conducted by a university;~~.~~

h) *Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university*;

i) *Procurement expenditures by the Illinois Conservation Foundation when only private funds are used*;

j) *Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants*; [30 ILCS 500/1-10(b)]

k) *Public-Private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act;*

l) *Contracts for legal, financial, and other professional and artistic services entered into on or before December 31, 2018 by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the Board of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of* the *Code, as well as the final approval by the Board of the Illinois Finance Authority of the terms of the contract;* and

m) *Except for that part of a record subject to attorney-client privilege, the CPO-HE may access any records necessary to review whether a contract, purchase or other expenditure is exempt* under Section 1-10 of the Code. [30 ILCS 500/1-10(i)].

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.13 Additional Exemptions Applicable to Higher Education (Repealed)

a) These additional exemptions *apply to* universities *regardless of the source of the funds with which contracts are paid, except as provided in this Section.*

b) *Except as provided in this Section,* the *Code shall not apply to procurements made by or on behalf of* universities *for any of the following:*

1) *Memberships in professional, academic, or athletic organizations on behalf of a* university, *an employee of a* university, *or a student at a* university.

2) *Procurement expenditures for events or activities paid for exclusively by revenues generated by the event or activity, gifts or donations for the event or activity, private grants, or any combination thereof.*

3) *Procurement expenditures for events or activities for which the use of specific vendors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.*

~~4) *Procurement expenditures necessary to provide artistic or musical services, performances, or productions held at a venue operated by a* university.~~

~~5) *Procurement expenditures for periodicals and books*, including online periodicals and books *procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.*~~

~~c) *Notice of each contract entered into by a* university *that is related to the procurement of goods and services identified in* subsection (b) *shall be published in the Bulletin within 14 days after contract execution. The* CPO-HE *shall prescribe the form and content of the notice.*~~

~~d) *Each* university *shall provide the* CPO-HE, *on a monthly basis, in the form and content prescribed by the* CPO-HE, *a report of contracts that are related to the procurement of goods and services identified in subsection (b).* The CPO-HE may structure the required Bulletin publication to serve as the mandatory report. *At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the* CPO-HE *immediately upon request.*~~

~~e) *The* CPO-HE *shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the* CPO-HE. [30 ILCS 500/1-13]~~

(Source: Repealed at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.14 Certification, Hearing and Registration Waivers Applicable to Higher Education (Repealed)

~~a) Procurements made by or on behalf of universities for any of the following shall be made in accordance with the requirements of the Code to the extent practical as provided in this subsection:1)*Contracts with a foreign entity necessary for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or*~~

~~*product.*2)*Procurements of FDA-regulated goods, products, and services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by the University of Illinois or Southern Illinois University.*3)*Contracts for programming and broadcast license rights for university-operated radio and television stations.*4)*Procurements required for fulfillment of a grant.*b) *Upon the written request of a* university, *the* CPO-HE *may waive registration, certification, and* sole source and emergency extension *hearing requirements of* the *Code if, based on the item to be procured or the terms of a grant, compliance is impractical.*~~

~~1)~~ ~~*The* university *shall provide the* CPO-HE *with specific reasons for the waiver, including the necessity of contracting with a particular vendor, and shall certify* and provide documentation *that an effort was made in good faith to comply with the provisions of* the *Code.*~~

~~2)~~ ~~*The* CPO-HE *shall provide written justification for any waivers. Notice of each waiver made under this subsection (b) shall be published in the Bulletin within 14 days after contract execution. The* CPO-HE *shall prescribe the form and content of the notice.*~~

~~3)~~ ~~*By November 1 of each year, the* CPO-HE *shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts.*~~

~~c)~~ ~~*Notwithstanding this Section, a waiver of the registration requirements of Section 20-160 does not permit a business entity and any affiliated entities or affiliated persons to make campaign contributions if otherwise prohibited by Section 50-37. The total amount of contracts awarded in accordance with this Section shall be included in determining the aggregate amount of contracts or pending bids of a business entity and any affiliated entities or affiliated persons.*~~

~~d)~~ ~~*Notwithstanding Section 50-10.5(e) of* the *Code, the* CPO-HE, *with the approval of the Executive Ethics Commission, may permit a* university *to accept a bid or enter into a contract with a business that assisted the* university *in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by the* university *and it is in the best*~~

~~*interest of the* university *to accept the bid or contract. For purposes of this subsection, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations for the implementation and administration of the provisions of this subsection (d).* [30 ILCS 500/1-13]~~

(Source: Repealed at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.15 Definition of Terms Used in This Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined in this Section, and each term listed in this Section shall have the meaning set forth unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" − A written modification to a contract. An amendment may memorialize an action authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI), or may memorialize nonmaterial changes (e.g., change in names of notice contacts or number of periodic status meetings). An amendment may also be a change order as defined in this Section~~provision, as permitted by the original contract. These modifications shall alter the performance and completion of the contract, including, but not limited to, such matters as extra work and increases or decreases in quantities of goods not included within the scope of the original contract~~.

~~"Award" − The determination that a particular vendor has been selected from among other potential vendors to enter into negotiations for the purpose of finalizing a contract.~~

"Best Interest of the State" – For purposes of this Part, best interest of the State also includes best interest of the procuring university.

"Bid" − The response submitted by a bidder in a competitive sealed bidding process~~to an~~ (Invitation for Bid) or to a multi-step sealed bidding process~~Bids~~.

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"Bidder" − Any person who submits a bid. A person or entity (other than an individual acting as a sole proprietor) may qualify as a bidder only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the bid.

"Brand Name or Equal Specification" − A specification that uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance and other characteristics needed to meet university requirements and that allows the submission of equivalent products.

"Brand Name Specification" − A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Building Services" – Repairs to or maintenance of the structure, but does not include janitorial, window washing services, or services~~servies~~ provided by university employees.

"Bulletin" ~~or "Higher Education Bulletin"~~ – The volume of the Illinois Procurement Bulletin published by~~assigned to~~ the CPO-HE, unless the context clearly means the volume of another CPO or the Illinois Procurement Bulletin generally.

"Change Order" – *A change in a contract term, other than as specifically provided for in the contract*, which is determined necessary to address needs that are best met by the contract holder, and that *authorizes or necessitates any increase or decrease in the cost of the contract or the time to completion*. [30 ILCS 500/1.15] A change order is an amendment to the contract.

"Chief Procurement Office" – *The offices to which the Chief Procurement Officers are appointed pursuant to Section 10-20* of the Code.

"Chief Procurement Officer" or "CPO-HE" – The Chief Procurement Officer for Public Institutions of Higher Education, as created by Section 10-20(3) of the Code, or a designee.

"Code" − The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right granted by a license, lease or other agreement to use

State property, whether tangible or intangible. Also includes the right to engage in a certain activity on the lessor's property (e.g., a refreshment or parking concession).

"Construction" – As used in this Part, *means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair or routine maintenance of existing structures, buildings, or real property.*

"Construction Agency" – *The Capital Development Board for construction or remodeling of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; the Illinois Toll Highway Authority for construction or maintenance of toll highways; the Illinois Power Agency for construction, maintenance, and expansion of Agency-owned facilities, as defined in Section 1-10 of the Illinois Power Agency Act; and any other State agency (including universities) entering into construction contracts as authorized by law or by delegation from the Chief Procurement Officer.* [30 ILCS 500/1-15.25]

"Construction Manager Services" – Services provided in the planning, pre-construction and construction phases of a construction project.

"Construction-related Professional Services" – Services performed that are governed by the Architectural, Engineering, and Land Surveying Qualifications-Based Selection Act [30 ILCS 535]. "Professional Services" as used in this Part means those services within the scope of the practice of architecture, professional engineering, structural engineering, or registered land surveying, as defined by the laws of this State.

"Consulting Services" – Services provided by a business or person as an independent contractor to advise and assist a university in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a university. The services may or may not rise to the level of professional and artistic as defined in the Code and this Part.

"Contract" – *All types of State agreements~~, including change orders and renewals~~, regardless of what they may be called, for the procurement, use, or*

disposal of supplies, services, professional or artistic services, or construction or for leases of real property for which~~*, whether*~~ *the State is the*~~*lessor or*~~ *lessee, or capital improvements, and including renewals, master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.* [30 ILCS 500/1-15.30] The term "contract" includes, but is not limited to purchase, installment purchase, lease and rental contracts. The term contract, as used in the Code and this Part, does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, and for which there is no authorized competition, bonds, Certificates of Participation or contracts relating to bonds or Certificates of Participation issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contract Award" – Except as otherwise defined in this Section for specific categories of procurements, *the determination that a particular* vendor *has been selected from among other* potential vendors *to receive a contract, subject to* resolution of any protest and *the successful completion of final negotiations. "Contract award" is evidenced by the posting of a Notice of Award or a Notice of Intent to Award to the respective volume of the Illinois Procurement Bulletin* after all State agency required and SPO approvals have been obtained. [30 ILCS 500/15-25(b-5)]

"Contract Let" – The act of awarding a contract to a bidder that responded to an invitation for bids as part of a letting.

"Contractor" or "Vendor" − An individual, firm, partnership, corporation, joint venture or other legal entity that seeks, or has entered into, a contract with a State agency as defined in Section 1-15.30 of the Code. The terms contractor and vendor are used interchangeably for the purposes of the Code and this Part. In appropriate circumstances, the~~The~~ term shall also include subcontractors.

"Day" − Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State or university holiday, as applicable, in which event the period shall run to the end of the next business day.

"Designee" – A person or category of persons identified by the CPO-HE or an~~a~~ SPO, in writing, to exercise procurement authority or to assist with the procurement process. A designee acts under procurement authority of the CPO-HE or SPO and has the responsibility for taking procurement actions in accordance with applicable laws, rules and policies, as limited by the terms of the delegation.

"Domestic Product" – A product that meets the requirements of the Procurement of Domestic Products Act [30 ILCS 5/7].

"Emergency Affidavit" – The affidavit filed with the Auditor General and the Procurement Policy Board setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement.

"Emergency Contract Award" – For purposes of an emergency contract, an emergency contract is awarded on the earlier of the date a State agency communicates to a vendor to start work, notice is published on the Illinois Procurement Bulletin identifying the vendor of the required goods or services, or the date the contract is signed by both parties.

"Estimated Cost" – The amount expected to be paid for a procurement transaction. It is representative of all known work and may include potential and expected unscheduled work arising out of the requirements. The total estimated contract cost is not necessarily equivalent to the maximum cost.

"Evaluation Criteria" – The standards or factors by which the vendor and its bid or offer may be evaluated. These criteria may include, but are not limited to, specialized experience, technical qualifications, competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors.

"Germane" – Closely or significantly related to, arising out of, or directly incidental to the original contract. Additional work or materials that are a substantial departure from the nature, scope or scale of the original contract are not germane.

"Grant" –*Means the furnishing by the State of assistance, whether financial or*

otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the *State agency making the grant, whether in the form of goods, services, or construction. A contract that results from such an award is not a grant and is subject to* the *Code.* [30 ILCS 500/1-15.42] When a grantor provides a grant or award to a university that authorizes or allows the university to award subgrants or subawards, the subgrant or subaward shall also be deemed a grant that is made by the university as agent of the grantor.~~; or, for purposes of Section 4.13-5 of this Part, *non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.*[30 ILCS 500/1-13]~~

"Grounds Services" – Lawn care, landscaping, and snow and ice removal services.

"Invitation for Bids" or "IFB" − *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45] Also referred to as "Competitive Sealed Bidding".

"Items" − Anything that may be procured under the Code and this Part.

"Letting" – A construction agency's act of advertising an invitation for bids for one or more construction projects.

"Natural Resources Services" – Services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, assisting in the operation of tree nurseries, fish hatcheries, game farms and sanctuaries; cleaning and maintenance of specialized facilities; repairing fences and building cages; mowing; and trail and ancillary facility repair.

"Offer" or "Proposal" – The response submitted by an offeror in a competitive sealed proposal process or to a Request for Proposals ~~Proposal~~ or Request for Information for real estate or capital improvement leases.

"Offeror" or "Respondent" – A person who responds to a Request for Proposal or

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Request for Information for real estate or capital improvement leases. A person or entity (other than an individual acting as a sole proprietor) may qualify as an offeror only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the offer.

"Person" – *Any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity.* [30 ILCS 500/1-15.55]

"Procurement Compliance Monitor" or "PCM" – An individual~~Persons~~ appointed by the Executive Ethics Commission under Section 10-15~~1-50~~ of the Code to oversee and review procurement processes.

"Procurement Officer" − The Chief Procurement Officer or appropriate State Purchasing Officer who is responsible for the particular procurement action.

"Procurement Policy Board" or "PPB" – The body created by Section 5-5 of the Code.

"Proposal" or "Offer" − The response to a Request for Proposals or Request for Information for real estate or capital improvement leases.

"Protest Review Office" – The office of the person designated in the solicitation document to whom protests must be directed. This person will respond to or coordinate the response to the protest.

"Purchase of Care" − *A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitation, social, or human services directly to a recipient of a State aid program* [30 ILCS 500/1-15.68]. Purchase of care includes the furnishing of services directly to recipients of State aid programs or applicants for a State aid program. Purchase of care contracts may include some services that are administrative in nature, as long as the contract primarily provides direct care to recipients of State aid programs. Examples of purchase of care contracts include, but are not limited to, contracts related to care coordination programs under Title XIX of the Social Security Act, including contracts with managed care organizations; primary care case management services; prepaid ambulatory health plans; prepaid inpatient health plans; and direct care services provided under the Children and Family Services Act [20 ILCS 505]. Contracts

that do not pertain to direct services to State aid recipients or that are primarily administrative in nature exceed the scope of the definition of a purchase of care contract and are not exempt from the requirements of the Code.~~or including a recipient of services from a University medical, educational, psychiatric, vocational, rehabilitation, social, or human services program. Purchase of care includes services provided or arranged to be provided by a vendor in conjunction with the purchase of care. Such services may include administrative and management services, enrollment, health education, grievance procedures, case management, utilization review, quality assurance, peer review, or marketing. Recipient of a State aid program includes applicants for a State aid program.~~

"Purchasing Agency" – *A State agency that enters into a contract at the direction of a State Purchasing Officer authorized by a Chief Procurement Officer or* at the direction of *a Chief Procurement Officer.* [30 ILCS 500/1-15.70]

"Quality Based Selection" or "QBS" – The procurement of architectural, engineering and land surveying services, as defined by the Architectural, Engineering and Land Surveying Qualifications Based Selection Act.

"Qualified Products List" − An approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Renewal" – An agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract. Any renewal of a real estate lease for which a renewal provision is not present may be allowed pursuant to Sections 4.4015 and 4.4025.

"Request for Information" or "RFI" – The process of requesting information from interested parties to aid the State in decision making. This type of RFI is not a procurement method and will not result in a participant receiving a contract.

"Request for Information for Real Property or Capital Improvement Leases" or "RFI-Real Property Leases" – The process of seeking proposals for leases of real property or capital improvements as outlined under Article 40 of the Code.

"Request for Proposals" or "RFP" − *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or*

incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

"Request for Proposals-Professional and Artistic" or "RFP-P&A" − The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals for professional and artistic services as defined in Section 1-15.60 of the Code.

"Requesting Agency" – The agency that requests that the CPO-HE or SPO conduct a procurement for its use. All procurements reserved to the CPO-HE that have not been delegated must be initiated by a purchase request.

"Responsible Bidder" or "Responsible Offeror" − *A person who has the capability in all respects to perform fully the contract requirements and* who has *the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or offer~~proposal~~ is submitted for a State contract.* [30 ILCS 500/1-15.80]

"Responsive Bidder" − *A person who has submitted a bid that conforms in all material respects to the Invitation for Bids.* [30 ILCS 500/1-15.85]

"Responsive Offeror" – A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Scoring Tool" – The document used to record the method used by the individuals evaluating the responses to a solicitation to judge qualifications or otherwise show whether or how well the responses met requirements set forth in the solicitation.

"Services" − *The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* and its financing. [30 ILCS 500/1-15.90]

"Site Technician Services – These services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, the maintenance of the site, including operating small farm-type equipment and trucks that do not require a Class C or D driver's license.

"Solicitation" – The document (e.g., IFB, QBS, RFP, RFP-P&A, or RFI-Real Property Lease) posted to the Procurement Bulletin requesting interested parties to submit a response for evaluation by the State. A request for information to determine if there is any interest on the part of a university in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

"Specification for a Common or General Use Item" − A specification that has been developed and approved for repeated use in procurements.

"Specifications" – *Any description, provision or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing or preparing a supply, service, professional or artistic service, construction, or other item for delivery*. [30 ILCS 500/1-15.95]

"State" – As appropriate, collectively or individually, the State of Illinois, a State agency as defined in this Section, and all officers and employees of the foregoing.

"State Agency" – Generally, *all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and 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, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code* [40 ILCS 5] *or to the University of Illinois Foundation* or any other university foundation. *"State agency" does not include units of local government, school districts, community colleges under the Public Community College Act* [110 ILCS 805], *and the Illinois Comprehensive Health Insurance Board.* [30 ILCS 500/1-15.100] For purposes of this Part, State agency means only State universities that are under the jurisdiction of the CPO-HE, unless the context indicates otherwise.

"State Purchasing Officer" or "SPO" – An individual appointed by the CPO-HE pursuant to Section 10-10 of the Code and assigned to exercise procurement authority at the direction of the CPO-HE~~The entity created by Section 1-15.105 of the Code~~.

"State Witness" – An employee of the State, designated by the CPO-HE or SPO of procuring agency, to observe the opening of bids or sealed proposals.

"Subcontract" – *A contract between a person and* another *person who has~~ or is seeking~~ a contract subject to* the *Code, pursuant to which the subcontractor provides to the contractor or, if the contract price exceeds $50,000, another subcontractor some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency. For purposes of* the *Code, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to* the *Code.* [30 ILCS 500/1-15.107]

"Subcontractor" – *A person or entity who enters into a contractual agreement with a total value of $50,000~~$25,000~~ or more with a person or entity who has or is seeking a contract subject to the Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. For purposes of* the *Code, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to* the *Code.* [30 ILCS 500/1-15.108]

"Subfactor" – A subset of a main evaluation factor. Main evaluation factors are identified in the solicitation.

"Supplies" – *All personal property, including, but not limited to, equipment, materials, printing and insurance and the financing of those supplies that can be procured regularly or are available on the commercial market*. [30 ILCS 500/1-15.110] For purposes of this Part, the term "goods" is equivalent to the term "supplies".

"Supplier" – *Any person or entity providing supplies, including, but not limited to, equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.*[30 ILCS 500/1-15.111]

"University" – The colleges, universities and institutions under the jurisdiction of the governing boards identified in the definition of "state agency" pursuant to Section 1-15.100 of the Code.

"Unsolicited Bid" or "Unsolicited Offer" or "Unsolicited Proposal" − Any bid, offer or proposal other than one submitted in response to a solicitation.

"Vendor" − An individual, firm, partnership, corporation, joint venture or other legal entity that seeks, or has entered into, a contract with a State agency as defined in Section 1-15.30 of the Code. The terms contractor and vendor are used interchangeably for the purposes of the Code and this Part. In appropriate circumstances, the term shall also include subcontractors.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART C: PROCUREMENT AUTHORITY

Section 4.1005 Procurement Authority

a) The CPO-HE~~Chief Procurement Officers~~ appointed by the Executive Ethics Commission will exercise the procurement authority created by the Code for the benefit of the State of Illinois and the universities~~State agencies~~ under the jurisdiction of the~~each~~ CPO. The Executive Ethics Commission may appoint a temporary acting CPO to act in the absence of the CPO-HE~~any CPO~~, such as during illness, vacation or other extended leave.

b) The CPO-HE's~~CPOs'~~ procurement authority extends to supplies, services, construction not under the jurisdiction of the Capital Development Board or the Department of Transportation, real estate leases and all other categories of need subject to the Code. The authority extends to all aspects of the procurement process, including, but not limited to:~~,~~ pre-solicitation activities, solicitation preparation, source selection, evaluation, award, approval or rejection of proposed contracts, dispute resolution and records subsequent to identification of need,

except as otherwise provided for in the Code.

c) Any reference in the Code or this Part directing or authorizing a university to take procurement action is subject to the overall procurement authority of the CPO-HE and SPO as set forth in the Code and this Part.

d) The CPO-HE exercises procurement authority through one or more SPOs or temporary acting SPOs and university and other staff assigned to the procurement function. The CPO-HE may assign an~~a~~ SPO to one or more universities or may make assignments on a functional basis. The CPO-HE may appoint a temporary acting SPO with limited authority to act with an appointed SPO. In the absence of an appointed SPO, the CPO-HE may exercise the procurement authority of an~~a~~ SPO or may appoint a temporary acting SPO. Unless the Code or this Part prohibits a designee from performing a procurement action, the CPO-HE may delegate procurement action to an~~a~~ SPO or other designee~~to a university~~. The CPO-HE may reserve certain procurement activities to the CPO-HE and reserves the right to review and modify or overturn any action of an~~a~~ SPO or any other designee.

e) An~~A~~ SPO will exercise procurement authority in accordance with direction and limitations established by the CPO-HE. The SPO will act primarily to review, authorize and approve university procurement actions. The CPO-HE, in consultation with a representative of the several universities, will determine and identify, in writing, procurement activities that must be conducted by the CPO-HE or an~~a~~ SPO and those that may be delegated to the universities. Activities not reserved to the CPO-HE or SPO will be conducted by the university staff with CPO-HE/SPO oversight.

f) Each university shall determine an appropriate number of qualified staff and related resources to meet the procurement needs of the university. University staff remain university employees at all times, including while acting under authority of the CPO-HE.

g) The university is responsible for determining the need for a particular procurement. If the SPO or CPO-HE has a question regarding the need for a particular procurement, the SPO or CPO-HE may require a signed statement from a university official outside the procurement office confirming that the proposed procurement for the stated need is in the best interest of the university.

h) University procurement staff are responsible for:

1) ensuring that all procurement activities, including those submitted to the SPO or CPO-HE for review, authorization or approval, are in accordance with the Code, this Part, other applicable laws and rules, the policy direction of the CPO-HE and internal policies of the university; and

2) obtaining all State and university approvals applicable to the particular stage of the procurement process.

i) The CPO-HE and, pursuant to Section 10-10 of the Code, the SPO at the direction of the CPO-HE has *the authority to approve or reject* proposed~~*shall enter into*~~ *contracts for a purchasing agency*. In addition to this authority, the CPO-HE may authorize a university to enter into contracts without specific approval ~~or signature~~ of the CPO-HE or SPO.

1) The CPO-HE shall determine in writing which contracts must be reviewed by the CPO-HE or SPO for approval or rejection prior to execution by the university~~signed or approved by the CPO-HE or SPO~~. These approval~~signature~~ authorities may be modified or revoked at any time by the CPO-HE or the SPO, when appropriate. In the absence of written direction, the university shall enter into contracts for its needs.

2) Any written determination regarding approval~~signature~~ authorization by the CPO-HE or SPO shall be maintained by the CPO-HE and distributed to the SPO, university head, university purchasing director and the State Comptroller.

3) Because all fiscal authority for the universities is vested in their governing boards under their organizing statutes, only those contracts signed in accordance with board of trustees procedures are valid obligations of a university. If the CPO-HE or SPO ~~signs or~~ approves a proposed contract, the university must ~~also~~ sign in order for the contract to be legally binding on the university. The university may decline to sign a contract even if ~~signed and~~ approved by the CPO-HE or SPO.

4) If the CPO-HE or SPO ~~signs or~~ approves a proposed contract for a

university, in no event shall the CPO-HE or SPO have or assume any responsibility or obligation under the contract, financial or otherwise, to any party or person.

j) Procurement Compliance Monitors (PCMs)

1) PCMs have roles and responsibilities established in Section 10-15 of the Code. This includes overseeing and reviewing the procurement process, having access to records and systems, and attending any procurement meeting.

2) Each university shall recognize these statutory roles and shall cooperate with PCMs in the conduct of their actions. Cooperation includes providing notice of, and access to, procurement meetings and access to all procurement related records in whatever format they may exist, including documents, databases and systems. Failure to cooperate and resolve issues may be reported to the chief executive officer of the university and in certain cases may require reporting to the Office of the Executive Inspector General.

3) Should a PCM request review of a contract before final execution, the university shall not execute the contract until approved by the SPO after consultation with the PCM and the university.

k) Inquiries~~Expedited Response~~
Any offeror, respondent, SPO, State agency, university, subcontractor or person may contact the CPO-HE at http://www.cpohe.illinois.gov ~~http://www2.illinois.gov/cpo/HigherEd/Pages/ default.aspx~~ concerning any procurement matter and obtain information concerning the procurement process or a pending procurement to meet the objectives of Section 1-5 of the Code and Section 4.5 of this Part. The CPO-HE shall take all measures, within its means and resources, in conformity with the Code and this Part, to address any inquiries in order to effectuate the aims of the Code and this Part. All contacts shall be placed in the procurement file and in compliance with Section 50-39 of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1060 Delegation

a) Procurement actions not reserved in writing by the CPO-HE or delegated to an~~a~~ SPO or other designee shall be conducted by the university.

b) The CPO-HE may delegate to any SPO or other designee or, in consultation with a university, to a university authority to conduct certain procurement actions or functions. The CPO-HE may also delegate to any SPO the CPO-HE's authority to conduct on behalf of the CPO-HE specific procurements or classes of procurements for multiple university use. An~~A~~ SPO may request that the CPO-HE delegate further authority to that SPO. The SPO and university delegated authority shall remain subject to the authority of the CPO-HE and SPO as applicable.

c) Any exercise of delegated authority shall be in accordance with the Code and this Part.

d) Delegations shall be in writing and shall specify:

1) the action or function authorized or not authorized;

2) any limits or restrictions on the exercise of the delegated authority;

3) whether the authority may be further delegated;

4) the duration of the delegation; and

5) any reporting requirements.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 4.1501 Illinois Procurement Bulletin − Higher Education

a) The Illinois Procurement Bulletin consists of four volumes, one for each of the Chief Procurement Officers designated in the Code. Each volume will contain information relating to procurements under the authority of the appropriate CPO. In relation to the CPO-HE volume, the official title of the volume is The Illinois

Procurement Bulletin/Public Institutions for Higher Education. In common use, this Bulletin may be referred to as the Public Higher Education Bulletin or as otherwise designated by the CPO-HE. References in this Part to Bulletin mean~~means~~ the Higher Education volume unless the context indicates a different meaning.

b) The CPO-HE shall consult with the universities regarding the Bulletin as necessary, but the~~The~~ CPO-HE shall have all rights in and to his or her volume of the Bulletin and shall publish this volume of the Bulletin. The CPO-HE shall determine~~publishes and determines~~ the content, design, form, ~~and~~ function, organization and structure of this volume of the Illinois Procurement Bulletin and shall make revisions as necessary or desirable. To the extent the universities provide funding for the Bulletin, any decisions regarding the Bulletin may not exceed these funds. University personnel assigned to work on the Bulletin remain employees of the university and the CPO-HE will exercise no personnel authority regarding these employees~~ Higher Education Volume~~.

c) The CPO-HE may, through agreement with one or more other Chief Procurement Officers, publish the Higher Education volume of the Bulletin jointly with one or more other volumes of the Illinois Procurement Bulletin, in accordance with the Intergovernmental Cooperation Act [5 ILCS 220].

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1510 Publication of Higher Education Bulletin

The CPO-HE will publish the Bulletin in electronic form at least one time per month and may update the Bulletin as needed. A link to the Bulletin can be found on the CPO-HE maintained websites~~website~~ at http://www.procure.stateuniv.state.il.us and http://www.cpohe.illinois.gov~~http://www2.illinois.gov/cpo/HigherEd~~.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1515 Registration

Prospective vendors and other interested parties must complete the Bulletin registration screens in order to download solicitations and other procurement-related documents and to receive email notices, including notices of award.

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(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1525 Bulletin Content

a) The Bulletin will contain all content required by the Code. The Bulletin may include reference information of general interest (e.g., how to access the other volumes of the Illinois Procurement Bulletin, notice of new legislation, announcements and determinations) and may serve as the CPO-HE's website. The CPO shall determine whether the CPO, SPO or a designee will publish notices to the Bulletin. This determination shall be based upon considerations such as operational efficiencies, staff resources, system capabilities, workload and timing considerations.

b) Notice of each procurement published shall contain at least the following information, as applicable:

1) the name of the purchasing university;

2) a brief ~~purchase~~ description of the supplies or services sought in the particular solicitation;

3) a procurement reference number, if used;

4) the date the procurement is first offered (procurements that require notice shall not be distributed to vendors prior to the date the notice is first published in the Bulletin);

5) the date, time and location for making submissions;

6) the method of source selection;

7) the name of the State Purchasing Officer in charge and the name of the university person on the purchasing staff assigned to the procurement (university buyer);

8) instructions on how to obtain a comprehensive purchase description and any disclosure and contract forms;

9) encouragement to prospective vendors to hire qualified:

A) Veterans~~veterans~~;

B) Illinois minorities, women, persons with disabilities; and

C) Residents discharged from any Illinois adult correctional center.~~and~~

~~10) encouragement to prospective vendors to hire qualified Illinois minorities, women, persons with disabilities and residents discharged from any Illinois adult correctional center.~~

c) Notice of each contract let or awarded that was subject of a notice in subsection (b) shall be placed in the Bulletin and shall be immediately issued electronically to those bidders or offerors submitting responses to the solicitation. Bidders and offerors must register (see Section 4.1515) and sign up for email notices. Should the Bulletin fail to send notice to bidders or offerors submitting responses to the solicitation, the time for filing a bid protest will be extended up to 7~~5 business~~ days.

d) The SPO shall publish the notice of award to the Bulletin for a minimum of 14 days prior to execution of the contract, unless a shorter time is authorized by the Code or this Part. This notice shall contain at least the following information:

1) all the information published in subsection (b)(1) through (7);

2) the name of the vendor selected for award;

3) the contract price;

4) the total number of vendors who responded;

5~~4~~) the number of unsuccessful ~~responsive~~ vendors;

6~~5~~) for each vendor who submitted a response, including the awarded vendor:

A) the vendor's name;

B) the bid amount (for IFBs);

C) the percentage of business to be performed by a certified Business Enterprise Program (BEP) vendor as reflected in the utilization plan~~disadvantaged business utilization plan~~;

D) the percentage of business to be performed by a certified Service Disabled Veteran Owned Small Business or certified Veteran Owned Small Business as reflected in the utilization plan~~enterprise program utilization plan~~;

7~~6~~) the total number of Veteran Owned Small Businesses and Service Disabled Veteran Owned Small Businesses that submitted responses~~the total number of veteran-owned small businesses and the number of service-disabled veteran-owned small businesses that submitted bids~~; and

8~~7~~) other disclosures required to be published in the Bulletin.

~~d) In addition to the notice requirements of subsection (c), the university shall post notice of the award on its website the next business day and may include a link to the Bulletin for the detailed information~~

e) If a university wishes to award to other than the lowest responsive and responsible vendor pursuant to Section 20-10(g) of the Code, an SPO must make a written determination that awarding to the lowest responsive and responsible vendor is not in the best interest of the university and must post in the Bulletin a written explanation with the notice of award. The written explanation must also be filed with the Legislative Audit Commission and must include:

1) a description of the university's needs;

2) a determination that the anticipated cost will be fair and reasonable;

3) a listing of all responsible and responsive bidders; and

4) the name of the bidder selected, the total contract price, and the reasons

for selecting that bidder.

f~~e~~) Notice of each contract renewal shall be approved by an SPO and posted in the Bulletin within 14~~10 business~~ days after the determination by the university to renew the contract. The date of the determination to renew shall be the date of the last approval required by the university to move forward with the renewal. Each university shall identify the renewal approval process and shall ensure the renewal notice contains the required information and is posted to the Bulletin within the prescribed time. The notice shall include all of the information required under subsection (b) or shall reference this information electronically. The notice may include attachment of or reference to the original Bulletin notice.

g) Notice of renegotiated contracts and change orders, or series of change orders, shall be conducted and published in accordance with Section 4.2067.

h~~f~~) The following information regarding emergency procurements shall be published in the Bulletin within 5~~3~~ business days after emergency contract award~~commencement of performance under the emergency contract~~:

1) name of the procuring university;

2) name of the vendor selected for award;

3) brief description of what services or supplies the vendor intends to provide;

4) total cost~~price~~ (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);

5) reasons for using the emergency method of source selection;

6) name of the CPO, SPO and name of the university buyer in charge of the procurement; ~~and~~

7) name of the university person who authorized the emergency contract action; and~~.~~

8) affidavit of emergency procurement, if available, and, if not available, to be published as an amendment to the notice within 10 days after the emergency procurement.

ig) In addition to the requirements of subsection (hg), notice of hearing to extend an emergency contract must be posted in the Bulletin no later thanat least 14 days prior to the hearing. A completed emergency extension justification form as prescribed by the CPO-HE shall be published as part of the notice of hearing.

jh) The following information regarding sole source procurements shall be published in the Bulletin at least 14 days prior to the required public hearing:

1) name of the purchasing university;

2) name of the intended sole source vendor;

3) a description of what services or supplies the vendor intends to provide;

4) name of the SPO and university buyer in charge of the procurement;

5) the date, time and location of the scheduled public hearing, with an explanation that the hearing will be cancelled if no person registers to attend; and

6) a completed sole source justification form as prescribed by the PPB.

ki) Each university shall post in the Bulletin a copy of its annual report of utilization of businesses owned by minorities, females, and persons with disabilities. Posting is due within 10 days after the university submits its report to the Business Enterprise Council pursuant to Section 6(c) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

lj) The CPO-HE shall allow the universities to post in the Bulletin, at least annually, the reports of the granting of university concession required by Section 53-25 of the Code.

mk) Notice of other matters shall be published as required by law or at the direction of the CPO-HE.

n~~l~~) The CPO-HE may allow another CPO or another governmental entity to publish procurement related notices and other matters of public interest to the Bulletin.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1535 Vendor Portal

a) In consultation with the PPB and universities, the CPO-HE may establish a vendor portal, use another CPO's vendor portal, or jointly operate a vendor portal with other CPOs if a single portal better serves the needs of State agencies and the vendor community. A vendor portal shall allow potential vendors to:

1) Provide certifications, disclosures, registrations and other documentation needed to do business with the State in advance of a particular procurement;

2) Submit the vendor's registration number, with a confirmation that the vendor portal information is accurate and current, as part of the vendor's response to a competitive solicitation or other contracting process, and with the understanding that the universities will be relying on the information when evaluating solicitation responses and awarding contracts.

b) The CPO-HE may accept the registration number of a vendor from another CPO's vendor portal provided that the vendor certifies that vendor portal information is current.

c) Once registered in the vendor portal, vendors must re-register annually in order to continue utilizing their vendor portal number in lieu of paper and this annual update satisfies the annual recertification for multi-year contracts and subcontracts required by Section 50-2 of the Code.

d) A vendor is not required to register in the vendor portal as a condition of conducting business with any university.

(Source: Added at 40 Ill. Reg. 456, effective January 15, 2016)

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Section 4.1550 Error in Notice

a) When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin within a reasonable time after the original publication.

b) The SPO must approve any correction that results in a change of procurement method or a material change in the requirements set forth in a solicitation. These corrections may require extension of the time to respond to the original solicitation or cancellation of the solicitation in appropriate circumstances.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1560 Alternate and Supplemental Notice

a) If the electronic~~elecronic~~ Bulletin cannot be published, the CPO-HE may publish notice in one of the other CPO's Procurement Bulletins on an interim basis. If no electronic version of the Bulletin can be published, the CPO-HE may designate its website as its volume of the Bulletin. If necessary, the CPO-HE may designate the Official State Newspaper or other newspaper of general circulation as its volume of the Bulletin. All newspaper notices will be published in the Bulletin when it becomes available, but that publication will not extend any procurement-related timeframes.

b) Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of the CPO-HE or SPO. Examples include publication in:

1) the Official State Newspaper;

2) a newspaper of general circulation;

3) a newspaper of local circulation in the area pertinent to the procurement;

4) industry media; or

5) agency website.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

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NOTICE OF ADOPTED AMENDMENTS

Section 4.1580 Direct Solicitation

In addition to giving notice in the Bulletin, the SPO or university staff authorized by the SPO may directly contact prospective vendors by providing copies of solicitations or other procurement information. Direct solicitation may be oral or in writing, but all vendors shall receive the same information as provided in the Bulletin. No direct solicitation shall be made prior to publication of~~the date~~ any required notice ~~first appears~~ in the Bulletin.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.1595 Availability of Solicitation Document

Procurements that require notice shall not be distributed to vendors prior to publication of~~the date~~ the notice ~~is first published~~ in the Bulletin. A copy of the solicitation shall be made available for public inspection at the university procurement office. This copy shall be available as of the date and time the solicitation is published in the Bulletin.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 4.2005 General Provisions

a) Method of Source Selection. *Unless otherwise authorized by law, all State contracts shall be awarded by competitive sealed bidding, in accordance with Section 20-10* of the Code, *except as provided* elsewhere in the Code. The CPO-HE *may determine the method of solicitation and contract for all procurements pursuant to the Code.* The CPO-HE *shall have the sole authority to develop and distribute uniform documents for the solicitation, review and acceptance of all bids, offers and responses and the award of contracts.* [30 ILCS 500/20-5, 20-155]

b~~a~~) Solicitation Response
A solicitation may contain forms that must be returned or may require compliance in a prescribed format. If a form or format is prescribed, prospective vendors shall submit as instructed.

1) All bids/offers received shall be date and time stamped and stored in a secure manner (e.g., locked file cabinet, safe, locked room or other secure location) by the person responsible for receiving bids and offers.

2) No information regarding bids/offers received shall be disclosed to anyone prior to opening, except as authorized by the SPO. The SPO, in consultation with the university purchasing director, shall determine who is authorized to have information prior to opening. The name and title of the person authorized to have this information and the name and title of the person disclosing the information shall be documented in the procurement file. University personnel may confirm receipt of the bid or offer to the bidder or offeror, but no information is to be given otherwise.

3) If a bid or offer is opened for identification purposes or in error, the procurement file shall include a signed statement explaining the reason for the mistake or error, including the name of every person involved. The bid or offer shall be re-sealed until the time set for the opening of the solicitation.

c~~b~~) Late Bids or Proposals, Late Withdrawals and Late Modifications

1) Any bid or proposal (include any modification, withdrawal or other procurement-related submission) received after the time and date for receipt, or at other than the specified location, is late. A submission that is delivered to the wrong location but is subsequently delivered to the correct location by the date and time specified shall be considered. State employees shall not be responsible for ensuring subsequent delivery of misdelivered items. Delivery at the specified location and time shall be the sole responsibility of the bidder or offeror.

2) No late submission will be considered unless the SPO determines it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address). It is the responsibility of the bidder or offeror to ensure delivery at the time and to the place specified. Vendors submitting a late response will be notified and given the opportunity to retrieve the submission at their cost. Late submission not returned to the vendor will be destroyed after all related procurement activity is complete and the resulting contract has been

executed.

3) Records shall be made and kept for each late bid or proposal, late modification, or late withdrawal.

4) Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.

d~~c~~) Solicitation Modifications~~Extension of Solicitation Due Date~~

1) The SPO may, prior to the date or time for submitting ~~or modifying~~ a bid or proposal, approve an extension of~~extend~~ the date or time for the convenience of the university.

2) The SPO may approve modification to the bid or proposal for reasons other than extending the date or time.

3) If notice cannot be made at least 72 hours in advance of the time the responses are due, the SPO shall approve an extension of time to respond for a reasonable period of time or shall authorize cancellation of the solicitation. The SPO, after consultation with the university, shall determine which action best meets the needs and interests of the university and best promises transparency, competitiveness and other policies of the Code.

4) All notices under this subsection (d) shall be published in the Bulletin.

e~~d~~) Bid/Proposal Firm Time

1) Unless otherwise provided in the solicitation, the vendor's bid/proposal must be kept firm for at least 30 days after the opening date.

2) After opening bids or proposals, the SPO may request bidders or offerors to extend the time during which the university may accept the bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.

f~~e~~) Electronic and Fax Submissions and Communications

1) Solicitation responses, notices and other official procurement-related communications may be made in electronic form if stated in the solicitation. The CPO-HE shall establish or approve the use and method of electronic submission. Submissions that must be secure will be opened at the designated date, time and place only by an authorized person.~~The solicitation may state that electronic and fax submissions will be considered if they are received at the designated location by the time and date set for receipt. Any required attachments will be submitted as stated in the solicitation.~~

2) Procurement-related communications that reflect final agreements or settlements in relation to protests, suspensions, debarments or contract matters must be signed by submitting a scanned copy of an original signature or by digital signature using an approved security process. Electronic communications must meet the same substantive requirements as paper communications except as allowed to reflect the different means of communication.~~Electronic submissions authorized by specific language in the solicitation will be opened in accordance with electronic security measures in effect at the university at the time of opening.~~

3) *Electronic signatures must meet the minimum security requirements if established by the Department of Central Management Services* [5 ILCS 175/25-101(c)] and the accompanying regulations (14 Ill. Adm. Code 105.300).

4~~3~~) Fax or email submissions are acceptable for small purchases~~authorized by specific language in the solicitation will be placed in a sealed container upon receipt and opened with other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form~~.

g~~f~~) Only One Bid or Proposal Received
If only one bid or proposal is received, the SPO may award to the single bidder or offeror if the SPO finds that the price submitted is fair and reasonable, and that other prospective bidders or offerors had reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise the SPO may cancel the procurement.

h~~g~~) Alternate or Multiple Bids or Proposals

1) Alternate bids or proposals may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 4.2025 (Sole Economically Feasible Source Procurement); or

C) the low bidder who has met all requirements of the solicitation has provided a lower cost alternative that meets all of the material requirements of the solicitation.

2) Multiple bids or proposals may be accepted if permitted by the solicitation and submitted in accordance with instructions in the solicitation.

i~~h~~) Multiple Items
A solicitation may call for pricing of multiple items of similar or related type. Award shall be as specified in the solicitation based on an individual line item, a group total of certain items, a core list, a "market basket" of related items representative of the total requirement, a grand total of all items, or other grouping method.

j~~i~~) All or None Bids or Proposals
All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

k~~j~~) Conditioning Bids or Proposals Upon Other Awards
Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall be rejected.

l~~k~~) Unsolicited Bids or Offers
An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part.

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ml) Clarification of Bids and Proposals
The universitySPO may request that a vendor clarify its bid or proposal as a part of the evaluation process. A copy of the clarification request must be provided to the SPOA vendor shall not be allowed to change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make material changes or for submission of best and final offers as authorized elsewhere in this Part.

m) Extension of Time on Indefinite Quantity Contracts
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the SPO determines in writing that it is not practical to award another contract at the time of the extension.

n) Increase in Quantity on Definite Quantity Contracts

1) This subsection (n) applies to procurements other than those for construction or construction-related professional services. Within 90 days after awarding a definite quantity contract using the sealed bid or sealed proposal procedure, additional purchase orders, contracts or amendments may be issued to the same vendor at the same unit price and on the same terms and conditions if:

A) The vendor indicates that the additional purchase orders or contracts will be accepted if issued;

B) The market price of the commodities, services or equipment in question has not gone down since the original purchase; and

C) The additional quantity does not exceed 20% of the original definite quantity.

2) Notices of supplementary purchases in excess of the small purchase limits of Sections 20-20 and 35-35 of the Code shall be published in the Bulletin.

3) The quantity may be increased by any percentage, provided the dollar value of the increase does not exceed the applicable small purchase (Section 4.2020) threshold.

n~~o~~) Assignment, Novation or Change of Name

1) Assignment and Novation. All assignments and novations must be in writing. No university contract may be assigned or novation entered into ~~is assignable~~ without the prior written consent of the CPO-HE or SPO, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. The assignee or transferee, except in the case of assignment of payment only, must meet all requirements for contracting with the university~~State~~. Any purported assignment or novation without prior written consent shall be null and void.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the university~~State~~, a successor in interest may be recognized in a written novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the university~~State~~;

C) the transferor waives all rights under the contract as against the university~~State~~, and it is understood that the university does not waive any applicable right or remedy against the transferor unless expressly stated in the Novation Agreement; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the university~~State~~, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit to the university~~to the SPO~~ a written request to change the name in which it holds a contract with the university~~State~~. The name change shall not alter the parties, any of the terms and conditions of the contract or the obligations of the vendor.

o~~p~~) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest

charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

p~~q~~) Incorporation by Reference
A solicitation may incorporate documents by reference provided that the solicitation specifies where the documents can be obtained.

q~~r~~) Use of Source Selection Method that is Not Required
If a university uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), the university is bound to compliance with the Code and rules governing the method of source selection used.

r~~s~~) Vendor Signature
A bid or proposal submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the SPO within the time specified by the SPO.

s~~t~~) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited. Periodic purchases of similar supplies from several different vendors to maintain inventory is not stringing unless the purchases are planned to avoid use of competitive procedures. When the university or SPO identifies three or more purchases of the same item or similar items with a total value exceeding the small purchase limit during any12 month period, the university purchasing director and the SPO shall jointly determine whether the circumstances, including, but not limited to, frequency of purchases, cost of individual purchases and future needs, warrant issuing a competitive or other consolidated procurement.

t~~u~~) Confidential Data
A vendor~~Vendors~~ must clearly identify, by page and paragraph, any information submitted to the State claimed to be exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] (FOIA), including information the vendor claims is a trade secret or other competitively sensitive, confidential or proprietary information belonging to the vendor.

1) The vendor~~and~~ must identify the basis of the claim of exemption from FOIA~~specific Section of FOIA applicable to the claimed exemption~~ and

show how that basis~~Section~~ applies to the request for exemption ~~information claimed to be exempt~~. Information submitted without a claim of exemption from FOIA may be disclosed to the public without notice or permission.

2) Information submitted with a claim of confidentiality or~~claimed~~ exemption from FOIA may still be disclosed to the public if determined under applicable law that the claim or~~claimed~~ exemption does not meet the requirements for withholding the information under FOIA. ~~The CPO-HE shall attempt to provide reasonable notice and opportunity to object to the vendor prior to disclosure of any material claimed by the vendor to be exempt from FOIA.~~

u~~v~~) Notice of Subcontractor

1) Any contract entered into under this Part shall state whether the services of a subcontractor will be used. *The contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value of more than $50,000, the general type of work to be performed by each subcontractor, and the expected amount of money each will receive under the contract.* [30 ILCS 500/20-120(a)]

2) If, at any time during the term of the contract, a contractor desires to add~~adds~~ or change~~changes~~ any subcontractors with subcontracts with an annual value of more than $50,000, the contractor shall promptly notify the university, in writing, ~~the SPO~~ of the names and addresses of the proposed subcontractors, the general type of work to be performed by the proposed subcontractor, and the expected amount of money each new or replaced subcontractor will receive under the contract. ~~The contractor shall provide the SPO with a copy of any subcontract with an annual value of more than $25,000 within 20 days after the execution of the State contract and after the execution of the subcontract.~~

3) No contractor shall change a subcontractor listed in the original bid or proposal, except for documented good cause. Any substitute subcontractor must meet all requirements of the Code applicable to subcontractors.

A) A request of a contractor for a substitution of a listed subcontractor shall be submitted in writing to the university and shall include the reasons for the request. Consent of the university for a substitution shall be made in writing and be included in the procurement file. Any substitution of an approved BEP subcontractor must be approved in accordance with 30 ILCS 575 and 44 Ill. Adm. Code 10 as it applies to universities.

B) Failure of a contractor to comply with this Section is a breach of contract.

~~1) For professional and artistic contracts, the contract shall state the names and addresses of all subcontractors and the expected amounts each will receive under the contract.~~

~~2) For contracts other than professional and artistic contracts, the contract shall include the names and addresses of all subcontractors known at the time of execution with an annual value of more than $25,000 and the expected amount of money each will receive under the contract.~~

v~~w~~) Pre-Solicitation Assistance

1) *For purposes of this subsection* (v~~w~~)*, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager or shareholder of a business.* [30 ILCS 500/50-10.5(e)]

2) Except as provided in subsection (v~~w~~)(5), Section 50-10.5(e) of the Code prohibits any person or business from submitting a bid or proposal or entering into a contract if the person or business ~~assisted a university in determining whether there was a need for a contract or~~ assisted an *employee of the State of Illinois who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a contract*~~a university~~ by reviewing, drafting*, directing* or preparing any IFB, RFP or RFI or provided similar assistance *except as part of a publicly issued opportunity to review drafts of all or part of these documents.* [30 ILCS 500/50-10.5(e)]~~.~~

3) Non-Prohibited Acts. This Section does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:

A) Initiated a communication with an employee of the university to provide general information about industry trends and innovations, products, services or industry best practices ~~and, if applicable, that communication is documented in accordance with Section 50-39 of the Code~~.

B) Responded to a communication initiated by an employee of the university~~State~~ for the purposes of providing information to evaluate new products, services or technologies.

C) Provided~~Received or possessed~~ written material to a university employee obtained from ~~a State employee from~~ public sources, such as through an internet search, or literature packets obtained in conjunction with an event such as a trade show.

D) Provided, at the request of the university~~State~~, general marketing material or makes a general sales presentation to show the person's qualifications or product capabilities. Material may be personalized for the procuring agency provided any personalization is obtained from publically available sources.

E) Provided technology, supplies or services demonstrated to the university that represent industry trends and innovation and is not specifically tailored to meet the university's needs.

4) Prohibited Acts

A) Specifications. With the exception of standard specifications that a vendor makes available to any potential purchaser, a person or business may not submit specifications to a university for a particular transaction unless requested by a university employee. An SPO or person designated by the SPO must approve an employee's request for the specifications.~~Determination of Need. Any person or business who, at the request of the State or with the~~

~~consent of the State, reviews or analyzes the State's assets, activities, documents, functions, organization, programs or anything of similar nature to aid in the determination of whether the State has a need for some good or service is prohibited from bidding on or receiving a contract to meet that need.~~

B) Assistance to University Employees~~Preparation of Procurement Documents~~. A person or business is prohibited from bidding on a solicitation and from having a contract or subcontract ~~arising from any of the following activities~~ if the person or business assisted an employee of the university who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a contract. Assistance to a university employee may include any of the following~~, at the request of the State or with the consent of the State, assisted in the preparation of procurement documents in any of the following ways~~:

i) Drafting~~Draft~~ (writes or assists the university~~State~~ with writing all or part of the procurement document);

ii) Reviewing~~Review~~ (reads the document or comments on the procurement document or signified approval or disapproval);

iii) Directing (giving instructions or commands or in supervising or overseeing the preparation of the procurement document);

iv~~iii~~) Preparing~~Prepare~~ (any activity relating to organizing or distributing the documents, including through the Procurement Bulletin); or

v~~iv~~) Providing~~Provides~~ similar assistance (e.g., conducting research or providing any advice used in drafting, reviewing, directing or preparing procurement documents).

C) A person (and its affiliated or related entities) that contracts with a university to write specifications for a particular procurement may

not submit a bid or proposal or receive a contract or subcontract for that procurement.

5) Exceptions. Any person or business who responds to an advertised request for information or other publically available opportunity to provide information related to the procurement need or to review drafts of all or part of proposed procurement documents shall not be disqualified by virtue of responding to the State's publically advertised request.

~~6) *Notwithstanding subsection (e) of Section 50-10.5 of the Code, the Chief Procurement Officer, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid* or proposal*, or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid*, proposal *or contract, provided that the bid*, proposal *or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid*, proposal *or contract. For purposes of this subsection, "business" includes all individuals, with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations of the implementation and administration of the provisions of this subsection.* [30 ILCS 500/1-13]~~

w~~x~~) Pre-Submission Conference
A pre-submission conference may be conducted to enhance potential vendors' understanding of the procurement requirements. The pre-submission conference shall be announced as part of the solicitation notice. The conference may be designated as "attendance mandatory" or "attendance optional". The conference shall~~should~~ be held long enough after the solicitation has been issued to allow potential vendors to become familiar with it, and~~but~~ sufficiently before solicitation opening to allow consideration by vendors of conference results in preparing their responses. Supporting documentation of the conference shall be supplied to all prospective vendors known to have received a solicitation by posting the information on the Bulletin. Nothing stated at the pre-submission conference shall change the solicitation unless a change is made by written

modification to the solicitation. Amendments shall be supplied to all those prospective vendors through posting on the Bulletin.

xy) Federally Funded Purchases
For purchases funded in whole or in part by United States Government funds, the solicitation will identify the federal agency providing the funds, the name of the fund and contact information where interested parties can obtain requirements for contracting in relation to those funds.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2010 Competitive Sealed Bidding

a) Application
Competitive sealed bidding, also referred to as Invitation for Bids, is the required method of source selection, except as allowed by the Code and this Part. The provisions of this Section apply to eachevery procurement required to be conducted by competitive sealed bidding.

b) Invitation for Bids

1) Use. An Invitation for Bids is used to initiate a competitive sealed bid procurement.

2) Content. An IFB shall include, at a minimum, the following:

A) instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the location to which bids are to be delivered and the maximum time for bid acceptance by the university;

B) the purchase description, evaluation factors, delivery or performance schedule and such inspection and acceptance requirements as are not included in the purchase description; and

C) the contract terms and conditions;, including warranty and bonding or other security requirements, as applicable and

D) State mandated certifications, disclosures and registration requirements; and~~.~~

E) A form or format that will specify or organize the manner of price submission.

3) Delivery-Related Costs. Unless otherwise provided in the solicitation, the bid price includes transportation, transit insurance, delivery, installation and any other costs.

c) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be clearly identified and shall reference the portion of the IFB they amend.

2) Distribution. Amendments shall be made available by~~to all prospective bidders known to have received an IFB through~~ posting on the Bulletin.

3) Timeliness. Amendments shall be made available at least 72 hours prior to the date or time for submitting a bid~~within a reasonable time~~ to allow prospective bidders to consider them in preparing their bids. If notice cannot be made at least 72 hours in advance of the time responses are due, the solicitation shall be cancelled and reissued or the SPO shall extend the time to respond for a reasonable period of time~~If the time and date set for receipt of bids will not permit that preparation, the amendment shall extend the response time. If necessary, the response time may be extended by written announcement posted at the opening location or as announced at the scheduled opening time and confirmed in the amendment~~. The SPO, after consultation with the university, shall determine which action best meets the needs and interests of the university and best promotes transparency, competitiveness and other policies of the Code.

d) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received at the location designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

e) ~~Receipt,~~ Opening and Recording of Bids
~~1)Receipt. Upon its receipt, each bid and modification shall be date and time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened for identification purposes or opened in error, the file shall state the reason for the breach.2)Opening and Recording.~~ Bids and modifications shall be opened publicly at the time, date and place designated in the IFB in the presence of a State witness. The person opening bids shall not serve as witness. The name of each bidder, the bid price, and such other information as is deemed appropriate by the CPO-HE or SPO shall be recorded and read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

f) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB, except as permitted in the Code and this Part. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated on the basis of any requirements or criteria that are not disclosed in the IFB.

2) Responsibility. Responsibility of prospective vendors is covered by Section 4.2046 (Responsibility).

3) Responsiveness. A bid must conform in all material respects to the IFB.

A) Product or Service Acceptability. The IFB shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing

any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste or feel;

iii) other examinations to determine whether the product or service conforms to any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose or determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the IFB. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

4) Price~~Determination of Lowest Bidder~~. Following determination of product or service acceptability as set forth in this subsection (f), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, administrative cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but, to the extent possible, the evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall treat all bids equitably. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for those items or terms is unbalanced when compared to other pricing in the bid. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

5) No Disclosure of Information. Until an award recommendation is made, no university personnel or contractual agents other than the evaluators and those assigned to the procurement may review the bids, except with justification from the purchasing director and approved by the SPO. The

university conducting the procurement shall not disclose any information contained in any bid with any other bidder other than information that was recorded, read and made publicly available at the opening of the bids. After completion of the evaluation and award recommendation, the university may conduct discussions with management and board of trustees if necessary to obtain approval for award prior to publishing the award in the Bulletin. If discussions within the university are necessary to evaluate the bids, the SPO shall require that confidentiality and conflict of interest statements be executed.

~~5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.~~

~~g) Award to Other than Low Responsible and Responsive Bidder~~
~~The SPO, but not a designee, may authorize the State to award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. A description of the agency's needs, a determination that the anticipated cost will be fair and reasonable, a listing of all responsible and responsive bidders, and the name of the bidder selected, pricing and the reasons for selecting this bidder instead of the low responsive and responsible bidder must be published in the Bulletin and notice shall be filed with the Legislative Audit Commission and the PPB. This information shall be made available for inspection by the public within 30 days after the agency's decision to award the contract.~~

~~h) Publicizing Award.~~

~~1) Bidders shall be notified of contract award. Notification shall be issued electronically and, additionally, may be in the form of a letter, purchase order or other clear communication. Notices of awards through the IFB process shall be published in the Bulletin prior to the execution of a contract. Failure to provide this notice to all bidders shall result in extending the time for filing a bid protest up to 5 business days. If the contract is awarded to other than the lowest bidder, the notice shall include an explanation of the award. Notice of the award shall be posted on the university's website the next business day. The winning bid shall be available for public inspection after award, along with a record of each unsuccessful bid.~~

~~2) The notice of award must include the information identified in Section 4.1525.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2012 Multi-Step Sealed Bidding

a) Definition
Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the State, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered.

b) Conditions for Use
The multi-step sealed bidding method may be used when it is determined in writing by the SPO that it is not practical to prepare initially a definitive purchase description that will be suitable to permit an award based on price. Multi-step sealed bidding may be used when it is considered desirable:

1) to invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and

2) to conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, when appropriate, obtain supplemental information, permit revisions~~amendments~~ of technical offers, or amend the purchase description.

c) Pre-Submission Conference in Multi-Step Sealed Bidding
Prior to the submission or evaluation of unpriced technical offers, a pre-submission conference as contemplated by Section 4.2005(v~~x~~) (Pre-Submission Conference) may be conducted by the SPO or designee.

d) Procedure for Phase One of Multi-Step Sealed Bidding

1) Form. Multi-step sealed bidding shall be initiated by the issuance of an

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NOTICE OF ADOPTED AMENDMENTS

Invitation for Bids in the form required by Section 4.2010 (Competitive Sealed Bidding), except as otherwise provided in this subsection (d). In addition to the requirements set forth in Section 4.2010, the multi-step IFB shall state:

A) that it is a multi-step sealed bid procurement, that only unpriced technical offers are requested, and that priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

B) the criteria to be used in the evaluation of the unpriced technical offers;

C) that the SPO or designee may conduct oral or written discussions of the unpriced technical offers; and

D) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the IFB.

2) Amendments to the IFB. After receipt of unpriced technical offers, amendments to the IFB shall be distributed only to bidders who submitted unpriced technical offers, and those bidders shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the SPO, a contemplated amendment will significantly change the nature of the procurement, the IFB may be canceled in accordance with Section 4.2040 (Cancellation of Solicitation; Rejection of Bids or Proposals) and a new IFB issued.

3) Receipt and Handling of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be opened in the presence of at least one State witness. Technical offers shall not be disclosed to unauthorized persons.

4) Evaluation of Unpriced Technical Offers. Unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the IFB.

5) Unacceptable Unpriced Technical Offer. When the SPO determines a bidder's unpriced technical offer does not meet criteria, the offer shall be rejected.

6) Discussions. The university, in consultation with the SPO, may conduct discussions with a bidder to determine in greater detail the bidder qualifications and to explore with the bidder its ability to provide the specific supply or service and the bidder proposed method of performance. Each bidder shall be given fair opportunity to make revisions authorized as a result of discussions.

e) Procedure for Phase Two

1) Initiation. Upon the completion of phase one, the SPO or designee shall either:

A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or

B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

2) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except that only price and related factors are evaluated.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2013 Reverse Auctions

a) CPO-HE Authorization
A university may procure supplies or services (other than for professional and artistic services, telecommunications services, communication services, ~~Internet services, and~~ information services, and construction projects, including design professional services) through means of a reverse auction if the CPO-HE has made a determination that use of a reverse auction is in the best interests of the

State. The CPO-HE shall publish in the Bulletin that bids will be received in an electronic auction manner as part of the notice of IFB.

b) Reverse Auction Process
The CPO-HE~~SPO~~ or designee shall conduct a reverse auction through a two-step~~two step~~ IFB process consisting of bid prequalification and price submission.

1) Prequalification

A) An invitation to prequalify shall be issued requesting the submission of information addressing vendor qualifications and responsibility; addressing vendor specifications and/or samples; confirming acceptance of auction procedures; and requiring agreement to accept a contract using State contract terms and conditions if selected for award in the price only part of the process. No pricing information shall be submitted or considered in the prequalification step of the process.

B) The prequalification bids shall not be opened publicly, but the opening shall be recorded and witnessed by a State witness. Prequalification information will be evaluated on a pass/fail basis and vendors will be notified directly as to whether they met or did not meet the prequalification criteria.

2) Price

A) An IFB shall be sent to those vendors who passed prequalification. The response shall be limited to the submission of prices in the form specified in the IFB. The IFB shall establish any minimum bid increments.

B) Prices shall be submitted electronically. The CPO-HE or designee~~SPO~~ shall cause the prices to be displayed as submitted, but the prices as displayed will not identify the name of the vendor. Vendors may reduce their price at any time during the active period of the auction.

C) When the low price is substantially lower than other prices submitted, the CPO-HE~~SPO~~ or designee may request that the bidder confirm the price and, if an error has occurred, may allow withdrawal in accordance with the Code and this Part.

c) Technical Difficulties

1) The auction time may be extended or rescheduled by the CPO-HE~~SPO~~ or designee if technical difficulties at the State site do not allow the auction to be conducted as intended. Participants will be notified of an extension or a rescheduling.

2) If technical difficulties occur at a vendor site such that the vendor cannot electronically submit a price, the CPO-HE or designee~~SPO~~ may accept a fax and will then enter the price for the vendor. Faxed prices will not be accepted later than 5 minutes before the originally scheduled end of the auction or if the faxed prices are higher than the then-existing low price.

d) Reverse Auction Training
The CPO-HE or designee~~SPO~~ may provide instructions or training to prequalified vendors regarding auction procedures and technology.

e) Disclosure of Reverse Auction Information
After the end of the reverse auction, the names of those who participated in either step of the process shall be disclosed and the final price submitted by each participant.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2015 Competitive Sealed Proposals

a) Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

b) The Competitive Sealed Proposal method of source selection may be used to procure the following categories. Note ~~(note~~ that the following services, if they are professional and artistic, must be procured pursuant to Section 4.2035. ~~of this Part):~~

1) electronic data processing equipment, software and services;

2) telecommunications equipment, software and services;

3) consulting services;

4) employee benefits and management of those benefits; and

5) insurance and banking services.

c) Competitive Sealed Proposals may be used on a case-by-case basis to procure other needs when it is determined in writing by the SPO that competitive sealed bidding is either not practicable or advantageous.

d) The Competitive Sealed Proposal method differs from competitive sealed bidding in two ways: it permits discussions with competing offerors and changes in their proposals, including price and it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract. Factors to be considered in determining whether competitive sealed bidding is either not practical or advantageous include:

1) When evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, when the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or when the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration;

2) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

3) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

4) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality and contractual factors in order to determine the most advantageous offering to

the State. Quality factors include technical and performance capability and the content of the technical proposal;

5) whether the primary consideration in determining award may not be price; and

6) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State.

e~~d~~) Content of the Request for Proposals
The RFP shall be prepared in accordance with Section 4.2010 (Competitive Sealed Bidding), provided that it shall also include:

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award~~, but that proposals may be accepted without those discussions~~; ~~and~~

2) a statement of when and how price should be submitted; and~~.~~

3) a statement that revisions may be requested, after discussions, for the purpose of obtaining best and final offers.

f~~e~~) Receipt and Registration of Proposals

~~1) Receipt. Upon its receipt, each proposal and modification shall be date- and time-stamped but not opened and shall be stored in a secure place until the time and date set for opening. If a proposal is opened for identification purposes or opened in error, the file shall state the reason for the error.~~

1~~2~~) Proposals and modifications shall be opened publicly at the time, date and place designated in the RFP. Opening shall be witnessed by a university employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, a description sufficient to identify the supply or service item offered, and a notation that the package contains a price proposal. The record of proposals shall be open to public inspection after award of the contract.

2~~3~~) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Until an award recommendation is made, no university personnel or contractual agents, other than the evaluation committee and those assigned to the procurement, may review the proposals, except with justification from the purchasing director and approved by the SPO. The university conducting the procurement shall not disclose any information contained in any proposal with any other offeror other than information that was recorded, read and made publicly available at the opening of the proposals. After completion of the evaluation and award recommendation, the university may conduct discussions with management and board of trustees if necessary to obtain approval for award prior to publishing the award in the Bulletin. If discussions within the university are necessary to evaluate the proposals, the SPO shall require confidentiality and conflict of interest statements be executed~~Only authorized university personnel and contractual agents may review the proposals prior to award~~.

g~~f~~) Evaluation of Proposals

1) Evaluation Factors in the RFP. The RFP shall state all of the evaluation factors, including price, and their relative importance. Evaluation subfactors, if any, and their relative importance must be finalized prior to the opening and made available for inspection and copying upon opening. However, all price subfactors and their relative ranking must be shown in the RFP.

2) Evaluation Committee. Evaluation committee members shall be determined by the university, tailored to the particular solicitation, and include, as appropriate, technical or other personnel with expertise to ensure a comprehensive evaluation of offers. Evaluation committee members must not have any conflicts of interest or apparent conflicts of interest and must commit to the time necessary to complete all evaluations and attend any necessary evaluation meetings. Scoring and recommendation of any committee member who does not complete the entire evaluation and scoring will not be considered in determining the final scores. After consultation with the university purchasing director, evaluation committee members may be removed by the SPO for failure to

comply with instructions or directions of the SPO or to ensure the integrity of the procurement. The SPO shall state in writing his or her reasons for removing a committee member. The SPO has the right to attend any and all evaluation meetings.

32) Evaluation. The evaluation shall be based solely on the evaluation factors set forth in the RFP and no other factors shall be considered, except as communicated in advance to each proposer with opportunity to make necessary adjustments to the proposal. Numerical rating systems shall be used unless another scoring tool is authorized by the SPO. Any scoring tool shall reflect the evaluation criteria and ranking set forth in the RFP and any subfactors identified at the opening. Proposals shall be submitted in two parts: the first, covering items except price, and the second, covering price. The first part shall be evaluated and ranked independent of the second part of all proposals. Each member of the evaluation committee must read and evaluate the first part individually and independently of all other members. After completion of the individual evaluations, the evaluation committee should meet to confirm the individual scores and reach consensus. The evaluation committee shall consider significant or substantial variance of scores, divergent scoring comments, or other information that suggests the need for further discussion. No committee member shall attempt to unduly influence another member's scores by virtue of his or her individual or organizational rank within the university. After consideration of comments, individual evaluators may, for good cause, adjust their scores. Evaluation of the first and second part may be conducted simultaneously, provided different evaluators are used to evaluate each part and no information is exchanged between the two sets of evaluators prior to completion of the evaluation. The price proposal shall be opened in the presence of a State witness and distributed to the appropriate evaluators.

hg) Proposal Discussions with Individual Offerors

1) Purposes of Discussions. Discussions are held to:

A) promote understanding of the University's requirements and the offerors' proposals (e.g., determine in greater detail milestones, deliverables and timelines for completion of work); and

B) facilitate arriving at a contract that will be most advantageous to the State, taking into consideration price and the other evaluation factors set forth in the RFP.

2) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and clarifications of proposals. Discussion may be conducted by the university, in consultation with the SPO, with vendors reasonably susceptible of being awarded a contract based on qualifications and price. If during the discussions it is determined there is a need for any substantial revision of, or change to, the RFP, the RFP shall be canceled and may be resolicited to incorporate the clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

3) Best and Final Offers. The SPO may request best and final offers from those offerors deemed acceptable after completion of any discussions. Best and final offers shall be submitted by a specified date and time. The SPO may conduct additional discussions or require another submission of best and final offers. The scope of the best and final offer and the number of vendors allowed to participate shall be defined by the SPO. The primary objective of best and final offers is to maximize the university's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. If an offeror does not submit either a notice of withdrawal or another best and final offer, the offeror's immediately previous offer will be construed as its best and final offer.

i~~h~~) Award
An award shall be made by the SPO pursuant to a written determination showing the basis on which the award was found to be most advantageous to the State, taking into consideration price and evaluation factors set forth in the RFP. The contract file shall contain the basis on which the award is made. After the most advantageous finding is presented to the SPO, the university~~SPO~~ may request a reduction in the price only term of the proposal.

~~i) Publicizing Awards~~

~~1) Offerors shall be notified of contract award. Notification shall be issued electronically and, additionally, may be in the form of a letter, purchase order or other clear communication. Notices of awards through the RFP process shall be published in the Bulletin prior to the execution of a contract. Failure to provide this notice to all offerors shall result in extending the time for filing a bid protest up to 5 business days. Notice of the award shall be posted on the university's website the next business day. The winning proposal shall be available for public inspection after award, along with a record of each unsuccessful proposal.~~

~~2) The notice of award must include the information identified in Section 4.1525.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2020 Small Purchases

a) Each university shall prepare and submit to the CPO-HE for approval, by July 1 of each year, small purchase procurement practices that ensure maximum reasonable competition and promote small businesses, diversity, transparency and other statutory policies. Documentation of each purchase shall be maintained in the procurement file.

b) Application

1) Individual procurements of $50,000 or less for supplies or services, other than professional and artistic, may be made without the notice or level of competition otherwise required of competitive sealed solicitations. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (b~~a~~)(3).

2) Procurements for construction and construction-related services of $70,000 or less may be made without the notice or level of competition otherwise required of competitive sealed solicitations. These small purchase maximums shall be subject to the annual cost of living increases set forth in subsection (b)(3)~~, or as increased to reflect increases in the consumer price index as determined by the CPO-HE~~.

3) The CPO-HE shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending each December 31. That percentage change shall be used to recalculate the small purchase maximums applicable for the fiscal year beginning July 1. The CPO-HE shall publish on the Bulletin the current small purchase maximums.

4) Procurements of less than $20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made without the prior notice or level of competition otherwise required of competitive sealed solicitations. Notice of award of these small professional and artistic service contracts must be published in the Bulletin within 14 days after contract execution, and shall include the name of the SPO, reason for the exception, description of the procurement, name of the university decision maker, contract reference number and contract price.

c)~~b)~~ Determination of Small Purchase Status

1) In determining whether a contract is under the small purchase limit, the stated value of the supplies or services, plus any optional supplies and services, and the value of any renewals, determined in good faith, shall be utilized. When the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12 month period.

2) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not-to-exceed limit applicable to the type of procurement (see subsection (a)).

3) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the SPO determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the SPO must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

~~c) The CPO-HE may establish policies and procedures regarding the use of the small~~

~~purchase method of source selection to ensure compliance with policies, including promotion of small business, diversity and transparency.~~

d) Repetitive Need
If there is a repetitive need for small procurements of the same type (which may be evidenced by a pattern of small purchases, as determined by the university or the SPO), the university shall consult with~~notify~~ the SPO to~~who shall~~ consider whether issuing a competitive sealed bid or proposal for procurement of those needs is in the best interests of the State.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2025 Sole Source and Sole Economically Feasible Source Procurement

a) Application
The provisions of this Part apply to procurements~~procurement~~ from a sole source and sole economically feasible source ~~(referred to as sole source)~~ unless the estimated amount of the procurement is within the limit set in Section 4.2020 (Small Purchases) or unless emergency conditions exist as defined in Section 4.2030 (Emergency Procurements), in which case those other procedures may be used.

b) Conditions for Use of Sole Source and Sole Economically Feasible Source Procurement Method
Sole source procurement is permissible when a requirement is available from only a single supplier. Sole economically feasible source is permissible ~~or~~ when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if ~~there is~~ more than one vendor is authorized to provide that item. The following are examples of circumstances that could necessitate sole source and sole economically feasible source procurement, but are not exhaustive:

1) compatibility of equipment, accessories, replacement parts or service is a paramount consideration;

2) items are needed for trial use or testing of a specific product or service;

3) item is for commercial resale and obtained from the manufacturer or sole

authorized distributor;

4) non-competitive public utility services;

5) item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) media for advertising;

7) art, entertainment services or athletic events;

8) radio and television broadcast rights;

9) ~~except as exempted pursuant to Section 1-13 of the Code and Section 4.13 of this Part,~~ procurements related to participation in mandated educational, professional, research, public service or athletic activities of organizations of which the university is a member. These procurements may include, but are not limited to, dues and membership fees, travel and lodging and facility usage fees;

10) federal or State grant requires a specific named vendor as a condition of the grant~~contract with named vendor~~;

11) items required by an existing franchise agreement;~~changes to existing contracts (see subsection (c)).~~

12) items that are required for research and no other source is able to meet the need as documented by the principal researcher; or

13) new, latest edition textbooks that are only available from the publisher or sole distributor in classroom quantities.

~~c)~~ ~~Changes~~

~~1)~~ ~~Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to ensure success of the program, and that can be best accomplished by the contract holder may be procured under this Section.~~

~~The SPO must determine that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.~~

~~2)~~ ~~As provided in Section 20-25(b) of the Code, changes to a contract for professional or artistic services that *would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed two months*, may not be made on a sole source basis.~~

~~3)~~ ~~A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 4.2020, or that is an emergency as defined in Section 4.2030, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures. A change in the length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.~~

c~~d~~) Sole Source Determination

1) As soon as a need is identified by the university, the SPO must be contacted to determine the appropriate procurement method. The final determination as to whether a procurement shall be made as a sole source or sole economically feasible source procurement shall be made by the SPO, based on a request made by a university. The request shall be in writing on a form prescribed by the PPB and shall include the basis for the sole source or sole economically feasible source determination. Prior to authorizing the university to enter into a contract based on the sole source or sole economically feasible source request, the CPO-HE shall offer to conduct~~require~~ a public hearing ~~to be held~~ and make a final determination as required by Section 20-25(a) of the Code. Any request for hearing must be made at least 5 calendar days prior to the date of the scheduled hearing. If no request for hearing is made, the hearing will be cancelled. No sole source or sole economically feasible source procurement may proceed without final approval by the CPO-HE.

2) To support a sole source request, the university may use research material available from the internet, trade shows, publications, peer networking and similar sources. A justification must be provided detailing why the need could not be obtained through a competitive process. That a vendor has supplied samples, demonstrated its product, or engaged in a pilot project is not sufficient justification to support a sole source.

e) Hearing
Any hearing required shall be conducted in accordance with Subpart U.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2030 Emergency Procurements

a) Authority to Make Emergency Procurements
The provisions of this Part apply to every procurement over the small purchase limit set in Section 4.2020 (Small Purchases) made under emergency conditions. A university shall have the authority to make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods.

b) Statutory Emergency Conditions
A statutory emergency condition exists:

1) when~~if~~ there exists a threat to public health or public safety;

2) when immediate expenditure is needed for repairs to university property in order to protect against further loss or damage to university property;

3) to prevent or minimize serious disruption in critical university services that affect health, safety, or collection of substantial State revenues; or

4) to ensure the integrity of university records.

c) Quick Purchase. The quick purchase emergency method of source selection is allowed in certain~~additional~~ situations, including,~~. These include~~ but ~~are~~ not limited to:

1) protecting~~protect~~ the health and safety of any person;

2) items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a "quick purchase" immediately to take advantage of the availability and price;

3) rare items, such as articles of historical value or art collections, are available for a limited time;

4) the opportunity to obtain entertainment, speakers and athletic and other events or performances (not exempt under Section 1-13 of the Code) is available for a limited time;

5) immediate action is necessary to avoid lapsing or loss of federal or donated funds.

d) Scope of Emergency Conditions
Emergency procurement shall be limited to those supplies, services, construction or other items necessary to meet the emergency need. In certain situations, the purchase to meet the immediate need (i.e., the temporary solution) may, by necessity, also be the permanent solution. In this event, the notice shall describe that circumstance.

e) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. Whenever~~, provided that, whenever~~ practical, existing State contracts shall be utilized. ~~and competitive sources shall be considered if practical. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency.~~ Such competition as is practicable shall be obtained recognizing the need to obtain the item in time to meet the emergency need. Documentation of any efforts made to obtain competition shall be made part of the procurement file.

f) Determination and Record of Emergency Procurement

1) Determination. The university shall make a written determination stating the basis for an emergency procurement, showing that the situation meets criteria for an emergency established by the Code and this Part and

providing the reason for selecting~~the selection of~~ the particular vendor. These determinations shall be kept in the contract file.

2) Emergency Contract Award. For purposes of an emergency contract, an emergency contract is awarded on the earliest of the date a university communicates to a vendor when to start work, the date of publication on the Illinois Procurement Bulletin identifying the selected vendor of the required goods or services, or the date the contract is signed by both parties. Documentation of the contract award date shall be part of the procurement file.

3~~2~~) Affidavit~~Record~~. The university shall prepare an~~An~~ affidavit for~~of~~ each emergency procurement (including statutory, quick purchases and extensions of emergency contracts beyond 90 days) and shall file it~~be filed by the university~~ with the CPO-HE, PPB and Auditor General within 10 days after the contract is awarded. The affidavit~~procurement and~~ shall include the following information:

A) the vendor's name;

B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);

C) a description of what the vendor will do or provide;

D) the reasons for using the emergency method of source selection.

4~~3~~) Publication. Notice of the emergency procurement shall be published in the Bulletin ~~by the university~~ as specified in Sections 15-25(c) and 20-30 of the Code no later than 5~~3 business~~ days after the contract is awarded and shall include a description of the procurement, the reasons for the emergency procurement and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month. A copy of the affidavit must be attached to the notice, if available and, if not available, must be attached as an amendment to the

notice within 10 days after the emergency procurement.

~~4) The university shall be responsible for making the filings required in Section 20-30 of the Code and providing copies to the CPO-HE.~~

g) Duration of Emergency Contract

1) The term of the temporary solution emergency contract shall be limited to the time reasonably needed for a competitive procurement for the permanent solution, not to exceed 90 days.

2) A temporary solution emergency contract may be extended beyond 90 days if the CPO-HE determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, a public hearing shall be held at which any person~~the PPB and members of the public~~ may present testimony.

3~~2~~) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Bulletin at least~~no later than~~ 14 days prior to a public hearing. Notice shall include at least a description of the need for the emergency extension, the vendor, and the date, time and location of the public hearing.

4~~3~~) The initial determination as to whether an emergency shall be extended for a term longer than 90 days shall be requested~~made~~ by the university,~~a SPO~~ in the form of an extension request submitted to the SPO using the form prescribed by the CPO-HE. The request ~~shall be in writing and~~ shall include the justification for the extension. Prior to execution of the extension, a public hearing shall be held at which any person~~the PPB and members of the public~~ may present testimony. The CPO-HE may conduct the hearing or may authorize a hearing officer to hold the hearing and make a recommendation. The CPO-HE shall make a final determination as required by Section 20-30(a) of the Code. The final determination shall be published in the Bulletin. The term of the proposed contract extension may be shortened or lengthened as determined by the CPO-HE.

h) Contract Extension Hearing
The hearing shall be conducted in accordance with Subpart U.

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2035 Competitive Selection Procedures for Professional and Artistic Services

a) Application

1) The provisions of this Section apply to every procurement of professional and artistic services except~~,~~ those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and except as provided in subsection (e).

2) "Professional and artistic services" *means those services provided under contract to a* university *by a person or business, acting as an independent contractor, qualified by education, experience and technical ability* [30 ILCS 500/1-15.60].

b) Professional and artistic services are further defined as follows:

1) "Qualified by education" means the individual who would perform the services must have the level of experience appropriate to the task, as ~~obtained the level of education~~ specified in the Request for Proposals.

2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.

3) "Qualified by technical ability" means the individual who would perform the services demonstrates a high degree of skill or ability in performing services that are the same, similar or closely related in nature to those specified in the Request for Proposals.

4) An essential element distinguishing professional services from other services is confidence, trust and belief in not only the ability, but the talent, of the individual performing the service.

5) Professional and artistic services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor

are not professional and artistic services contracts.

6) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

7) When a university requires services that meet the requirements of this subsection (b), the competitive selection procedures described in this Section must be followed. Services that do not meet the requirements of this Section must be procured in accordance with the other methods of source selection authorized by the Code and this Part.

c) The categories of services enumerated in this subsection (c) shall be considered and procured as professional and artistic services. With regard to other services, the SPO may determine whether the factors identified in subsection (b), when applied to particular services to be procured, require the services to be procured as professional and artistic under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:

1) law;

2) accounting;

3) medicine;

4) dentistry; ~~and~~

5) clinical psychology; and

6) custom-produced art.

d) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. These procurements are not subject to the procedures for other professional services established in the Code or

this Part.

e) Conditions for Use of Competitive Selection Procedures.
Except as authorized under Section 20-25 (Sole Economically Feasible Source Procurement) or Section 20-30 (Emergency Procurements) of the Code, these competitive selection procedures shall be used for all procurements of professional and artistic services of $20,000 or more. Services of less than $20,000 and for a nonrenewable term of one year or less may be procured in accordance with Section 4.2020 (Small Purchases) of this Part, except notice of the contract must be published as provided in subsection (m).

f) Request for Proposals
Professional and artistic services shall be procured using an RFP.

1) Contents. The RFP shall be in the form specified by the CPO-HE and shall contain at least the following information:

A) the type of services required;

B) a description of the work involved;

C) an estimate of when and for how long the services will be required;

D) the type of contract to be used;

E) a date by which proposals for the performance of the services shall be submitted;

F) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:

i) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

ii) if deemed relevant, the age of the offeror's business and average number of employees over a previous period of time, as specified in the RFP;

iii) the abilities, qualifications and experience of all persons who would be assigned to provide the required services;

iv) a listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFP;

v) a plan giving as much detail as is practical explaining how the services will be performed;

G) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package);

H) the factors to be used in the evaluation and selection process and their relative importance; and

I) a plan for post-performance review to be conducted by the university after completion of services and before final payment and made part of the procurement file.

2) Evaluation. Proposals shall be evaluated on the basis of evaluation factors stated in the RFP. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

A) the plan for performing the required services;

B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services and the qualifications and abilities of personnel proposed to be assigned to perform the services;

C) the personnel, equipment and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

D) a record of past performance of similar work.

g) ~~Delivery,~~ Receipt and Handling of Proposals
~~1)Receipt. Upon its receipt, each proposal and modification shall be date and time-stamped but not opened and shall be stored in a secure place until the time and date set for opening. If a proposal is opened for identification purposes or opened in error, the file shall state the reason for the error.2)~~Proposals shall be submitted to and opened by the university unless otherwise directed by the CPO-HE or SPO~~CPO-HE, SPO or the CPO-HE's designee~~.

1~~A~~) Proposals and modifications shall be opened publicly at the time, date and place designated in the RFP.

2~~B~~) Opening shall be witnessed by a State witness or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror and a description sufficient to identify the service item offered. The record of proposals shall be open to public inspection after award of the contract.

3~~C~~) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Until an award recommendation is made, no university personnel or contractual agents other than the evaluation committee and those assigned to the procurement may review the proposals, except with justification from the purchasing director and approved by the SPO. The university conducting the procurement shall not disclose any information contained in any proposal with any other offeror other than information that was recorded, read and made publicly available at the opening of the bids. After completion of the evaluation and award recommendation, the university may conduct discussions with management and board of trustees if necessary to obtain approval for award prior to publishing the award in the Bulletin. If discussions within the university are necessary to evaluate the proposals, the SPO shall require that confidentiality and conflict of interest statements be executed~~Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only authorized State personnel and contractual agents may review the proposals prior to award~~.

~~3) Transmission to the SPO. The CPO-HE will forward timely proposals to the responsible SPO of the university along with any pertinent information contained in the files of the CPO-HE regarding the vendors who submitted proposals.~~

~~4) The CPO-HE may require that the SPO be present at and assist in the opening and registration of proposals.~~

h) Discussions

1) Discussions Permissible. The CPO-HE or SPO may conduct discussions with any offeror to:

A) determine in greater detail the offeror's qualifications; and

B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance and the relative utility of alternative methods of approach. The CPO-HE or SPO may request revisions after discussions for the purpose of obtaining best and final offers~~allow changes to the proposal based on those discussions~~.

2) ~~No Disclosure of Information.~~ Discussions shall not disclose any information derived from proposals submitted by other offerors, and the university conducting the procurement shall not disclose any information contained in any proposals with any other offeror~~until after award of the proposed contract~~.

i) Selection of the Best Qualified Offerors
After conclusion of validation of qualifications, evaluation and discussion, the SPO shall rank the acceptable offerors in the order of their respective qualifications.

j) Evaluation of Pricing Data
Pricing submitted for all acceptable proposals shall be ranked.

1) If the low price is submitted by the most qualified vendor, the SPO may

award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed $25,000, the SPO but not a designee may award to that vendor.

3) If the price of the best qualified vendor exceeds $25,000, the SPO, but not a designee, must state why a vendor other than the low priced vendor was selected and that determination shall be published in the Bulletin.

k) Negotiation and Award of Contract

1) General. The SPO or designee shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The SPO may, in the interest of efficiency, negotiate with the next highest ranked vendor, while negotiating with the best qualified vendor.

2) Elements of Negotiation. At a minimum, contract negotiations shall be directed toward:

A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;

B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and

C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity and nature of those services.

3) Successful Negotiation of Contract with Best Qualified Offeror

A) If compensation, contract requirements and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.

B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the SPO based on the circumstances of the particular procurement, including, but not limited to, the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, other available pricing information and the agency's identified budget.

C) Contracts entered into under this Section shall provide:

i) the duration of the contract, with a schedule for delivery when applicable;

ii) the method for charging and measuring cost (hourly, daily, etc.);

iii) the rate of remuneration; and

iv) the maximum price.

4) Failure to Successfully Negotiate Contract with Best Qualified Offeror

A) If compensation, contract requirements or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons shall be placed in the file. The SPO shall advise the offeror of the termination of negotiations.

B) Upon failure to successfully negotiate a contract with the best qualified offeror, the SPO may enter into negotiations with the next most qualified offeror.

l) Multiple Awards
The SPO may authorize a solicitation for professional and artistic services that includes an intent to make multiple awards based upon a need demonstrated by the university to have multiple vendors under contract. Any multiple awards shall be conducted in accordance with Section 4.2036(b).~~The SPO may enter into~~

~~negotiations with the next most qualified vendor or vendors when the university has a need that requires multiple vendors under contract~~.

m) Notice of Award
Notice of award shall be in accordance with Section 4.1525(b) and (c). Notice of award of professional and artistic service contracts under $20,000 must be published in the Bulletin in accordance with Section 35-35(b) of the Code. The notice shall include the name of the SPO and a brief explanation of the procurement.

n) Prequalification
Prequalification of professional and artistic vendors shall not be used to bar or prevent an otherwise qualified person from responding to a request for proposal for professional and artistic services.

o) Priced Qualifications
As an alternative to awarding based on qualifications only, the solicitation may contain a provision evaluating both qualifications and price to determine the vendor with the most advantageous proposal. All other provisions applicable to a procurement of professional and artistic services shall remain in effect.

~~m) Notice of Award~~
~~The notice of award must include the information identified in Section 4.1525. Written notice of award shall be public information and made a part of the contract file. Publication shall be in the next available issue of the Bulletin.~~

~~n) Prequalification~~
~~Prequalification of professional and artistic vendors shall not be used to bar or prevent an otherwise qualified person from responding to a request for proposal for professional and artistic services.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2036 Other Methods of Source Selection

Notice of the results of any of the following methods must be published in the Bulletin in the form and format specified by the CPO-HE.

a) Split Award
An award of a definite quantity requirement may be split between bidders or offerors if necessary to obtain the total quantity needed. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required.

b) Multiple Award
An award may be made to multiple vendors when there is a need that cannot reasonably be met by a single award.

1) Supplies and services may be solicited with the intent to make multiple awards. The solicitation must state this intent and describe the type of multiple award in detail and the methodology for determining which vendor from among the multiple awardees will receive an as-needed individual order.

2) Types of Multiple Awards

A) Progressive (Primary with Alternates)
A multiple award may be made to a primary and one or more alternate vendors when there is a need for multiple vendors to ensure immediate performance. The primary vendor shall have first refusal for all orders with others contacted in progressive order. Ranking of the alternates shall be by price or value depending on the methodology (IFB or RFP) used in the solicitation. Selection to meet the particular need shall be by low price or best value as appropriate to the underlying solicitation. If appropriate and within legal requirements, an alternate progressive award for the same items may be made to promote statutory preferences, goals, policies and programs (e.g., small business set-aside).

B) Pre-qualified Pool of Vendors

i) When it may be more efficient or more appropriate based on the nature of the item to establish a pool of qualified vendors and then select from among that pool as needs arise, the university may use an RFP to identify vendors

who meet the criteria for the pre-qualified pool. The university may select the pool from among the vendors ranked most qualified, but the number in the pool shall be the minimum necessary to meet the need, and generally not exceed 10. Once selected, these vendors shall be considered of equal rank. If appropriate and within legal requirements, an alternate pool for the same item may be established to promote statutory preferences, goals, policies and programs (e.g., small business set-aside).

ii) When there is a specific need, each pool vendor will be contacted directly in writing and asked to submit a price, timeline for completion and any other information necessary to address the need by a specified date. The vendor submitting the response that meets stated needs and is the lowest price or that provides the best value will have the award. The method of selection shall be identified in the request for quotation.

iii) If it is not practicable for the university to discuss the particular need with each pool vendor, the university may, with SPO approval, select the two most qualified, based on the initial selection of the pool, to discuss the particular need. The university must detail the reasons for the selection and obtain SPO approval. Documentation to the procurement file must contain the reason why pre-selection discussions with all pool vendors were not practicable.

3) Exception for Conflict or Capacity
If there is a known conflict of interest or the vendor otherwise eligible for the order is not available to perform, the next low or next best value vendor shall be offered the order.

4) Type of Contract
Multiple award contracts shall be considered master ordering agreements. Supplies or services ordered under these contracts shall be documented on the order that refers to that agreement. A multiple award contract is not a

requirements contract and does not guarantee any level of ordering activity by the university.

5) If a particular quantity requirement arises that exceeds the university's normal requirement or a quantity or amount specified in the contract, a separate solicitation may be issued.

6) Despite the existence of a multiple award, the need may be met by a separate single award solicitation.

~~1) A multiple award may be made when award to two or more bidders or offerors for similar products or services is necessary for adequate delivery or service .~~

~~2) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.~~

~~3) In a multiple award situation, one vendor shall be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the SPO. The SPO may authorize a multiple award without a primary designation, provided the solicitation describes the method by which individual orders would be placed.~~

~~4) If a particular quantity requirement arises that exceeds the university's its normal requirement or a quantity or amount specified in the contract, a separate solicitation may be issued.~~

c) Term and Condition Contracts

1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the university to procure from the vendor, nor does it create an authorization for a university to order based on that term and condition contract, except as provided by subsection (c)(2).

2) Orders may be placed against term and condition contracts without use of any method of source selection specified in the Code for convenience of processing sole source, emergency or small procurements.

d) Auction
Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Prior notice~~Notice~~ and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.~~ Individual purchases at auction exceeding the small purchase maximum shall be posted to the Bulletin.~~

e) Non-governmental Joint Purchase
~~In accordance with Section 25-15(b) of the Code, if the CPO-HE determines in writing that joint procurement with an organization not eligible for joint purchasing under the Governmental Joint Purchasing Act is in the best interests of the university, the university may enter into an agreement with such an organization for the joint procurement of any item covered by the Code. Any method of source selection may be used and may be modified or adapted to meet the needs of the non-State entity. The CPO may require that notice of participation in a non-governmental joint purchasing arrangement or use of a non-governmental joint purchasing contract be published in the Procurement Bulletin. The CPO may establish additional requirements, including compliance with vendor qualification, registration, certification and other standard contract terms and conditions.~~

1) An SPO may authorize a university to purchase or lease supplies and services (other than professional and artistic services) that have been procured through a competitive process by a non-governmental group purchasing organization of which the university is a member or affiliate, including any non-governmental purchasing entity.

2) The SPO may authorize purchases and contracts established by other means if that method is the most advantageous and the affected university can show the procurement is in the best interests of the university under the particular circumstance.

3) In relation to a non-governmental group purchasing organization, a university may act as the lead procuring entity or may be a participant entity. When a university is the lead procuring entity, the procurement shall be conducted in accordance with the Illinois Procurement Code, including all Bulletin notice requirements. When a university is a participant, the joint procurement shall be conducted in accordance with the laws or processes governing the lead procuring entity.

4) If a university uses a non-governmental award or contract as a participant, notice of that use shall be published in the Bulletin at least 14 days prior to use of the award or contract.

5) When a university is a participant in a non-governmental procurement, the contract shall include provisions required by Illinois law, including applicable certifications, disclosures and registrations, and standard contract terms and conditions, to the extent practicable and feasible.

6) The university must document and justify any use of a non-governmental award or contract and must submit the justification to the SPO for approval on a form prescribed by the CPO-HE. All nongovernmental joint purchase contracts or orders must be submitted to the SPO for review and approval before execution.

7) The CPO-HE shall submit to the General Assembly an annual report of procurements made under this subsection (e).

f) Federal Requirements
The SPO for any university receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements.

g) Foreign Country Procurement
Procurements to meet the needs of university *offices located in*, or university programs operated in, *foreign countries shall comply with the provisions of* the *Code to the extent practical*. [30 ILCS 500/20-90] Procurements conducted solely in a foreign country to meet the needs of a university office or program

located in that country are delegated to the university. The university shall provide a summary of the procurement or a copy of the procurement file to the CPO-HE upon request.~~Procurements to meet the needs of university programs located in foreign countries shall comply with the Code and this Part whenever practicable. The SPO shall maintain a record of the action taken.~~

h) Donations

1) When a procurement will have the majority of funding from a donation, the terms of which require use of a named vendor or the procurement of a particular good or service, ~~particular procurement or contracting procedures,~~ the SPO shall comply with those requirements~~may follow those procedures~~, but shall otherwise follow the Code and this Part ~~whenever practicable~~.

2) Donations may be acknowledged by the donee university in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee university publications, and inviting the donor to attend the program activity associated with the donation.

i) Broker Method for Obtaining Certain Insurance Coverages

1) Notwithstanding anything to the contrary in this Part, the CPO-HE, but not a designee, may, on a case-by-case basis, authorize the use of this broker method to obtain insurance coverages when use of the methods of source selection set forth in Article 20 of the Code is not practicable or advantageous because, for example:

A) Due to the structure of the insurance industry, the types of insurance coverages needed cannot reasonably be obtained from "direct writers" who would provide quotes directly to university in a bid or RFP process; or

B) The process of obtaining quotes for needed insurance coverages cannot be accomplished within the normal procurement timeframes.

2) If the CPO-HE determines that this broker method is preferable for designated coverages, a two-part procurement process will be used to obtain the coverages.

A) A broker will be selected in accordance with the RFP process ~~for procuring professional services~~ authorized by Section 20-15~~35 and Article 35~~ of the Code, and the resulting contract will be subject to all requirements of the Code. The broker contract will be issued for a term of years, and during the term of the contract the broker will assist the university in obtaining coverages as set forth in subsection (i)(2)(B) of this Section as well as providing customary services such as issuing certificates of insurance and servicing policies.

B) The broker will assist the university by serving as broker of record in obtaining insurance coverages through the industry process of going to market to obtain quotes. The university will use an evaluation team to test the market for competitiveness, review the quotes, and select the insurers and products best fitting its needs. The solicitation, evaluation and selection process will be documented in writing and become a part of the public procurement file. The insurance coverages obtained, the term of coverage, and the premiums charged will be posted on the Bulletin as attachments to the broker award notice.

j) Job Order Contracting

1) Definition − A Job Order Contract is a competitively bid, indefinite quantity contract intended for new construction, renovation and repairs with pre-established unit prices in which a university provides a definition of the work scope and a vendor selected from a list of qualified vendors furnishes all management, documentation, design and incidental drawings, labor, materials, supplies, parts, transportation, equipment and supervision needed to perform the work as required. Ordering is accomplished by means of issuance of a Work Order against the Job Order Contract.

2) Conditions of Use − The Chief Procurement Officer may authorize the use of a Job Order Contract upon a determination in writing that such use is necessary for adequate delivery, service or product compatibility, and that the methods of source selection set forth in Article 20 of the Code is either not practicable or advantageous because, for example, the program needs of a university cannot reasonably be met within the normal procurement timeframes, or that the type and variety of needs are such that a single award will not assure the needed availability or diversity of vendors.

3) Procedure − A Job Order Contract shall be initiated by the issuance of an Invitation for Bids in the form required by Section 4.2010 (Competitive Sealed Bidding), except as otherwise provided in this subsection (j)(3). In addition to the requirements set forth in Article 30 of the Code and Section 4.2010, the Job Order Contract Invitation for Bid~~Request for Proposals~~ shall include:

A) A detailed description of the scope of the Job Order Contract, including performance, technical requirements and specifications, and minimum and maximum work order amounts;

B) the reasons for using a Job Order Contract;

C) a description of the process that will be used to evaluate qualifications and proposals, including a method for determining each Vendor's Price Adjustment Factors utilizing the published Construction Task Catalog® and Technical Specifications documents; and

D) that the SPO may conduct oral or written discussions of the offers.

4) Award − Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity contracts against which a university may later place one or more work orders on an as needed basis in accordance with the allocation of work procedure set forth in subsection (j)(5).

5) Allocation of Work − Work Orders shall be allocated among qualifying vendors on an as needed basis. Once a need is identified, the university shall allocate work for that project using Job Order Contracting from the

list of qualified vendors. The university shall select the vendor that best addresses its needs for the project based on the work order allocation method specified in the IFB, which shall include such factors as price, capacity, past performance, geographic location, experience and knowledge. If the low price vendor is not selected, the university shall justify the alternative selection and submit the order to the SPO for approval. The SPO or PCM will periodically review any allocation of Work Orders and report to the CPO with a recommendation for future action.

6) It shall be the affirmative obligation of each vendor with a Job Order Contract to update information provided to the contracting university regarding its continued ability to provide the contracted service. Job Order Contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for Work Orders for a period of time, including until the next prequalification.

k) Grant-funded Research
When there is a need to purchase supplies or services necessary to conduct grant-funded research, the university may conduct the procurement by means of direct negotiation when the conditions of the grant make using one of the statutory methods of source selection impractical for reasons such as grant timelines, the need to collaborate with other entities or the need for protection of confidential information. When two or more vendors are identified who are reasonably capable of meeting the university's need, at least two of the vendors identified as most qualified must be offered an opportunity to negotiate. A written determination of the basis for the procurement must be made by the university and approved by the SPO. The resulting award must be published in the Bulletin within 14 days after contract execution.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2038 Modification or Withdrawal of Bids or Proposals

a) Modification or Withdrawal
A bidder or offeror may withdraw or modify a bid or proposal if notice of the withdrawal or modification is received by the SPO before the latest time specified

for receipt of bids or proposals. Any modification or withdrawal, however, must be made in writing and received by the SPO prior to the scheduled bid or proposal opening. When time is of the essence, the SPO may agree to receive modifications or withdrawals by printed form conveyed by electronic mail, fax or telephone. An originally signed written confirmation of a telephone modification or withdrawal shall be mailed or delivered by the bidder or offeror on the same day. Withdrawal of bids or proposals after bid or proposal opening will not ordinarily be permitted; however, in those cases in which, in the judgment of the SPO, based on clear and demonstrable evidence, the bidder or offeror has made a bona fide error in the preparation of the bid or proposal and that error will result in a substantial loss to the bidder or offeror, an exception may be made.

b) Minor Informalities
A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State or to other bidders or offerors (i.e., the effect on price, quality, quantity, delivery or contractual conditions is negligible). The SPO shall waive these informalities or allow the bidder to correct them depending on which is in the best interest of the State. Minor informalities include insignificant mistakes that have an effect on price, quantity, quality, delivery or contractual conditions is negligible.

c) Documentation Required
When a bid or proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared by the SPO showing that relief was granted or denied in accordance with this Part.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2039 Mistakes

a) General
Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other offerors.

b) Mistakes Discovered Before Opening

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A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting the error in writing, or in person at the opening location, before the time and date set for opening.

c) Confirmation of Mistake After Opening
When the SPO knows or has reason to conclude that a mistake has been made, the SPO shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes Discovered after Opening but Before Award

1) Minor Informalities
A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery or contractual conditions is negligible). The SPO shall waive these informalities or allow correction depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure to:

A) return the required number of signed copies required by the solicitation document~~IFB~~;

B) acknowledge receipt of an amendment to the solicitation, but only if:

i) it is clear from the bid or proposal that the bidder or offeror received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality or delivery.

2) Mistakes in Which the Intended Correct Information is Evident

If the mistake and the intended correct information are clearly evident on the face of the bid or proposal document, the information shall be corrected and the bid or proposal may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the solicitation document are typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.

3) Mistakes in Which the Intended Correct Information is Not Evident
The bid or proposal may be withdrawn if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

e) During Discussions; Prior to Best and Final Offers
Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may propose to correct any mistake, prior to the date set for conclusion of discussions or for receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

f) Mistakes Discovered after Award
Mistakes shall not be corrected after award of the contract except when the SPO finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Documentation Required
The reason for allowing correction or withdrawal of bids or proposals shall be made part of the procurement file and shall be available for public inspection.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

a) Policy
Any solicitation shall~~may~~ be cancelled~~canceled~~ before or after opening when a

university requests or when the SPO determines~~the SPO believes~~ cancellation to be in the State's best interest. Any cancellation shall be justified in writing. Prior to an SPO cancelling a solicitation, the SPO shall consult with the university in reaching a determination of whether cancellation is in the university's best interest. Nothing shall compel the award of a contract.

b) Cancellation of Solicitation; Rejection of All Bids or Proposals

1) A solicitation may be canceled in whole or in part when the SPO determines in writing that the action is in the State's best interest for reasons including, but not limited to:

A) the university no longer requires the supplies or services;

B) the university no longer can reasonably expect to fund the procurement;

C) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;

D) ambiguous or otherwise inadequate specifications;

E) the solicitation did not provide for consideration of all factors of significance to the university;

F) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

G) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

H) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

2) When a solicitation is cancelled~~canceled~~, notice of cancellation shall be posted to the Bulletin.

3) The notice of cancellation shall:

A) identify the solicitation;

B) briefly explain the reason for cancellation; and

C) when appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurements of similar supplies or services.

c) Rejection of Individual Bids or Proposals

1) Individual bids or proposals may be rejected for reasons including, but not limited to:

A) the vendor that submitted the bid or proposal is non-responsible as determined under Section 4.2046 (Responsibility);

B) the bid or proposal is not responsive, that is, it does not conform in all material respects to the solicitation, including submission requirements;

C) the supply or service item offered in the bid or proposal is unacceptable by reason of its failure to meet the announced requirements of the solicitation, including but not limited to specifications or permissible alternates or other acceptability criteria set forth in the solicitation, statement of work or quotation; or

D) the proposed price, including options, is clearly unreasonable.

2) Notice of Rejection. Upon request, bidders or offerors whose bid or proposal has been rejected shall be advised of the reasons for rejection.

d) Documentation
The reason for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.

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(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 4.2043 Suppliers

A~~The~~ university may contract with any qualified source of supply, but shall use or consider, as applicable, the following special sources, from which procurements may be made without ~~notice and~~ competition:

a) Correctional Industries in accordance with Subpart N.

b) State and Federal Surplus Warehouses under the jurisdiction of the Department of Central Management Services. (The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at $500 or more per piece.)

c) Qualified workshops for persons with severe disabilities~~the disabled~~ in accordance with Subpart N.

d) State agencies and other governmental units described in Section 1-10(b)(1) of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2044 Vendor List

Each university may maintain a list of vendors who have expressed interest in contracting with the university. This list may be used to solicit for small purchases and emergency procurements, as well as~~purchases,~~ to supplement Bulletin notices~~and for other procurement-related reasons~~. Inclusion in any university-maintained vendor list shall not be a requirement to be considered for future contracting opportunities.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2045 Vendor Prequalification

a) The SPO may prequalify prospective vendors when determination of

vendor~~determination of a vendor's~~ qualifications or preliminary evaluation of supplies or services prior to solicitation~~procurement~~ would promote the effective conduct of ~~a~~ procurement.

b) The SPO shall identify by publication in the Bulletin the qualifications or categories of supplies and services (including professional and artistic services) for which vendors of those supplies and services may prequalify.

c) Any~~An opportunity to prequalify shall be allowed at least one time each fiscal year. The~~ opportunity to prequalify shall be announced in the Bulletin. The notice shall alert vendors that fail to participate in the prequalification process of the consequences.

d) When prequalifying a vendor, the SPO may limit prequalification to particular matters (e.g., determining whether a vendor has been and is likely to be "responsible" or whether the vendor manufactures domestically).

e) The fact that a prospective vendor has been prequalified generally does not necessarily represent a definitive finding of responsibility for a particular procurement.

f) When prequalifying a vendor, the SPO may consider factors tailored to a specific procurement or type of procurement, which shall be announced in the prequalification notice in the Bulletin.

g) Except in the case of professional and artistic services, distribution of and responses to a solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified. If eligibility for the procurement will be limited to prequalified vendors, the solicitation shall state that fact.

h) The prequalification may provide that any vendor who completes prequalification may refer to that prequalification when submitting responses to solicitation or in other procurement situations, instead of submitting that same information with a response. This does not alleviate a vendor from providing updated certifications and other information as part of the prequalification process.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

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Section 4.2046 Responsibility

a) Application
Before making an award or approving~~signing~~ a contract, the SPO must be satisfied the prospective bidder or offeror~~vendor~~ is responsible. If there is doubt about responsibility, and if a bond or other security would adequately protect the university's interests, then that bidder or offeror~~vendor~~ may receive an award or contract upon receipt of the bond or other security.

b) Standards of Responsibility
Factors to be considered in determining whether the standard of responsibility has been met include, but are not limited to, financial responsibility, insurability, effective equal opportunity compliance, payment of prevailing wages, if required by law, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's or offeror's probable ability to deliver in the quality and quantity and within the time and price required under the contract, if it is awarded to the bidder or offeror. Bidder or offeror~~Vendor~~ must be a legal entity authorized to transact~~do~~ business or conduct affairs in Illinois prior to submitting the bid, offer or proposal and qualified legally to contract with the State.

c) Information Pertaining to Responsibility
The university, in consultation with the SPO, may conduct discussions with a bidder or offeror to determine in greater detail the bidder's or offeror's capability to perform. This discussion is not for the purpose of determining whether one bidder's or offeror's product or service capability is superior to another. The prospective vendor shall supply information requested concerning the responsibility of such vendor. The university~~university's~~ may supplement this information from other sources and may require additional documentation at any time. If the vendor fails to supply the requested information, the SPO may disqualify the vendor or may base the determination of responsibility upon any available information.

d) Written Determination of Non-Responsibility Required
If a vendor who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the university and approved by the SPO. The

final determination shall be made part of the procurement file.

e) Affiliated Companies
Vendors that are newly formed business concerns having substantially the same owners, officers, directors or beneficiaries as a previously existing vendor that has been determined not responsible or has been suspended or debarred will also be determined to be not responsible.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 4.2047 Security Requirements

a) Vendors shall furnish bid, proposal or performance security as specified in the solicitation or contract. The cost of providing security will be borne by the vendor unless otherwise stated in the solicitation.

b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois and having a rating acceptable to the university.

c) Unless the amount is set by law, the university~~SPO~~ will determine the amount, in dollars or percentage of contract price, that will adequately protect the university's interests. That amount will vary depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.

d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for similar reasons.

e) The vendor's source of supply may also be required to furnish security. If the vendor does not have a stock of the supplies in question in the amount required or the facilities to produce the item in that amount, the university may, in addition, require the vendor to have the source of supply furnish security acceptable to the

university, conditioned on the source supplying the vendor as required in the solicitation.

f) Bid or Proposal Security

1) The bid or proposal security will be used to ensure the bidder or offeror meets all obligations imposed under the solicitation. This includes, but is not limited to, ~~including~~ the obligation to keep the price, bid or proposal firm for as long a period as specified in the solicitation, to enter into a contract, and ~~the obligation~~ to file a performance security. The~~If required, when the contract is awarded, the~~ university may retain the bid or proposal security as damages if the bidder or offeror fails to meet its obligations.

2) The bid or proposal security will be returned to the vendor as soon as is practicable after the bid or proposal opening. ~~The three lowest qualified vendors' deposits will be returned as soon as possible after the contract is awarded or, if performance security is required, as soon as the successful vendor has filed acceptable performance security~~. Bid or proposal security~~Security~~ will be returned to the unsuccessful vendors upon ~~expiration of the bid/proposal time or~~ execution of the contract~~, whichever is earlier~~.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART H: SPECIFICATIONS AND SAMPLES

Section 4.2050 Specifications and Samples

a) Responsibilities Regarding Specifications
The~~Subject to the SPO's direction, the~~ university shall write the necessary specifications, including the statement of work, subject to the SPO's review and approval. Any dispute with the SPO regarding the statement of work or scope of specifications can be escalated to the CPO-HE.

b) Procedures for the Development of Specifications

1) Specifications shall~~All procurements shall be based on specifications that~~ accurately reflect the university's needs. Specifications shall clearly and

precisely describe the salient technical or performance requirements~~,~~ without being unduly restrictive or having the effect of ~~exclusively~~ requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

2) Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be incorporated~~adopted~~ by reference.

3) A specification may provide alternate descriptions when two or more design, functional, ~~or~~ performance or other criteria will satisfactorily meet the university's requirements.

4) Article~~Section~~ 45 of the Code shall be considered and applied when required or appropriate.

5) *A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, ~~or~~ economic investment, or other prohibited conduct as an explicit or implied term or condition for awarding or completing the contract.* [30 ILCS 500/20-50]

6) *As used in this Section, "prohibited conduct" includes requested payments or other consideration by a third party to the university or State agency that is not part of the solicitation or that is unrelated to the subject matter or purpose of the solicitation. "Prohibited conduct" does not include a payment from the vendor that is supported by additional consideration (such as exclusive rights to sell items or rights to advertise), other than the consideration of the State's awarding a contract to purchase goods and services.* [30 ILCS 500/20-50]

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used in a competitive solicitation when:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification;

C) the nature of the product or the nature of the university's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) when the university determines that circumstances show this to be the most reasonable type of specification~~use of a brand name or equal specification is in the university'sbest interest~~.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal", and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the university determines in writing that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.

d) Brand Name Only Specification

1) A brand name only specification may be used in a competitive solicitation provided the university~~SPO~~ makes a written request justifying~~determination~~ that only the identified brand name item will satisfy the university's needs and the SPO approves in writing the use of the brand name only specification.

2) Brand name alone may be specified in order to fill medical prescription needs, to stock university retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the SPO~~CPO-HE~~. A university may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) The university~~SPO~~ shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit those sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 4.2025 (Sole Economically Feasible Source Procurement).

4) The SPO shall provide a quarterly report to the CPO-HE of solicitations conducted using brand name only.

e) Qualified Products List

1) A qualified products list may be developed by the university, with approval of the SPO,~~SPO~~ when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy university requirements.

2) When developing a qualified products list, notice shall be posted to the Bulletin soliciting potential suppliers to submit products for testing and examination to determine acceptability for inclusion in a qualified products list.

3) Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements.

f) Proven Products

The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year prior to the notice date

of a solicitation. Specifications may require that the supply or services must have been used in government or commercial venues for a specified period of time to be considered.

g) University Required Samples

1) Samples or descriptive literature may be requested when it is necessary to evaluate required characteristics of the items bid. Any required samples must be submitted as instructed in the solicitation, with transportation prepaid by the vendor. Each sample must be labeled with the vendor's name, address and a means of matching the sample with the applicable bid or proposal.

2) Any sample submitted must be representative of the item that would be delivered if a contract were awarded for that item. Samples submitted by a successful vendor will be retained to check continuing quality and compliance with specifications. Submission of samples will not limit the university's right to require adherence to specifications.

3) No payment will be made for samples. Samples not destroyed or consumed by examination or testing will be returned upon request and at vendor's expense. The request must be made at time of submission with return collect or prepayment provisions and instructions for return accompanying the samples.

4) Unsolicited ~~bid~~ samples or descriptive literature are submitted at the vendor's risk, may or may not be examined or tested, will not be deemed to vary any of the provisions of the solicitation, and may not be utilized by the vendor to contest a decision or understanding with the university.

h) Product Demonstration

Subject to the requirements of Section 50-39 of the Code, a vendor may request to demonstrate a product or service. Agreement to allow a demonstration will be solely at the university's discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration. No payment will be made for the demonstration period except as agreed to in advance. If the price exceeds the small purchase amount, the product must be acquired under Section 4.2025 of this

Part. The product demonstrated~~demonstration~~ will be returned upon request and at the vendor's expense. The request must be made prior to the time of product demonstration with return collect or prepayment provisions and instructions for return accompanying the product demonstration.

i) Specifications Prepared by Other Than University Personnel

~~1)~~As provided in Section 4.2005(u), specifications~~Specifications~~ may be prepared by other than university personnel, including, but not limited to, consultants, architects, engineers, designers and other drafters of specifications for public contracts. ~~when the SPO determines that there will be no conflict of interest involved and it is otherwise in the best interest of the university and provided the SPO retains the authority for final approval of the specifications.~~ Contracts for the preparation of specifications by other than university personnel shall require the specification writer to adhere to university requirements and the terms of the Code, particularly Section 50-10.5, and this Part. The university must inform the SPO of specifications prepared by anyone other than university personnel. The SPO retains the authority for final approval of the specifications. Any dispute with the SPO regarding the statement of work or scope of specifications can be escalated to the CPO-HE.

~~2) The person who prepared the specifications shall not submit a bid or proposal or receive a contract to meet the procurement need except as provided in Section 1-13(e) of the Code and Section 4.2005 of this Part.~~

~~3) Prohibited Bidders and Contractors~~

~~A) *No person or business shall bid or enter into a contract if the person or business:*~~

~~i) *assisted the university in determining whether there is a need for a contract, except as part of a response to a publicly issued RFI; or*~~

~~ii) *assisted the university by reviewing, drafting or preparing any IFB, RFP, or RFI or provided similar assistance, except as part of a publicly issued opportunity to review drafts of all or part of these documents.*~~

~~B)~~ ~~*This subsection* (i)(3) *does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:*~~

~~i)~~ ~~*initiates a communication to provide general information about products, services or industry best practice and, if applicable, that communication is documented; or*~~

~~ii)~~ ~~*responds to a communication initiated by an employee of the university for the purposes or providing information to evaluate new products, trends, services or technologies.* [30 ILCS 500/50-10.5(e)]~~

j) Pre-Solicitation Request for Information
When the university~~SPO~~ does not have sufficient information about available supplies or services to issue a solicitation, the university, in consultation with the SPO, may issue a pre-solicitation request for information inviting vendors to submit ~~non-price~~ information about the availability of specified types of supplies and services. Public notice of the pre-solicitation request for information shall be published in the Bulletin at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a pre-solicitation request for information is not a prerequisite for that vendor to respond to a subsequent solicitation for the types of supplies and services for which information was solicited, and the issuance of a pre-solicitation request for information does not commit the university to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a pre-solicitation request for information. All information received through a pre-solicitation request for information will be part of the publically available procurement file. An RFI is to be used for information gathering only and is not a vehicle for procuring supplies or services.

k) *When procuring freight, small package delivery, and other forms of cargo shipping and transportation services, appropriate weight shall be given to the requirements of the Transportation Sustainability Procurement Program Act.* [30 ILCS 500/20-165]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: CONTRACTS

Section 4.2055 Types of Contracts

a) Scope
This Section contains descriptions of types of contracts and limitations as to when they may be utilized by the university in its procurements. Types of contracts not mentioned in this Section may ~~also~~ be utilized with approval of the SPO.

b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Code. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.

1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.

2) A percentage mark-up from the cost of a supply or service selected by the university or another vendor under contract to the university is not a cost-plus-a-percentage-of-cost contract.

3) A percentage mark-up from cost for parts needed in relation to a contract for services does not convert the services contract to a prohibited cost-plus-a-percentage-of-cost contract provided the parts supplied under the cost-plus-percentage-of-cost method do not exceed 20% of the value of the contract.

c) Types of Fixed-Price Contracts

1) Firm Fixed-Price Contract. A firm fixed-priced contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.

2) Fixed-Price Contract with Price Adjustment

A) A fixed-price contract with price adjustment provides for variation

in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work. The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:

i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);

ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils and dental gold alloy); and

iii) in requirement contracts, in which a vendor is selected to provide all of the university's~~univeristy's~~ needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).

B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the university shall have the right to reject the price increase and terminate without cost the future performance of the contract.

d) Cost-Reimbursement Contracts

1) Determination Prior to Use

A) The university must submit to the SPO a justification for using any type of cost-reimbursement contract. This justification must be sufficient to show that such a contract is likely to be less costly to

the university than any other type or that it is impracticable to obtain the items through any other type of contract. The SPO will consider the justification and any other relevant factors before making a written determination to authorize use of the cost-reimbursement contract.

B) Any reimbursement~~Reimbursement~~ of travel expenses authorized in the solicitation and the terms of the contract must be in accordance with applicable travel control board regulations~~ is authorized without further determinations~~.

2) Cost Reimbursement Contract. A cost reimbursement contract provides that the vendor will be reimbursed for allowable costs incurred in performing the contract, but will not receive a fee. These contracts establish an estimate of total cost and must establish a ceiling that a vendor may not exceed. The SPO must provide a written determination that this type of contract is likely to be less costly than any other type of contract or that it is impracticable to obtain the item required except under this type of contract.

3) Cost-Plus-Fixed-Fee Contract. This cost-reimbursement type contract provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is greater or less than the initial estimated cost established for the work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee may be adjusted to provide for an increase or decrease in the scope of work. The adjustment must be made via a change order with approval of the SPO~~The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract~~.

4) Cost Incentive Contracts

A) General. A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is

rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and consequently is dependent on how effectively the vendor controls cost in the performance of the contract).

B) Fixed-Price Cost-Incentive Contract. In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price may not exceed the ceiling price. The vendor is obligated to complete performance of the contract and, if actual costs exceed the ceiling price, the vendor suffers a loss.

C) Cost-Reimbursement Contract with Cost-Incentive Fee.
In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of fee depending on whether actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the university is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever first occurs. After performance is complete or costs reach the ceiling, the total incurred allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.

e) Performance Incentive Contracts
In a performance incentive contract, the parties establish at the outset a pricing

basis for the contract, performance goals and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion may entitle the university to a price decrease.

f) Time and Materials Contracts; Labor Hour Contracts
Time and materials contracts provide for an agreed basis for labor performed and payment for materials supplied~~ and labor performed~~. Labor hour contracts provide only for the payment of labor performed. The contracts shall~~, to the extent possible,~~ contain a stated ceiling or an estimate that shall not be exceeded without prior ~~university~~ approval. An estimated time and materials contract shall be treated as an indefinite quantity contract.

g) Definite Quantity and Indefinite Quantity Contracts

1) Definite Quantity. A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services ~~either~~ at specified times or when ordered, with deliveries or performance scheduled at designated locations upon order.

2) Indefinite Quantity. An indefinite quantity contract is a contract for an indefinite amount of supplies or services ~~to be~~ furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally, an indefinite~~estimated~~ quantity contract is based on historical usage or the best information available as to quantity as~~is~~ stated in the solicitation and is not a guarantee of a quantity to be ordered. The contract may provide a minimum quantity the university is obligated to order and may also provide for a maximum quantity provision that limits the university's ability to order. If ~~the contract identifies~~ an estimated quantity is identified, the university may order up to 20% more than the estimate without written SPO approval~~additional procurement authorization or activity~~. The SPO may authorize ordering beyond the stated 20%. Any such authorization shall be documented in writing and published in the Bulletin. An increase of an indefinite quantity contract is not a change order.

3) Requirements Contracts. A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the university to

order all its actual requirements during a specified period of time with deliveries or performance scheduled at designated locations upon order. If identified in the solicitation as a requirements contract, all needed quantity, regardless of any stated estimate, must be ordered from that contract. A requirements contract shall state a realistic estimated total quantity in the solicitation and resulting contract, but this is not a representation that the estimated quantity will be required or ordered, or that conditions affecting requirements will be stable or normal.

h) Leases
A lease is a contract for the use of supplies or real property under which title will not pass to the university at any time, except pursuant to an option to purchase.

i) Recovery Contracts
Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the university. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.

j) Option Provisions
A solicitation or contract may contain options for renewal, extension or purchase and shall also include the requirements for exercising this option, the term and the price, or shall include the formula for establishing the price. Contracts based on a solicitation may include only those options included in the solicitation. Exercise of options shall be performed in accordance with the contract~~solicitation~~, the Code and other provisions of this Part. After contract execution, any options proposed to be included in the contract after award are subject to SPO review and approval and may require subsequent procurement activity such as change order or sole source to include that option.

k) State Produced Supplies and Services
Notwithstanding any provision in any contract, supplies or services available in-house or from State programs, such as Illinois Correctional Industries, may be ordered without violating any contract.

l) Extraordinary Quantities
Notwithstanding any provision in any contract, the university reserves the right to take bids separately if a particular quantity requirement arises that exceeds the

university's normal needs or ordering requirements.

m) Energy Conservation
University procurements of energy conservation measures, including guaranteed energy savings contract, are defined in the Public University Energy Conservation Act [110 ILCS 62] (PUECA) and shall be made in accordance with the Code and this Part, except as otherwise authorized by PUECA.

n) Printing Cost Offsets
In accordance with university policies, the university may provide advertising rights in printed products to a vendor or receive free copies of printed products from a vendor in order to reduce the overall cost of a printing contract. Procurement by competitive sealed bid or competitive sealed proposal is required when the printing cost exceeds the small purchase limit of Section 4.2020 of this Part.

o) Contracting for Installment Purchase Payments, Including Interest. Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2060 Duration of Contracts − General

a) General
The term of a contract, including potential renewals, may not exceed 10 years.

1) A software license designated as a perpetual license is not considered a multi-term contract; it is instead a one-time purchase.

2) The length of a lease for real property or capital improvements shall be in accordance with Section 40-25 of the Code.

b) Subject to Appropriation
Each contract is contingent upon and subject to the availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part and without penalty or further payment being required if the Illinois General

Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack or insufficiency of funding. A vendor will be notified in writing by the university of a failure or reduction or decrease of appropriation affecting a contract. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Year Contracts
A multi-year contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet State needs; or

2) a multi-year contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping costs during the period of contract performance;

B) lower production costs because of a larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the vendor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award and administration of the procurement may be reduced.

d) Multi-Term Contract Procedure

The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term); and

4) how award will be determined.

e) Renewals

1) The initial term of a contract plus available renewals may not exceed 10 years. When the original contract~~procurement~~ specifically calls~~called~~ for an initial term plus renewals, the renewals may be exercised without further procurement activity, except for the publication of the renewal in the Bulletin as required by Section 15-25 of the Code and Section 4.1525 of this Part and subject to review by the PPB under Section 5-30 of the Code. The renewal terms and conditions shall not change except as provided in the contract (such as price escalations tied to an index). Renewal options may be exercised by the university~~State~~ or by mutual agreement of the vendor, but may not be exercised solely at the option of the vendor. Any renewal that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to appropriate competitive procedures established by the Code and this Part.

2) A renewal may only be entered into if authorized by the original contract~~When the original procurement was silent as to renewals, the renewal must be procured using one of the methods or source selection authorized by the Code and this Part. The renewal shall start a new term not to exceed 10 years, except the term of a sole source renewal contract shall include previous sole source contracts and shall in total not exceed 10 years~~.

3) All renewals must be in conformance with the underlying contract. The procurement/contract file must contain any renewal justification form

prescribed by the CPO-HE.

4~~3~~) When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding 10 years, the university's need must be procured using one of the methods of source selection authorized by the Code and this Part.

5) Renewals must be fully executed on or before expiration of the current contract term. If the renewal is not exercised prior to expiration of the current contract term, the supplies or services must be procured anew using one of the methods of source selection authorized by the Code and this Part.

f) Filing of Proposed Renewals and Extensions Exceeding $249,999
Prior to executing a renewal or extension with a cost estimated to exceed $249,999, the proposed renewal or extension must be submitted to the PPB. The PPB shall have up to 30 days to review and comment on the proposal. The SPO assigned to the university may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2065 Cancellation of Contracts

a) In any of the following cases, the university~~SPO~~ shall have the right to terminate or rescind any contract entered into under this Part without penalty:

1) The successful vendor fails to furnish a satisfactory performance bond within the time specified.

2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the purchasing university.

3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall

be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.

4) The vendor is guilty of misrepresentation (e.g., misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill obligations as a responsible vendor under other contracts with the State.

5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the university~~SPO~~; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

6) Any other breach of contract or other unlawful act by the vendor.

7) The contract was obtained by fraud, collusion, conspiracy or other unlawful means.

8) The contract conflicts with any statutory provision of the State of Illinois or of the United States.

b) Damages
The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

1) the additional cost of supplies or services bought elsewhere;

2) cost of repeating the procurement procedure;

3) any expenses incurred because of delay in receipt of supplies or services; and

4) any other damages caused by the vendor's breach of contract or unlawful act.

c) Withholding Money to Compensate State for Damages
If a contract is terminated or rescinded under this Section, the university may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the university for any damage resulting from termination or rescission.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2067 Contract Amendments and Change Orders

a) Contract amendments memorialize actions:

1) authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI), or changes that do not affect price or time of performance (e.g., change in names of notice contacts or number of periodic status meetings);

2) not specifically authorized in a contract (e.g., material changes to terms and conditions that affect price or time of performance). This type of amendment constitutes a change order.

b) Change Orders

1) A change order is defined in Section 4.15. Renewals, change of a vendor's name, and orders against master contracts are not change orders.

2) Change orders that increase or decrease the cost of a contract or an estimated contract by a total of $10,000 or more, or the time of completion by a total of 30 days or more, must be accompanied by a written determination that includes a statement that:

A) *the circumstances said to necessitate the change in performance was not reasonably foreseeable at the time the contract was signed; or*

B) *the change is germane to the original contract as signed; or*

C) *the change order is in the best interest of the State*. [720 ILCS 5/33E-9] Universities may not divide change orders into smaller parts to avoid requirements for written determinations or publication.

3) A change order shall be executed by the university and vendor evidencing the change. All changes that require a written determination as provided in subsection (b)(2) shall be approved by the SPO. Change orders that exceed the small purchase limit shall be published in the Bulletin in advance of execution of the change order.

4) A change order to *a contract for professional and artistic services* made using the sole source method *may not result in an increase in the amount paid under the contract by more than 5% of the initial award, or extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed two months.* [30 ILCS 500/20-25(b)]

5) The total contract term, including the initial term, renewals, extensions and change orders shall not exceed 10 years. Any change order that would extend the total term beyond 10 years is void. Any continuing need for supplies and services must be procured using one of the methods of source selection authorized by the Code and this Part.

6) Prior to executing a change order with a cost estimated to exceed $249,999, the proposed change order must be submitted to PPB. PPB shall have up to 30 days to review and comment on the change order. The university may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

(Source: Added at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART J: PROCUREMENT FILES

Section 4.2080 Public Procurement File

a) *A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets*

and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The procurement file shall contain a written determination, signed by the SPO, setting forth the reasoning for the contract award decision and any other determinations relative to the particular procurement. The publically available portion of *the procurement file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information. The procurement file shall be open to public inspection within 7 calendar days following award of the contract.* [30 ILCS 500/20-155(c)~~(b)~~]

b) The procurement files shall be maintained by or under the jurisdiction of the CPO-HE.

c) Documentation of Procurement Actions
Each university, under the direction of the SPO, shall maintain in the procurement or associated contract file all substantive documents and records of communications that pertain to the procurement and any resulting contract. This shall include, as applicable, but is not limited to:

1) The records showing approvals to proceed at all stages;

2) Procurement Bulletin postings;

3) Solicitation document (e.g., IFB, RFP, etc.) and all amendments, clarifications and best and final requests;

4) Vendors' responses, including clarifications and responses to best and final requests (losing responses may be stored elsewhere);

5) Evaluation material (e.g., scoring guidelines and forms; completed score sheets for individual evaluators, including notes; evaluation committee's combined score sheets; evaluation committee's recommendation; and management's decision);

6) Protest and resolution;

7) Contract and any order, change, amendments, renewal or extension;

8) Contractor Performance Reviews, if conducted;

9) Information from subsections (c)(1) through (c)(5) must be available on the date any award is posted to the Bulletin. The CPO will determine if any information is exempt under the Freedom of Information Act [5 ILCS 140] or other law;~~All information from subsections (c)(1) through (c)(8), less information exempt from disclosure under the Freedom of Information Act [5 ILCS 140], shall be prepared and available for inspection and copying, with information from subsections (c)(1) through (c)(5) available on the date any award is posted to the Bulletin.~~

10) All information from subsections (c)(1) through (c)(8) shall be prepared and made available for inspection and copying within 7 days following award of the contract. The CPO-HE will determine if any information is exempt under the Freedom of Information Act or other law.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2084 Record Retention

Procurement information, including, without limitation, that pertaining to the Procurement Bulletin, and performance and payment under contracts and subcontracts shall be maintained in accordance with the State Records Act [5 ILCS 160]. ~~a)Retention of Bulletin Information. Information published in the Bulletin shall be retained in electronic format for the current fiscal year plus one additional year then transferred to media storage and maintained for 13 years after which it may be disposed of providing all audits have been completed and no litigation is pending or anticipated.b)~~Books and records that relate to performance of a contract, including subcontracts, and that support amounts charged shall be maintained:

a~~1~~) by a vendor, for three years from the date of final payment under the prime contract; and for such longer period of time as is necessary to complete ongoing or announced audits or to comply with federal requirements.

b~~2~~) by a subcontractor ~~the university~~ for three years from the date of final payment under the subcontract or completion of the subcontract,~~prime contract;~~ and for such longer period of time as is necessary to complete ongoing or announced audits.

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.2086 Filing with the Comptroller

a) *Filing with Comptroller*

1) *Whenever a grant, defined pursuant to accounting standards established by the* State *Comptroller, or a contract liability, except for contracts paid for from personal services, or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $20,000~~10,000~~ is incurred by any* university*, a copy of the contract, purchase order, grant or lease shall be filed with the Comptroller within 30 calendar~~15~~ days thereafter.* [30 ILCS 500/20-80(b)]

2) *For each State contract for goods, supplies or services awarded on or after July 1, 2010, the contracting* university *shall provide the applicable rate and unit of measurement of the goods, supplies, or services on the contract obligation document as required by the Comptroller.* [30 ILCS 500/20-80(b)]

3) *Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 30 calendar~~15~~ days* after *its execution*. [30 ILCS 500/20-80(b)]

b) *Late Filing Affidavits*
When a contract, purchase order, grant or lease required to be filed by this Section has not been filed within 30 calendar days after execution, the university must file with the Comptroller an affidavit, signed by the chief executive officer of the agency or a designee, setting forth an explanation of why the contract liability was not filed within 30 calendar days after execution. A copy of this affidavit shall be filed with the Auditor General and the CPO-HE. [30 ILCS 500/20-80(c)]

c) *Timely Execution of Contracts*

1) *No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State Treasury or from other funds held by the State Treasurer on account of any contract unless the*

contract is reduced to writing before the services are performed and filed with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all the necessary parties. [30 ILCS 500/20-80(c)]

2) Upon written request of the university and with justification required by the CPO-HE, the CPO-HE *may request an exception to this subsection* (c) *by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this subsection* (c) *must be approved by the Comptroller and Treasurer. Section 20-80 of the Code does not apply to emergency purchases if notice of the emergency purchase is filed with* the *PPB and published in the Bulletin as required by* the *Code.* [30 ILCS 500/20-80(d)]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART L: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section 4.3005 Construction and Construction Related Professional Services

a) General Procedures

1) *Each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works made by a public* university *shall contain a provision that steel products used or supplied in the performance of the contract or any subcontract thereto shall be manufactured or produced in the United States* in accordance with the Steel Products Procurement Act [30 ILCS 565]. [30 ILCS 565/4] For example, a finished supply item that contains a steel component, such as an HVAC system, is not considered a steel product and would not be subject to the Act, but a steel I-beam would be subject to the Act.

2~~1~~) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of the work exceeds the amount stipulated by Section 20-20

of the Code, prospective contractors, as well as architects and engineers employed in connection with those projects may be prequalified to determine their responsibility (for architects, engineers and land surveyors, see the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535]).

3) Estimated Cost of Work

A) If the total estimated cost of the work exceeds the amount stipulated by Section 30-30 of the Code, separate specifications shall be prepared for all equipment, labor and materials in connection with, at a minimum, the following five subdivisions of work:

i)~~A)~~ Plumbing.

ii)~~B)~~ Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of those systems.

iii)~~C)~~ Ventilating and distribution systems for conditioned air, including the testing and balancing of those systems.

iv)~~D)~~ Electrical wiring.

v)~~E)~~ General contract work.

B) However, if the estimated value of the construction work exceeds $250,000 and the estimate for an individual division is less than the current small purchase limit for construction, that division's work may be combined with another division, or procured separately under the Small Purchase procedure of Section 4.2020.

4~~2~~) The specifications shall be drawn so as to permit separate and independent competitive bidding upon each of the above five subdivisions of work. All contracts awarded for any part of the work shall award the five subdivisions separately to responsible and reliable contractors engaged in these classes of work. The contracts, at the discretion of the university,

may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the university prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five subdivisions upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that, unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for all of the buildings included in the specifications.

b) Request for Payment Form Specified by the University
To bill the university for ~~remodeling, renovation or~~ construction work done, the vendor must submit a payment request in the form specified by the university.

c) Periodic Payments
When provided in the contract, periodic payments can be made during the course of the work, provided~~upon a certificate of~~ a licensed architect or engineer issues a certificate indicating the proportionate amount of the total work has been completed satisfactorily.

d) Retained Percentage
When periodic payments are made and if specified in the contract, the university shall retain a fixed percentage of the contract price to insure faithful completion of the contract.

e) Additional Work
No amount of funds, in addition to those provided for in a construction contract ~~for repairs, maintenance, remodeling, renovation or construction~~, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentage of the original contract amount as provided in Section 30-35(b) of the Code unless they have received the prior written approval of the university construction agency. In the event that the total of the combined additional expenditures or obligations exceeds the percentages of the original contract amount set forth in Section 30-35(b) of the Code, the university construction agency shall investigate all the additional expenditures or obligations

in excess of the original contract amount and shall in writing approve or disapprove subsequent expenditures or obligations and state in detail the reasons for the approval or disapproval. Notices of additional expenditures or obligations in excess of the small purchase limit of Section 20-20 of the Code shall be published in the Bulletin.

f) Improvements to Leased Real Estate
The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the university.

g) Construction Manager Services

1) Procurement of Construction Manager Services, under jurisdiction of the Capital Development Board, will be performed by the Capital Development Board (CDB) or through delegation from CDB.

2) Construction Manager Services for projects not under the jurisdiction of CDB shall be procured by the university in accordance with Article 20 of the Code or applicable law~~Section 4.2035 of this Part~~.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART M: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 4.4015 Method of Source Selection

a) Leases shall be procured by using a Request for Information for Real Property or Capital Improvement Leases (RFI-RPL~~Real Property Leases~~) process except as provided in subsection (b).

b) ~~The RFI-Real Property Leases process is not required in the following circumstances.~~ Leases acquired under these exceptions shall be selected and entered into by negotiation. Written summaries of all negotiations shall be maintained in lease files.

1) *Property of less than 10,000 square feet with rent of less than $100,000 per year*.

2) *Duration of less than one year that cannot be renewed*.

3) *Specialized space available at only one location.* Specialized space is defined as space of~~or~~ unique function or configuration, not generally available on the market on an as built or turnkey basis. Examples of specialized space include, but are not limited to: laboratories, vehicle testing stations, correctional facilities, medical facilities, boat docks and evidence storage facilities.

4) *Renewal or extension of a lease, provided that*:

A) *the CPO-HE determines in writing that the renewal or extension is in the best interest of the* university;

B) *the CPO-HE submits his or her written determination and the renewal or extension to* the *PPB*;

C) the *PPB does not object in writing to the renewal or extension within 30 days after its submission; and*

D) *the CPO-HE or designee publishes* notice of *the renewal or extension in the Bulletin* ~~at lease 60 days prior to the exercise of the renewal or extension option~~.

5) *Leases with other governmental units* may be negotiated without using the *RFI-Real Property Leases process when deemed by the CPO-HE to be in the best interest of the* university. [30 ILCS 500/40-15(c)]

c) None of the provisions of subsection (b)~~this Section~~ shall prohibit making a lease procurement under the RFI-RPL~~Real Property Leases~~ provisions if the CPO-HE deems it to be in the best interests of the university.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4020 RFI-RPL Process~~Request for Information-Real Property and Capital Improvement Leases~~

a) RFI-Real Property Leases (RFI-RPL) Form

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When required, an RFI-RPL shall be issued and shall include the following:

1) *the type of property to be leased;*

2) *the proposed uses of the property;*

3) *the duration of the lease;*

4) *the preferred location of the property;*

5) *a general description of the configuration desired;* [30 ILCS 500/40-20(b)]

6) special and standard lease terms and conditions, qualifications and responsibility requirements, disclosures and certifications;

7) the address to which responses are to be sent; ~~and~~

8) the criteria for evaluating responses based on the minimum standards and conditions for occupancy;~~. [30 ILCS 500/40-20(b)]~~

9) response forms and instructions for completing forms;

10) a copy of spatial and performance guidelines required to meet the needs of the university to occupy the real property being procured; and

11) the date and time of responses.

b) The university shall prepare the RFI-RPL for submission to the SPO for approval~~All required documents of the RFI-RPL will be available in electronic format on the Bulletin. Notice shall begin when first published electronically. RFI-RPL document packages may also be mailed to owners of property that may meet the university's needs after the RFI-RPL has been published in the Bulletin~~.

~~c) Unless the RFI-RPL is exclusively designated to accept only electronically prepared documents, RFI-RPL document packages shall, at a minimum, include:~~

~~1) Response forms and instructions for completing forms;~~

~~2)~~ ~~A copy of spatial and performance guidelines required to meet the needs of the university's to occupy the real property being procured; and~~

~~3)~~ ~~The date and time responses must be submitted.~~

c~~d~~) Public Notice
Public notice of the RFI-RPL shall be published in the Bulletin at least 14 days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the university is seeking space. [30 ILCS 500/40-20(c)] All required documents of the RFI-RPL will be available in electronic format on the Bulletin. Notice shall begin when first published electronically. RFI-RPL document packages may also be mailed to owners of property that may meet the university's needs after the RFI-RPL has been published in the Bulletin.

d~~e~~) Response
The RFI-RPL response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the RFI-RPL. [30 ILCS 500/40-20(d)] All responses to the RFI-RPL will be publicly opened on the announced date. Names of all parties submitting proposals will be made available to the public immediately following the opening of the proposals.

e~~f~~) Negotiation and Determination

1) *The* ~~CPO-HE or~~ *SPO may enter into discussions with respondents* to *the RFI*-RPL *for the purpose of clarifying university needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any,* the ~~CPO-HE, a~~ *SPO* ~~or designee~~ *shall make a written determination identifying the responses that meet the minimum criteria set forth in the RFI*-RPL. *Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the State*. [30 ILCS 500/40-20(d)] Site visits may be made as part of the discussion and/or negotiation process. The university shall document negotiation efforts with each qualified respondent.

2) The CPO-HE or SPO reserves the right to reject any proposals and to request and evaluate "best and final" proposals. Best and final offers shall be sought after a written determination is made by the SPO that it is in the best interest of the State to request best and final proposals. A best and final proposal shall not be requested from any vendor deemed non-responsive or who does not meet the minimum criteria set forth in the RFI-RPL.

f~~g~~) Contract Award, Reporting and Filing

1) The SPO ~~or designee~~ shall review all relevant information and shall recommend to the CPO-HE which proposal shall be accepted based on the evaluation of all responsive proposals. The CPO-HE shall make the final award, which will be published in the Bulletin. Notification of award will be sent to all respondents.

2) When the lowest response by price is selected, a written report of the negotiation shall be retained in the lease files and shall include the reasons for the final selection.

3) *When the lowest response by price is not* recommended*, the SPO shall forward to the CPO-HE, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the* recommendation *of a different response. The CPO-HE shall publish the written reasons for the selection in the next volume of the Bulletin.* [30 ILCS 500/40-20(d)] The written reasons for the selection of the vendor shall be retained in the lease files.

g~~h~~) PPB Review
The *PPB shall review any proposed lease of real property of more than 10,000 square feet or any proposed lease of real property with annual rent payments of $100,000 or more.* The *PPB shall have 30 days to review the proposed lease.* No contract may be entered into until the 30-day period has expired, unless the university requests in writing that the PPB waive the period and the PPB grants the waiver in writing. *If* the *PPB does not object within 30 days, the proposed lease shall become effective.* [30 ILCS 500/40-20(e)]

h~~i~~) University Cooperation

A university shall provide any materials or provide any assistance the PPB determines is required for its review. The PPB may request in writing from the university, and the university shall promptly, but in no event later than 5 business days after receipt of the request, provide to the PPB documentation of information in the possession of the university. This does not preclude the university seeking any other available relief including termination for breach.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4025 Lease Requirements

a) Length of Leases

1) Maximum Term. Except when a longer term is authorized by law, leases, inclusive of renewals, shall be for a term not to exceed 10 years and shall include a termination option in favor of the State after 5 years.

2) *Renewal Option. Leases may include a renewal option. An option to renew may be exercised only when the* CPO-HE *determines in writing that renewal is in the best interest of the State. The* CPO-HE *shall publish a notice of the intent to exercise the option in the Bulletin at least 60 days prior to the exercise of the option*. [30 ILCS 500/40-25(b)] For purposes of this Section, "exercise" means the date of notification to the lessor to renew or extend the lease.

3) *All leases shall include a provision that they are subject to termination and cancellation in any year the General Assembly fails to make an appropriation to make payments under the terms of the lease.* [30 ILCS 500/40-25(c)]

4) ~~Month-to-Month and~~ Holdover. *No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months* after expiration of the underlying lease. [30 ILCS 500/40-25(d)]

b) Lessor's Failure to Make Improvements
Each lease that includes a provision for the lessor to make improvements must provide for actual or liquidated damages~~a penalty~~ upon the lessor's failure to make improvements agreed upon in the lease. The actual or liquidated damages

~~penalty~~ shall consist of a reduction in~~on~~ lease payments equal to the corresponding percentage of the improvement value to the lease value. The actual or liquidated damages~~penalty~~ shall continue until the lessor complies with the lease and the improvements are certified~~accepted~~ by the CPO-HE and the leasing university. [30 ILCS 500/40-55] The penalty amount shall be retained by the university. This does not preclude the university seeking any other available relief, including termination for breach.

c) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.

1) The disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, partner, managing agent or other authorized person.

2) The disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, the names of all members or managers of a limited liability company and the names of all shareholders in a corporation who are entitled to receive more than 7½% of the total distributable income of the entity. If the entity is publicly traded and no readily known individual owns more than a 7½% interest, then the requirements of this subsection (c) may be met by an officer or managing agent of the entity making an affirmative statement to this effect under oath.

3) The disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of that person having an ownership or beneficial interest under the lease. In the event a person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income to that person, together with that of the wife, husband or minor child of the person, is entitled to receive from any firm, partnership, association or corporation that is the lessor.

4) It shall be the responsibility of the lessor to notify the CPO-HE, SPO or designee of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting the changes within 30 days after the change.

d) Space that is not in compliance with accessibility regulations, or is not capable of being brought in compliance with the installation of minimum essential features of accessibility by the time of occupancy, shall not be considered for use.

1) Each RFI will contain specifications for accessibility. Exceptions to the specifications will be allowed only upon request of the university if legitimate reasons are given and the request is otherwise in compliance with all federal and State laws regarding accessibility. The CPO-HE, SPO or designee may waive certain specifications at his or her discretion in accordance with subsection (d)(2).

2) Exceptions may be based upon one or more of the following criteria:

A) No other suitable location exists within the geographic boundaries required by the operation/program at the site.

B) No funds are appropriated to cover expenses for:

i) Relocation to an accessible site;

ii) Remodeling existing site to achieve accessibility; or

iii) Construction of a new facility.

3) The operations at the site are part of an on-going program that cannot be interrupted or terminated pending relocation, remodeling or new construction.

4) The operations at the site are part of a new program that must be implemented without delay to avoid:

A) Delay or interruption of vital services; and/or

B) Loss of funds associated with the program

5) The operations/programs at the site:

A) Generate a low frequency of public use; and/or

B) Provide a low number of job opportunities.

6) For sites carrying out programs funded in whole or part by federal funds, exceptions will be granted only upon written certification from the university that alternative methods have been established to deliver services to disabled clients and the university will provide necessary structural modification for qualified disabled employees, unless the modification would cause the university to incur undue hardship. This requirement is based on federal law (Section 504 of the Rehabilitation Act of 1973 (29 USC 706)) and any federal regulations promulgated pursuant to that Act, including those promulgated by the U.S. Department of Health and Human Services.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART N: PREFERENCES

Section 4.4505 Procurement Preferences

The procurement preferences identified in Article 45 of the Code must be considered in developing procurement documents, conducting evaluations and drafting contracts. The Bulletin and solicitation document shall state whether a preference applies or may apply and the amount or type of preference~~Any preferences applicable to an individual procurement will be stated in the solicitation for that procurement~~.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4515 Soybean Oil-Based Ink

Contracts requiring the procurement of printing services shall specify the use of soybean oil-based ink unless a *State Purchasing Officer~~SPO~~ determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.* [30 ILCS 500/45-15] The SPO will make this determination based on justification submitted by the university.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

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Section 4.4520 Recycled Materials

When a public contract is to be awarded to the lowest responsible bidder or offeror, an otherwise qualified bidder or offeror who will fulfill the contract through the use of products made of recycled supplies shall~~materials may, on a pilot basis or in accordance with a pilot study,~~ be given preference over other bidders or offerors unable to do so, provided that the cost included in the bid of supplies is equal or less than other bids or offers, unless the use of the product constitutes an undue practical hardship. Nothing in this Section shall be construed to apply to a construction agency for the purposes of procuring construction and construction-related services.~~products made of recycled materials does not constitute an undue economic or practical hardship.~~ [30 ILCS 500/45-20] The SPO will make this determination based on justification submitted by the university.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4525 Recyclable Paper

All paper supplies~~paper~~ purchased for use by universities must be recyclable paper unless a recyclable substitute ~~paper~~ cannot be used to meet the requirements of the universities or would constitute an undue economic or practical hardship. [30 ILCS 500/45-25] Universities shall make this determination and shall include this determination in the procurement file.~~Universities shall determine their paper requirements to allow the use of recyclable paper whenever possible, including, without limitation, using plain paper rather than colored paper that is not recyclable.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4526 Environmentally Preferable Procurement

Universities shall contract for supplies and services that are environmentally preferable, as that term is defined in Section 45-26(3) of the Code. *If, however, contracting for an environmentally preferable supply or service would impose an undue economic or practical hardship on the contracting university, or if an environmentally preferable supply or service cannot be used to meet the requirements of the university, then the university need not contract for an environmentally preferable supply or service. Specifications for contracts, at the discretion of the contracting university, may include a price preference of up to 10% for environmentally preferable supplies or services~~service~~*. [30 ILCS 500/45-26(b)] Universities shall make this determination and shall include this determination in the procurement file.

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(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4530 Correctional Industries

The CPO-HE shall distribute to each SPO and university the list of items pursuant to Section 45-30 of the Code that must be purchased from Illinois Correctional Industries (ICI) as determined by the CPO-HE~~GS~~ pursuant to Section 45-30 of the Code. Procurements from ICI may be made without prior notice or competition. Notice of contracts that exceed the small purchase threshold will be published in the Bulletin prior to execution of the contract.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4535 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities

a) Contracts issued under this Section with qualified not-for-profit agencies (sheltered workshops) should promote employment and training opportunities for persons with severe disabilities while meeting the needs of the university.

1) Subject to the requirements of this Section, a university may procure supplies and services from a sheltered workshop and may do so without having to provide prior notice on the Bulletin or having to seek competition. The sheltered workshop must meet the specifications and needs of the using university and must agree to a fair market price, subject to a maximum that the price cannot be substantially more than had it been competitively bid.

2) Except for small purchases, a proposed contract with a sheltered workshop must be approved by the SPO.

b) The university and the State use program (see Section 45-35(c) of the Code) staff will consult as necessary to ensure the contract effectively addresses the purpose of the program. This review may include consideration of the total dollar value of the contract, the number of jobs performed by persons with severe disabilities, the amounts paid to those individuals and the amount of subcontracting, particularly with commercial entities, needed to fulfill contract requirements.

c) The CPO-HE shall distribute to each SPO and university a list of supplies and services available from sheltered workshops on the qualified list maintained by

the Department of Central Management Services.

d) The CPO-HE shall identify to each SPO and university the supplies and services for which preference must be given to sheltered workshops. The preference shall require the university to give first refusal to a sheltered workshop and the university shall purchase from the workshop unless the SPO approves a request for a waiver from the university. A waiver may be requested if the university demonstrates to the SPO that factors including, but not limited to, geographic proximity, lack of availability of vendors, quality of product and price preclude purchase from a sheltered workshop. Any waiver request shall be on a form or in a format prescribed by the CPO-HE. The State Use Committee must approve any proposed contract that would otherwise be subject to a competitive selection requirement.

e) When a sheltered workshop and a university enter into a contract, each must comply with applicable provisions of the Code.

~~a) Use~~
~~The CPO-HE shall distribute to each SPO and university a list of supplies and services available from qualified not-for-profit agencies for persons with severe disabilities (sheltered workshop). Purchases from sheltered workshops may be made without notice or competition.~~

f~~b~~) ~~Pricing Approval~~Prior to contracting with a sheltered workshop, the State Use Committee ~~(see Section 45-35(c) of the Code)~~ must determine in open meeting that the price is not substantially more than had the university obtained a competitively solicited price. If any vendor protests the determination as a part of the open meeting, the Committee must resolve the protest before approving the proposed contract. The State Use Committee shall inform the SPO and the university in writing of its determination.

g~~f~~) After receipt of the Committee's determination, the SPO shall post notice of the proposed contract to the Bulletin, and the university may execute the contract upon publication.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4540 Gas Mileage, ~~and~~ Flex-Fuel, Biodiesel and Hybrid Requirements

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Sections 25-75 and 45-40 of the Illinois Procurement Code impose requirements applicable to the purchase and, in some situations, the lease of passenger vehicles. These requirements are:

a) Section 25-75 (Flex Fuel, Hybrid or Biodiesel)

1) Gasoline Power. All gasoline powered automobiles and light trucks purchased with State funds must be flexible fuel or fuel efficient hybrid vehicles. Station wagons (including SUVs and crossovers), vans (including mini-vans), four-wheel drive (including AWD) vehicles, emergency vehicles, and police and fire vehicles are not exempt.

2) Diesel Power. All diesel powered automobiles and light trucks purchased with State funds shall be certified by the manufacturer to run on 5% biodiesel (B5) fuel. Station wagons (including SUVs and crossovers), vans (including mini-vans), four-wheel drive (including AWD) vehicles, emergency vehicles, and police and fire vehicles are not exempt.

3) "State funds" means, for the purpose of this Section, any funds appropriated by the General Assembly. If State funds are used in whole or in part to purchase these vehicles, this Section applies.

b) Section 45-40 (Mileage)

1) Any new passenger automobiles, whether purchased or leased, must meet minimum fuel mileage standards. This does not apply to station wagons (including SUVs and crossovers), vans (including mini-vans), four-wheel drive (including AWD) vehicles, emergency vehicles, and police and fire vehicles.

2) This fuel mileage requirement applies regardless of the source of funds used to purchase or lease the vehicle.

c) Coordination of Sections 25-75 and 45-40. When procuring a vehicle, a university shall make reasonable attempts to identify one that meets the requirements of both subsections (a) and (b). If no vehicle meets both of these requirements, the university shall purchase a vehicle or vehicles that satisfy the requirements of subsection (b); otherwise, the university may request a waiver as outlined in

subsection (d).

d) Waiver. If a vehicle that meets the need of the institution cannot meet either or both requirements of subsections (a) and/or (b), then the institution may request a waiver of the appropriate requirement. The CPO-HE may require use of a uniform form or format for requesting the waiver. Vehicles requested under a waiver should come as close to satisfying the waived requirement as practical.

e) Beginning January 1, 2016, 15% of all passenger vehicles purchased with State funds shall be vehicles fueled by electricity, electricity and gasohol (hybrids or plug-in hybrids), compressed natural gas, liquid petroleum gas, or liquid natural gas, including dedicated or non-dedicated fuel type vehicles. For purposes of this Section, "State funds" means any funds appropriated by the General Assembly. If State funds are used in whole or in part to purchase these vehicles, this Section applies.

~~a) Specifications for new passenger automobiles shall require compliance with minimum gas mileage requirements established in Section 45-40 of the Code. As used in this Section, passenger automobile does not include station wagons, vans, four-wheel drive vehicles, emergency vehicles, police or fire vehicles. Passenger automobiles must achieve at least the minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of the Motor Vehicle Information and Cost Savings Act (15 USC 2001).~~

~~b) *All gasoline-powered vehicles purchased from State funds must be flexible fuel vehicles or fuel efficient hybrid vehicles. Any vehicle purchased from State funds that is fueled by diesel fuel shall be certified by the manufacturer to run on 5% biodiesel (B5) fuel.* [30 ILCS 500/25-75]~~

~~c) The CPO-HE or SPO may exempt a procurement from the requirements of subsections (a) and (b) when a university demonstrates a need for a non-compliant vehicle in writing.~~

f~~d~~) *In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.* [30 ILCS 500/45-60]

~~e) The CPO-HE may require use of a uniform form or format for the SPO's determination that an exemption is warranted.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4545 Small Business

a) Authority to Establish Small Business Set-Aside
The CPO-HE, in consultation with the universities, may determine categories of construction, supplies or service procurements that will be set aside for small businesses in Illinois. A set-aside designation shall be for a stated period of time. An~~A~~ SPO, in consultation with a university, may determine to set aside for small business individual contracts not in a set-aside category. A set-aside may be established for competitive solicitations or for small purchases.

b) Certified Small Business List
The CPO-HE, in consultation with the universities, may develop its own list, or may use a list maintained by another CPO~~State agency~~, of vendors that meet the criteria of small business. ~~Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information as specified verifying that the vendor qualifies as a small business under this Part. A business that fits the definition of small on the day of award or proposal opening will be considered small for the duration of the contract.~~

c) Contract Set-Aside~~Required Use~~

1) Any procurement proposed for set-aside to small businesses shall be so identified in the Bulletin notice and the solicitation documents. Bids or proposals received from large businesses will be rejected as nonresponsive. Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses must be certified as a small business by one or more CPOs or shall submit information as specified verifying that the vendor qualifies as a small business under this Part. A business that fits the definition of small on the day of award or proposal opening will be considered small for the duration of the contract.

2) When conducting a small purchase in a set-aside category, the university

shall consult the list of certified small businesses and shall solicit at least three vendors under the commodity codes or classifications representing the supplies or services being solicited. Vendors outside a reasonable geographic area need not be contacted.

3) The SPO may waive the requirement for set-aside on individual transactions based upon a request from the university that a set-aside is not conducive to meeting its need.

d) Withdrawal of Set-Aside
If the SPO determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the SPO may reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with this Part but without the small business designation.

e) Criteria for Small Business

1) Unless the CPO-HE provides a definition for a particular procurement that reflects industrial characteristics, a small business is a business that is independently owned and operated and is not dominant in its field of operation~~one that meets the requirements of Section 45-45 of the Code~~.

A) A wholesale business is a small business if its annual sales for its most recently completed fiscal year do not exceed $13,000,000.

B) A retail business or business selling services is a small business if its annual sales and receipts for its most recently completed fiscal year do not exceed $8,000,000.

C) A manufacturing business is a small business if it employs no more than 250 persons. A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year. If a manufacturing business has been in

existence for less than a full fiscal year, its average employment shall be calculated for the period through one month prior to the bid or proposal due date.

D) A construction business is a small business if its annual sales and receipts for its most recently completed fiscal year do not exceed $14,000,000.

E) If a business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the higher of $13,000,000 for a wholesaler, $8,000,000 for a retailer, $14,000,000 for a construction business or the amounts shown in Section 45-45 of the Code. For example, a business that is both a retailer and a wholesaler may not have total sales exceeding $21,000,000 and the retail component may not exceed $8,000,000 and the wholesale component may not exceed $13,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed 250.

2) A small business in Illinois is defined as a company that meets the criteria in subsection (e)(1) and is a sole proprietor whose primary residence is in Illinois or is a business incorporated or organized as a domestic corporation under the Business Corporation Act of 1983 [805 ILCS 5/1.80], is a business organized as a domestic limited liability company under the Limited Liability Company Act [805 ILCS 180], is a business organized as a domestic partnership under the Uniform Partnership Act of 1997 [805 ILCS 206], or a business organized as a domestic limited partnership under the Uniform Limited Partnership Act of 2001 [805 ILCS 215]~~one that meets the definition of a "resident bidder" in Section 45-10 of the Code and either has headquarters in Illinois or has the majority of its workforce in Illinois~~.

3) A small business that is~~must~~ not ~~be~~ dominant in its field of operations~~. This~~ means the business does not exercise a controlling or major influence in the kind of business activity in which it is engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources,

competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

~~4)~~ ~~If a business is any combination of retailer, wholesaler or construction business, then the annual sales for each component may not exceed the higher of $10,000,000 for a wholesaler, $16,000,000 for a retailer, $10,000,000 for a construction business or the amounts shown in Section 45-45 of the Code. For example, a business that is both a retailer and a wholesaler may not have total sales exceeding $16,000,000 and the retail component may not exceed $16,000,000 and the wholesale component may not exceed $10,000,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed 250.~~

4~~5~~) Businesses artificially divided to qualify as small business will be disallowed. When computing the size status of a vendor and whether the vendor qualifies as a small business, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates, concerns and related entities shall be included. Concerns and related entities are affiliates of each other when ~~either~~ one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists. In determining whether concerns and related entities are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management, identity of interest (substantially identical business or economic interests such as family members, individuals or firms with common investments, or firms that are economically dependent through contractual or other relationships) and contractual arrangements. In determining whether affiliation exists, the CPO will consider the totality of the circumstances, and may find affiliation even though no single factor is sufficient to constitute affiliation. A~~However, a~~ franchise relationship shall not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

f) Small Business Specialist

The CPO-HE shall designate a small business specialist, who shall have the duties set forth in Section 45-45(e) of the Code, and who shall also act as coordinator of small business. The designated small business specialist shall compile statistics provided by the university needed to make the small business annual report to the General Assembly required under Section 45-45(f) of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4557 ~~Disabled~~ Veterans and Service-Disabled Veterans

In furtherance of the goal established by Section 45-57 of the Code, the CPO may make available information regarding the availability of small businesses owned by veterans and service-disabled veterans to the universities and to other vendors interested in doing business with the universities~~*It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (SDVOSB) and veteran-owned small businesses (VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as a goal to be awarded to SDVOSB and VOSB.* [30 ILCS 500/45-57] The CPO-HE will inform each SPO of procedures established to implement this provision~~.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

Procurements made under the Code are subject to the requirements of the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575]. Each university is responsible for establishing goals, as applicable, or taking other action in accordance with the Act.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4575 Domestic Products

a) This Section applies unless an exception is provided by statute or, in the case of a small, emergency or sole economically feasible source situation.

b) This Section applies to supplies purchased by the university~~State~~ that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:

1) If the university~~State~~ needs grain~~iron ore~~, this Section would not apply because the university~~State~~ would be asking for a raw material.

2) If the university~~State~~ needs flour~~a steel ingot~~, the purchase would be subject to this Section as the flour~~steel ingot~~ was subject to a manufacturing process. The grain~~iron ore~~ used in manufacturing the flour~~ingot~~ would not be subject to any domestic restriction.

3) If the university~~State~~ needs bread~~a steel I-Beam~~, the bread~~I-Beam~~ would be subject to this Section. The grain~~iron ore~~ and flour~~steel~~ used in creating the bread~~I-Beam~~ would not be subject to any domestic restriction.

4) An item assembled domestically with components manufactured in another country is still considered a domestic product~~If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction~~.

c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.

d) The preference shall be as follows:

1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.

2) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will provide domestic supplies shall be given preference.

3) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that

has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of $50,000.

4) The winning vendor will be determined after application of the preference.

5) Notwithstanding the preference outlined in this subsection (d), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

e) Each procuring university~~agency~~ shall include in the procurement file documentation showing the application of any preference given and any determination that the preference was~~supplies involved in the purchase were~~ not subject to the Procurement of Domestic Products Act [30 ILCS 517].

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.4579 Notice of Preferences (Repealed)

~~The Bulletin and solicitation document shall state whether a preference applies or may apply and the amount or type of preference.~~

(Source: Repealed at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART O: ETHICS

Section 4.5002 Continuing Disclosures; False Certification

a) Multi-year contracts and subcontracts are subject to the annual re-certification requirements of Section 50-2 of the Code. *Every person that has entered into a multi-year contract and every subcontractor with a multi-year subcontract* subject to the Code *shall certify, by July 1 of each fiscal year covered by the contract after the initial fiscal year, to the CPO-HE whether it continues to satisfy the requirements of* Article 50 of the Code *pertaining to eligibility for a contract award. If a contractor or subcontractor is not able to truthfully certify that it*

continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under Article 50 of the Code *is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act* [740 ILCS 175] *for submission of a false claim.* [30 ILCS 500/50-2]

b) The CPO-HE may prescribe a standard format for annual recertification and may include annual certifications as part of a prequalification process.

c) Should a vendor be unable to certify that it continues to meet requirements of Section 50 of the Code, the relevant information shall be submitted to the SPO for review and disposition.

d) Annual certification through the vendor portal pursuant to Section 4.1535 satisfies the requirements of this Section.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5005 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract who:

1) *Has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or*

2) *Has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.*

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) *The business has been finally adjudicated not guilty; or*

2) *The business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded or performed by a director, officer or high managerial agent on behalf of the business, as provided in Section 5-4(a)(2) of the Criminal Code of 2012~~1961~~* [720 ILCS 5].

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

d) *Certification*
Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section, and acknowledges that the CPO-HE may declare the related contract void if any certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false. A contractor or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50-5]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5009 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any* university, *or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial*

office for the facts upon which the conviction was based continues to have any involvement with the business. [30 ILCS 500/50-10]

b) Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code~~this Part~~ shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges the CPO-HE may declare the related contract void if any of the certifications required by this Section are false. *If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-10.5]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5010 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid or enter into a contract or subcontract if the business or any officer, director, partner or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953* [815 ILCS 5] *for a period of 5 years from the date of conviction.*

b) *Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of* the *Code shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO-HE shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.~~[30 ILCS 500/50-10.5]~~

c) *If a business is not a natural person, the prohibition in subsection (a) applies only if:*

1) *the business itself is convicted of a felony referenced in subsection (a); or*

2) *the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).*

d) *A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10 of the Code.* [30 ILCS 500/50-11.5]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5011 Debt Delinquency

a) *No person shall submit a bid for or enter into a contract or subcontract if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11(a)] For purposes of this Section, terms shall have the meanings ascribed in Section 50-11 of the Code.

b) *Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder, contractor or subcontractor, respectively, that the contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the* CPO-HE *may declare the~~a~~ related contract void if any of the certifications* required by this Section*~~completed pursuant to this subsection (b)~~ are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 50-11(b)~~0/51-11(b)~~]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5012 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a university or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act* [35 ILCS 105], *regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall have the meanings ascribed in Section 50-12 of the Code.

b) *Every bid submitted and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder, contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from bidding for or entering into a contract under subsection (a) and acknowledges that the* CPO-HE *may declare the related contract void if any of the certifications* required by this Section~~*completed pursuant to this subsection (b)*~~ *are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-12]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5013 Conflicts of Interest Prohibited by the Code

a) Any bid, proposal, offer of acceptance, or proposed contract must be reviewed for conflicts of interest pursuant to Section 50-13 of the Code. If a potential conflict exists~~If a conflict is found~~, no contract will be executed unless the CPO requests and is granted an exemption~~a waiver is granted under Section 50-20 of the Code~~ by the Executive Ethics Commission under Section 50-20 of the Code.

1) Office or Employment
It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or

who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)]

2) Financial Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person as described *in subsection (a) is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.* [30 ILCS 500/13(b)]

3) Combined Financial Interests
It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a)(1) *together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.* [30 ILCS 500/13(c)]

b) For the purposes of this Part, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's~~finders~~ fees and commission payments.

c) For the purposes of this Part, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of the income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.

d) This Section applies to those elected to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school district offices, nor does it apply to those elected to federal

offices in this State. This Section does not apply to contracts with licensed professionals, provided those contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E.

e) Additional exceptions to the application of this Part are listed in Section 50-13(f) of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5014 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act* [415 ILCS 5] *shall do business with the State of Illinois or any* university *or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved with the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois and any* university *or any subcontractors under the Code by subsection (a) may be allowed to do business with the State of Illinois or any* university *if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) Every bid submitted to and contract executed by the State and every subcontract subject to Section 20-120 of the Code shall contain a certification by the bidder, contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting university may declare the related contract void if any of the certifications required by this Section~~completed pursuant to this subsection (c)~~ are false. *If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false.* [30 ILCS 500/50-14(c)]

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(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5020 Exemptions

If the university or SPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the university shall make a recommendation to the SPO and include documentation of the university's position on the conflict. The SPO shall forward the university's recommendation and documentation to the CPO-HE, along with the name of the vendor and a description of the proposed contract~~ and of the potential conflict, and shall state why an exemption should be granted~~. The CPO-HE shall decide whether to disapprove the contract or ~~submit the~~ file a request for exemption with~~to~~ the Executive Ethics Commission to determine whether an exemption should be granted in accordance with Section 50-20 of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5021 Bond Issuances

a) Definitions. For the purposes of this Part, the following listed terms shall have the same meaning as in the Code and as further defined in this subsection (a).

1) "Entity" means brokers, dealers and municipal securities dealers as defined in, and subject to, Rule G-37 and Rule G-38 of the Municipal Securities Rulemaking Board (MSRB).

2) *"Independent Consultant" means a person used by the entity to obtain or retain securities business through direct or indirect communication by the person with a State official or employee* (including an official or employee of the university) *on behalf of the entity when the communication is undertaken by the person in exchange for or with the understanding of receiving payment form the entity or other person. "Independent Consultant" does not include a finance professional employed by the entity or a person whose sole basis of compensation from the entity is the actual provision of legal, accounting, or engineering advice, services or assistance in connection with the securities business that the entity seeks to obtain or retain.* [30 ILCS 500/50-21(a)]

3) "Issuance of bonds or other securities" means the purchase or placement

of a primary offering of municipal securities on other than a competitive bid basis.

4) "Issuance by the university" means the issuance of bonds or other securities by the university when acting as a governmental issuer ("Issuer") specified in MSRB Rule G-37.

5) "MSRB Rule G-37" and "MSRB Rule G-38" refer to the Municipal Securities Rulemaking Board rules in effect on August 6, 2012 or any successor rules adopted by the MSRB on the same subject after August 6, 2012 as provided in Section 50-21(b) and (c) of the Code. MSRB Rule G37 went into effect on April 25, 1994, and MSRB Rule G-38 went into effect on August 29, 2005. Copies of G-37 and G-38 are available to the public at the MSRB website: http://www.msrb.org, at the United States Security and Exchange Commission's website: http://www.sec.gov, and at the office of the CPO-HE. (See 30 ILCS 500/50-219(b) and (c).)

b) Use of Independent Consultants

1) Section 50-21(a) of the Code prohibits a university from entering into a contract with respect to the issuance of bonds or other securities by the university with any entity that uses an~~as~~ independent consultant to obtain or retain securities business through direct or indirect communications by the person with a State official or employee, including an official or employee of the university. Use of an independent consultant is also prohibited by MSRB Rule G-38. Every contract between the university and an entity relating to the issuance of bonds or other securities by the university shall include a certification that the entity did not use an independent consultant to obtain the contract and that the entity has not been found to knowingly violate MSRB Rule G-38 (or any successor rule) with respect to the prohibition on obtaining or retaining municipal securities business.

2) In the event a federal agency finds that an entity knowingly violated MSRB Rule G-38 in the State of Illinois, the CPO-HE shall bar that entity from participating in any contract with respect to the issuance of bonds or other securities by any university for a period of one year as specified in Section 50-21(c) of the Code.

c) Prohibited Political Contributions

1) Section 50-21(b) of the Code requires that every contract between the State and an entity relating to the issuance of bonds or other securities by the State include a certification that the entity is and will remain for the duration of the contract in compliance with the MSRB Rule G-37 requirement for reporting political contributions and that the entity has not been found to have knowingly violated in Illinois MSRB Rule G-37 (or any successor rule) with respect to the making of prohibited political contributions or payments. Failure to remain in compliance throughout the term of the contract shall make the contract voidable by the CPO-HE.

2) In the event a federal agency finds that an entity knowingly violated MSRB Rule G-37 in the State of Illinois by making prohibited political contributions, the CPO-HE shall impose a penalty that is at least twice the fine assessed by the federal agency. In addition, the CPO-HE shall bar the entity from participating in any contract with respect to the issuance of bonds or other securities by any of the universities for a period of one year as specified in Section 50-21(c) of the Code.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5030 Revolving Door Prohibition

a) *CPOs, SPOs, Procurement Compliance Monitors, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes, but is not limited to: lobbying the procurement process; specifying, bidding, proposing bids or contract documents; on their own behalf or on behalf of any firm, partnership, association or corporation. This prohibition applies only to persons who terminate an affected position on or after January 15, 1999.* [30 ILCS 500/50-30]

b) The CPO-HE shall identify in writing any~~those~~ designees whose job, or whose position description, is at least 51% directly related to procurement. Activities

directly related to procurement include, but are not limited to: drafting specifications, preparing solicitations, evaluating offers, negotiating contracts, administering contracts and supervising any of the foregoing. ~~This information shall be maintained for a period of at least two years following the end or revocation of the designation.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

a) Disclosures of financial interests and potential conflicts of interest shall be obtained for all submissions to a vendor portal and from all bidders or offerors when the annual value of a bid or offer exceeds $50,000.

1) For the purposes of Section 50-35(a) of the Code, an "offer from responsive bidders or offerors" means only those offers that are received under Section 20-10, 20-15 or 20-35, or Article 35 of the Code.

2) Disclosures are not required in sole source and emergency contracts, but shall be obtained in whole or in part when practical and when the value exceeds $50,000~~$25,000~~.

3) Disclosures shall be obtained for small purchases exceeding $50,000~~$25,000~~, except as otherwise provided in this Section. If a small purchase could qualify as an emergency or sole source, disclosures are not required but shall be obtained when practical.

4) In certain circumstances (e.g., emergency and sole source procurements) in which the vendor refuses or is unable to provide disclosures, the SPO may authorize the university to move forward with the transaction. The university must provide documentation of efforts to obtain compliance in a form prescribed by the PPB and CPO-HE.

b) For purposes of:

1) Section 50-35(b) of the Code, "parent entity" means an entity that owns 100% of the bidding entity.

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2) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

c) "Distributive~~ or Distributable~~ Income" means income of a company after payment of all expenses, including employee salaries and bonuses and retained earnings, which is distributed to those entitled to receive a share of that income. In the case of a for-profit corporation, distributive~~distributable~~ income means "dividends". When calculating entitlement to distributive~~distributable~~ income, the entitlement shall be determined at the end of the company's most recent fiscal year.

d) "Personal Services" shall be any contract for services subject to the Code, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from the Code under Section 1-10(b)(4).

e) "Subject to Federal 10K Reporting" means subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934.

f) "10K Disclosure" means a report required under section 13 or 15(d) of the Securities Exchange Act of 1934.

g) New disclosures are required on contract renewals. New disclosure are not required for contract amendments.

h) 10K Disclosures

1) Any vendor subject to federal 10K reporting requirements may submit its 10K to the university in satisfaction of the disclosure requirement of Section 50-35(b) of the Code. The vendor may be required to identify the specific sections or parts in the 10K disclosure containing information, if any, pertaining to those who have an ownership interest or an interest in the distributive~~distributable~~ income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the university is not in the

10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

2) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO-HE or SPO shall be investigated.

3) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code, the SPO or designee may consider information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure in determining whether a potential conflict of interest exists.

i) Form of Disclosure

~~1)~~The form of disclosures shall be prescribed by the CPO-HE and shall include at least the names, addresses and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest. ~~resulting from the current ownership or beneficial relationship of each person identified in this Section having any of the following relationships:~~

~~A) *State employment, currently or in the previous 3 years, including contractual employment of services;*~~

~~B) *State employment of spouse, father, mother, son or daughter, including contractual employment for services in the previous 2 years;*~~

~~C) *Elective status: the holding of elective office in the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;*~~

~~D) *Relationship to anyone holding elective office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*~~

~~E)~~ ~~*Appointive office: the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;*~~

~~F)~~ ~~*Relationship to anyone holding appointive office currently or in the previous 2 years, including spouse, father, mother, son or daughter;*~~

~~G)~~ ~~*Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government;*~~

~~H)~~ ~~*Relationship to anyone who is or was a registered lobbyist in the previous 2 years, including spouse, father, mother, son or daughter;*~~

~~I)~~ ~~*Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;*~~

~~J)~~ ~~*Relationship to anyone, including spouse, father, mother, son or daughter, who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.* [30 ILCS 500/50-35(b)(1) through (10)]~~

~~2)~~ ~~*The disclosures required under this Section also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder or offeror who is not identified under subsection (a) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (i)*(2) is*~~

~~*a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]~~

~~3)~~ ~~*The disclosure required under this Section must also include, for each of the persons identified in subsection* (i)(1) or (2)~~, ~~*each of the following that occurred within the previous 10 years: debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection* (i)~~*(3) is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]~~

j) Intent of Disclosure

The disclosure required in subsection (i) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the CPO-HE, SPOs, their designees, and executive officers so they may adequately discharge their duty to protect the State. [30 ILCS 500/50-35(c)]

1) Determination by Procurement Officer

A potential for a conflict of interest exists if a reasonable person would naturally and probably expect a conflict to come into existence even though one does not now exist. Improbable or strained connections will not constitute a potential for a conflict. The mere disclosure of one or more of the 10 relationships described in Section 50-35(b) of the Code is not sufficient, without a determination by the CPO-HE or SPO, to conclude a potential for a conflict exists. When a potential conflict of interest is identified, discovered or reasonably suspected, it shall be reviewed by the CPO-HE or SPO, who will send the contract to PPB. ~~The~~ PPB shall recommend in writing to the CPO-HE whether to allow or~~may issue a recommendation to~~ void the~~a~~ contract, bid or offer or subcontract weighing the best interest of the State of Illinois.

2) If the CPO-HE disagrees with the PPB's recommendation to void a contract, bid or offer, the Executive Ethics Commission will hold a hearing. No contract with a potential conflict of interest shall be awarded before a hearing if the PPB recommends a contract, bid or offer be voided.

The ~~or reject a proposal or bid based on the existence of a conflict of interest. The CPO-HE or his or her designee, must rule whether to void or allow the contract, subcontract, bid, offer or proposal weighing the best interest of the State of Illinois. Any such~~ written determination shall become a publicly available part of the contract, bid or proposal file.

3~~2~~) Requirements for Reasonable Care and Diligence
These thresholds for disclosure do not relieve the CPO-HE, SPO or their designees from reasonable care and diligence for any contract, bid, offer or proposal. The CPO-HE, SPOs or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois. [30 ILCS 500/50-35(e)]

4~~3~~) Inadvertent or Accidental Failure to Fully Disclose
Inadvertent or accidental failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO-HE if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts, bids, proposals or relationships with the State for a period of up to 2 years. [30 ILCS 500/50-35(f)]

5~~4~~) Intentional, Willful or Material Failure to Disclose
Intentional, willful or material failure to disclose shall render the contract, subcontract, bid, proposal or relationship voidable by the CPO-HE if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, proposals or relationships with the State for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented upon by the CPO-HE, who must rule in writing whether and when to reinstate.

6~~5~~) Other Procurements
In addition, all disclosures shall note any other current or pending contracts, proposals, subcontracts, leases or other ongoing procurement relationships the bidding, proposing, offering or subcontracting entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease or other relationship. [30 ILCS 500/50-

35(h)]

7~~6~~) Continuing Obligation
The contractor or bidder has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process, ~~or~~ during the term of any contract, and during the vendor portal registration process. [30 ILCS 500/50-35(i)]

~~k) Hearing~~
~~Any hearing required under Section 50-35 of the Code shall be conducted in accordance with Subpart U.~~

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5036 Disclosure of Business in Iran

a) *Each bid, offer or proposal submitted for a State contract, other than a small purchase, shall include a disclosure of whether the bidder, offeror or proposing entity, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid, offer or proposal had business operations that involved contracts with, or provision of supplies or services to, the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the government of Iran and:*

1) *More than 10% of the company's revenue produced in or assets allocated in Iran involve oil-related activities or mineral extraction activities; less than 75% of the company's revenues produced or assets located in Iran involve contracts with or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or*

2) *The company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of*

Iran's ability to develop petroleum resources of Iran. [30 ILCS 500/50-36(b)]

b) *A bid, offer or proposal that does not include the disclosure required by subsection (a) may be given a period after the bid or offer is submitted to cure non-disclosure shall not be considered responsive. AnA SPO may consider the disclosure when evaluating the bid or, offer or proposal or awarding the contract.* [30 ILCS 500/50-36(cb)]

c) *The CPO-HE shall provide the State Comptroller with the names of each entity disclosed under subsection (a) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.* [30 ILCS 500/50-36(d)]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5037 Vendor Registration, Certification and Prohibition on Political Contributions

a) Introduction
Illinois statute [(10 ILCS 5/9-35 and 30 ILCS 500/20-160 and 50-37]) restricts political contributions by vendors and affiliated entities,; requires registration with the State Board of Elections (SBEL), ; requires a copy of the registration certificate stamped by SBEL (Registration Certificate) to be submitted with bids/proposals and contracts; and requires solicitation and contract certifications relative to the requirements of the statutes. This Section supplements requirements found in the statutes and does not excuse compliance with any of those requirements.

b) General Registration Requirements

1) These requirements apply to contracts, bids and offersproposals that are subject to the Code:

A) Bids/offersproposals referenced in this Section are those submitted in response to a competitive solicitation that is posted to the Bulletin on or after January 1, 2009, regardless of the value assigned to the procurement.

B) Bids and offers~~proposals~~ include pending bids and offers~~proposals~~.

C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of $50,000, or whose aggregate value of bids/offers~~proposals~~ for State contracts exceeds $50,000, or whose aggregate value of State contracts and bids/offers~~proposals~~ exceeds $50,000.

D) This value is calculated on a calendar-year basis.

2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/offers~~proposals~~. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/offers~~proposals~~ meets the threshold for registration.

3) An "executive employee" means:

A) the President, Chairman of the Board, Chief Executive Officer and/or other individuals who fulfill equivalent duties as the President, Chairman of the Board or Chief Executive Officer; and/or

B) any employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.

c) Bids and Proposals

1) In order to be considered for award, a vendor who meets the requirements for registration must be registered with SBEL as of the date the bid or offer is due and shall be able to produce a copy of the Registration

Certificate on that date~~A copy of the Registration Certificate must be submitted with bids/proposals~~.

2) If a vendor who meets the requirements for registration is not registered by the date the bid or offer is due, ~~If the Registration Certificate is not timely submitted,~~ the university~~procuring agency~~ shall reject the bid or offer as non-responsive~~/proposal~~.

3) Prior to award or execution of a contract, the SPO, or a designee of the SPO, shall verify that the vendor who meets the requirements for registration has registered with SBEL and shall document vendor compliance~~The procuring agency shall not reject a bid/proposal if absence of the Registration Certificate is the result of delay or error by the State, but shall require the Registration Certificate before making an award~~.

4) Annual certification through the vendor portal pursuant to Section 4.1535 satisfies the requirements of this Section.

d) Contracts

Documentation of vendor compliance~~A copy of the Registration Certificate~~ must be in the procurement file in relation to any contract for which a vendor is required to register as set forth in this subsection (d), unless the vendor certifies it is not required to register.

1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals exceeds $50,000, the vendor must provide documentation of vendor compliance upon request~~the Registration Certificate~~ and make the appropriate contract certification, if it has not already done so. The Registration Certificate or other evidence of vendor compliance may be provided by reference to and incorporation of the vendor's prequalification by the CPO-HE.

2) A university shall identify in the solicitation whether the contract is estimated to exceed $50,000 annually. Vendors submitting bids or offers for master contracts estimated to exceed $50,000 annually regardless of

consumption are required to register with SBEL.

3~~2~~) For indefinite quantity/estimated value contracts that are not estimated to exceed $50,000 annually, a vendor who is otherwise not required to register shall register with SBEL when the value of orders placed pursuant to an indefinite/estimated value contract plus all other contracts and bids/proposals exceeds $50,000.

4~~3~~) For change orders~~contract amendments~~, if the value of the change order~~amendment~~, by itself or in combination with the contract being renewed plus other contracts and bids/proposals exceeds $50,000, the vendor must provide the Registration Certificate or other evidence of vendor compliance upon request and make the appropriate contract certification, if it has not already done so.

5~~4~~) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate or other evidence of vendor compliance upon request. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.

6~~5~~) Contract certification required by Section 20-160 of the Code shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written two-party contracts that need not be filed with the Comptroller. Universities~~Agencies~~ may require written confirmation of the rule-imposed certification at any time.

e) Each solicitation issued and contract executed by the State on or after January 2, 2009 shall be deemed to contain a statement that the contract is voidable under Section 50-60 of the Code if the bidder, offeror or contractor fails to comply with Section 20-160 of the Code.

f) Prohibited Political Contributions

1) Upon discovery of a political contribution that is potentially prohibited by Section 50-37 of the Code, the CPO, within 5 business days, shall send a

letter requesting response from the business entity that made the potential prohibited contribution acknowledging or denying that the contribution was prohibited.

2) If the CPO determines that a political contribution was prohibited, all contracts held by the contributing business entity are voidable, and the CPO shall determine if the circumstances surrounding the prohibited political contribution warrant the voiding of these contracts.

3) If a business entity violates Section 50-37(b) of the Code three or more times within a 36 month period, the CPO shall void all contracts with the business entity and the business entity shall be prohibited from responding to any solicitation issued by any State agency or entering into a contract with any university for three years from the date of the last violation.

4) If the CPO determines that a prohibited political contribution is grounds to suspend a business entity pursuant to Section 4.5560(b), the business entity shall have the right to a hearing pursuant to Section 4.5560(g), to be conducted in accordance with Subpart V.

g) Notice

1) Notice of each violation of Section 50-37 and any penalty imposed for each violation shall be published in the Illinois Register and the Bulletin.

2) The CPO shall directly notify a political committee in receipt of a prohibited political contribution that payment equal to the amount of the contribution is due the State of Illinois within 30 days after publication of the violation in the Illinois Register.

3) If an amount owed by a political committee as a result of a prohibited political contribution is not paid and is deemed uncollectible for any reason, notice of the political committee's nonpayment shall be published in the Illinois Register and the Bulletin.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5038 Lobbying Restrictions

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

a) *A person or business that is let or awarded a contract is not entitled to receive any payment, compensation or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager or shareholder.* [30 ILCS 500/50-38(a)]

b) Disclosure

1) *Any bidder, ~~or~~ offeror, potential contractor, or contractor on a State contract that hires a person required to register under the Lobbyist Registration Act* [25 ILCS 170] *to assist in obtaining a contract shall:*

A) *Disclose all costs, fees, compensation, reimbursement and other remunerations paid or to be paid to the lobbyist related to the contract;*

B) *Not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements or other remuneration;*

C) *Sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements or other remuneration were billed to the State.*

2) *The information in subsection (b)(1)(A), along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The CPO-HE shall post this information, together with the contract award notice, in~~on~~ the Bulletin.* [30 ILCS 500/50-38(b)]

c) *No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection (c) is guilty of a business offense and shall be fined not more than $10,000.* [30 ILCS 500/50-38(c)]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 4.5039 Procurement Communication Reporting Requirement

a) Reporting Requirement
Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active~~a~~ procurement matter, including, but not limited to, an application, a contract or a project, shall be reported to the Procurement Policy Board in accordance with rules of the Executive Ethics Commission (2 Ill. Adm. Code 1620) [30 ILCS 500/50-39(a)].

b) Excepted Communications

1) Reportable communications *do not include the following:*

A) *statements made by a person publicly in a public forum.* However, communications made in a public forum, if privately, must be reported;

B) *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*

C) *statements made by a State employee to:*

i) *the State employee's agency head;*

ii) *other employees of that agency;*

iii) *employees of the Executive Ethics Commission*, including the CPO-HE, SPOs, PCMs and other CPO-HE staff*; or*

iv) *an employee of another State agency who, through the communication, is either:*

- *exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate SPO; or*

- *exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities;*

D) *Unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter;*

E) *Communications received in response to procurement solicitations, including, but not limited to, vendor responses to:*

i) *an IFB, RFI, RFP, Request for Qualifications, small purchase, sole source or emergency procurement; or*

ii) *questions or answers posted to the Bulletin to supplement the procurement action, provided that the communications are made in accordance with instructions contained in the procurement solicitation, procedures, or guidelines;*

F) *Communications that are privileged, protected or confidential under law; and*

G) *Communications that are part of a formal procurement process as set out by statute, rule, or solicitation, guidelines, or procedures, including but not limited to:*

i) *the posting of procurement opportunities;*

ii) *the process for approving a procurement business case or its equivalent;*

iii) *fiscal approval;*

iv) *submission of bids or offers;*

v) *the finalization of contract terms and conditions with an awardee or apparent awardee; and*

vi) *any other similar formal procurement process.*

2) *The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.* [30 ILCS 500/50-39(a)]

3) *No trade secret or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board.* [30 ILCS 500/50-39(b)]

c~~b~~) *When an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in Section 50-39 of the Code.* [30 ILCS 500/50-39(c)]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART P: CONCESSIONS

Section 4.5325 Concessions

a) *Each public institution of higher education may enter into concessions,* including the right to engage in activity on the lessors property (e.g., a refreshment or parking concession), and *including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, for property, whether tangible or intangible, over which it has jurisdiction. Concessions shall be reduced to writing and shall be awarded at the discretion of the institution with jurisdiction over the property.* ~~*The duration and terms of*~~

~~*concessions and leases shall be at the discretion of the institution with jurisdiction over the property.*~~ *Notice of the award of a concession shall be published in the Bulletin.* ~~[30 ILCS 500/53-25]~~

b) *The duration and terms of concessions and leases for personal property shall be at the discretion of the institution with jurisdiction over the property.*

c) *Notwithstanding any other provision of law, if the Illinois Finance Authority issues bonds for the financing of buildings, structures, or facilities that are determined by the governing board of a public institution of higher education to be either required by or necessary for the use or benefit of that public institution of higher education, then the duration of any lease for real property entered into by that public institution of higher education, as lessee or lessor, in connection with the issuance of those bonds shall be at the discretion of that public institution of higher education.* [30 ILCS 500/53-25]

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART R: PROTESTS

Section 4.5550 Protests

a) Procurement-Related Protests Allowed

1) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting and any decision to reject a late bid or proposal.

2) Any person who has submitted a bid or proposal may protest a decision to reject the person's bid or proposal or to award to another person.

b) Protest Review Officer
The CPO-HE may appoint one or more Protest Review Officers (PRO) to consider the procurement-related protests and make a recommendation to the CPO-HE for resolution of the protest. The CPO-HE may adopt the recommendation or take other action.

c) Submission of Protest

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document. Fax and e-mail qualify as writing, but the PRO does not guarantee receipt using those means.

2) The protest must be physically received by the PRO at the location specified. A postmark or other carrier mark prior to the due date and time is not sufficient to show physical receipt.

A) In regard to the solicitation notice or solicitation document including specifications, a protest must be received within 14 days after the date the solicitation was posted to the Bulletin and must be received by the PRO at the designated address before the date for opening bids or proposals.

B) In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 days after the protesting party knows or should have known of the facts giving rise to the protest to ensure consideration, and, in any event, must be received before execution of the applicable contract.

C) The PRO, for good cause shown, or when it determines that a protest raises issues significant to the procurement system, may consider an untimely protest. Good cause may include, but is not limited to, instances in which the procurement file is not available in a timely manner to interested parties or when a Freedom of Information Act request has not been responded to by a university in full or in part.

3) Any notice posted to the Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked on the delivery container, the fax cover sheet or the e-mail subject line.

5) No formal briefs or other technical forms of pleading or motion are required. Protest submissions should be concise and logically arranged

and should clearly state sufficient grounds of protest. The written protest shall include as a minimum the following:

A) the name and address of the protesting party;

B) identification of the procurement and, if a contract has been awarded, its number or other identifier;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule or the solicitation itself, including the evaluation and award (conclusions with supporting facts and arguments may not be sufficient);

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated. If submitting the protest by fax, supporting documentation over 20 pages in length may not be included without authorization. If the protest is by fax or e-mail, the protesting party may be required to submit documentation by mail or carrier within 2 ~~business~~ days after the request; and

E) specific relief sought.

6) The protesting party shall clearly identify any information in the protest that is confidential, proprietary or a trade secret.

d) Requested Information

1) The university must supply a response and any additional information requested by the PRO within the time periods set in the request. If a university fails to comply with this request, the PRO may consider the protest on the basis of available information or may recommend to the CPO-HE that the relief requested in the protest be granted.

2) The protesting party must supply any additional information requested by the PRO within the time periods set in the request. If the protesting party

fails to comply with this request, the PRO shall consider the protest on the basis of available information or may recommend to the CPO-HE that the relief requested in the protest be denied~~deny the protest~~.

3) The PRO may request an interested party supply additional information within the time period set in the request. For purposes of a protest, an "interested party" means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

e) Stay of Procurements During Protest
Unless the CPO-HE determines the needs of the State require an immediate execution of a contract, the following apply:

1) When a protest has been timely filed and before an award has been made, no award of the contract shall be made until the protest has been resolved.

2) If timely received but after award, the award shall be stayed without penalty to the State.

f) Resolution
After considering the evidence presented, the PRO shall submit a proposed written resolution of the protest to the CPO-HE. The CPO-HE will resolve the protest by means of a written determination. In determining the appropriate recommendation, the PRO shall consider the seriousness of the procurement deficiency, the degree of prejudice to other parties or to the integrity of the competitive procurement system, the good faith of the parties, the urgency of the procurement, and the impact of the recommendation on the university's mission. The recommendation may include, but is not limited to:~~ The resolution may include affirming the universities' initial decision, in whole or in part, or revoking the universities' decision in whole or in part.~~

1) affirming the university's initial decision, in whole or in part;

2) directing the university to issue a new solicitation;

3) directing the university to award a contract consistent with statute and rule; or

4) directing such other action as is necessary to promote compliance with statute or rule.

g) Effect of Judicial Proceedings
If an action concerning the protest has commenced in a court or administrative body, the CPO-HE may defer resolution of the protest pending the judicial or administrative determination.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART S: SUSPENSION AND DEBARMENT

Section 4.5560 Suspension and Debarment

a) This Part applies to all debarments or suspensions of vendors from consideration for award of contracts under the Code. For purposes of this Part, all references to "vendors" includes subcontractors.

b) The CPO-HE may suspend a vendor from doing business with the university or with respect to specific types of supplies or services. A suspension may be issued upon a showing the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.

c) When the CPO-HE finds cause exists for suspension or debarment, a notice of suspension or debarment, including a copy of that determination, shall be sent to the suspended vendor. Notice shall be furnished in writing by personal service or by certified or registered mail. Bids or proposals will not be solicited from the vendor and, if received, will not be considered during the period of suspension or debarment.

d) The CPO-HE may suspend a vendor for a period of time commensurate with the seriousness of the offense, but for no more than 10 years. The suspension will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, suspension shall not become effective until the evaluation of the objection is completed.

e) The CPO-HE may debar a vendor. Debarment is the permanent suspension of a

vendor from doing business with the State. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals received from the debarred vendor or proposing the use of a debarred subcontractor will not be considered. The debarment will be effective seven calendar days after receipt of notice unless an objection is filed. If an objection is filed, debarment shall not become effective until the evaluation of the objection is completed.

f) The CPO-HE shall post the public record of suspensions and debarments on his or her webpage and on the Bulletin.

g) A vendor objecting to the suspension or debarment shall do so in writing, detailing why the action is not valid and providing any documents to support that position. The vendor may request a hearing. Any such hearing shall be conducted in accordance with Subpart U.

h) The CPO-HE shall maintain a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. ~~Those records will be maintained for a period of at least three years following the end of the suspension or debarment.~~ The public information may be considered in determining responsibility.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART T: VIOLATION OF STATUTE OR RULE

Section 4.5620 Violation of Statute or Rule

a) Determination that Solicitation or Award Violates Statute or Rule
If the CPO-HE or the SPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO-HE or SPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if the correction may be legally accomplished.

b) Determination that Contract Violates the Code or this Part

1) If any contract or amendment to a contract is entered into, or purchase or expenditure of funds is made, at any time in violation of this Part or any other law, the contract or amendment may be declared void by the CPO-HE or may be ratified or affirmed, provided the CPO-HE determines that ratification is in the best interest of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's right to any appropriate damages.

2) If, during the term of a contract, the SPO determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of the Code, the CPO-HE may declare the contract void if it determines that voiding the contract is in the best interest of the State.

3) *If, during the term of a contract, the* CPO-HE *learns from an annual certification or otherwise determines that the contractor or subcontractor no longer qualifies to enter into State contracts, the* CPO-HE *may declare the contract void if it determines that voiding the contract is in the best interests*~~interest~~ of the State. *However, the related contract shall not be declared void unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor no longer qualifies to enter into State contracts.* [30 ILCS 500/50-60(e)]

c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the university shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART U: HEARING PROCEDURES

Section 4.5730 Notice of Hearing

a) Notice that a hearing will be held as necessary to receive testimony or written comments regarding the subject matter identified in the notice will be published in the Bulletin. The hearing notice shall be published in the Bulletin at least 14 days before the date scheduled for the hearing.

b) The hearing may be held as soon as the first working day following the end of the notice period. The notice shall contain the following information and may describe more than one matter to be considered at the same hearing:

1) The name of the affected parties (e.g., university and vendor);

2) A description of the subject matter;

3) A justification for the action under review;

4) Requirements for testifying or submitting written comments;

5) Hearing contact information;

6) The date, time and location of the hearing;

7) Statement that all written comments and oral testimony shall be considered public record and open to review by the public;

8) A statement of or reference to this hearing procedure.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.5740 Written Comments and Oral Testimony

Any person~~Interested parties~~ wishing to comment for or against the determination may do so in writing, may testify in person and may submit written comments reflecting the oral testimony.

a) Written Comments

1) Submission of Written Comments
Written comments are requested by the hearing registration deadline, shown in the Bulletin notice~~, to aid the Hearing Officer in preparing for the hearing~~. All~~However, all~~ written comments received by the hearing date will be considered.

2) Incorporation of Written Comments

If the Hearing Officer has received any written comment, the name and affiliation of the person submitting the comment shall be stated for the record and the written comments shall be incorporated into the record. In addition, the Hearing Officer may read excerpts from or summarize the basic points of the written comments for the record.

b) Oral Testimony

1) Advance Registration
Any person who wishes to testify is requested to register with the Hearing Contact. The registration period begins on the date the notice is posted to the Bulletin. Any registration deadline shall be shown in the Bulletin notice and shall be no sooner than 7 days after publication of the notice. Advance registration is requested to allow for efficient scheduling and to ensure the hearing room has sufficient capacity for those who wish to testify. Those who register in advance will be heard first on the matter for which they registered. The Hearing Officer has discretion to limit testimony for the efficiency of the hearing.

2) Written Copy of Testimony Requested
Written comments reflecting proposed oral testimony are requested by the hearing registration deadline shown in the Bulletin notice to allow the Hearing Officer time to prepare for the hearing. A person testifying may submit written comments along with the testimony. The Hearing Officer may request a written copy of the oral testimony.

3) Witness Slip Required
Each person providing oral testimony must complete a witness slip and provide it to the Hearing Officer as instructed.

4) Duration of Testimony
Each person~~interested party~~ shall have a reasonable period of time to present his or her position based on the complexity of the issue and the press of other business.

c) Sole Source and Emergency Contract Extensions − Supplemental Provisions

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The notice, including attachments, as shown in the Bulletin represents the position of the university and the initial position of the CPO-HE. The Hearing Officer shall have the notice placed into the record. A copy of the notice will be posted in the hearing room.

2) The SPO and a representative of the agency shall attend the hearing if any person registers in advance to testify in opposition to the sole source or emergency contract extension determination. Attendance may be by video or audio. The SPO and agency representative shall respond to questions of the Hearing Officer and shall be available for consultation after adjournment of the hearing.

3) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer may allow parties to engage in dialogue and allow follow-up questions and answers as needed to ensure full understanding of the matter. The Hearing Officer is not required to respond to substantive questions at the hearing nor make commitments regarding the content of his or her recommendation.

d) Suspension and Debarment − Supplemental Provisions
A party who receives notice of suspension or debarment may request a hearing to protest the suspension or debarment action. The hearing will be conducted in accordance with this Section and the following additional provisions shall apply.

1) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing or make commitments regarding the content of his or her recommendation.

2) Both the affected university and the vendor affected by a suspension or debarment may, at the discretion of the Hearing Officer, bring in witnesses to present testimony regarding the facts or circumstances that led to the determination to suspend or debar.

3) In addition to responding to questions of the Hearing Officer, the witnesses shall respond to questions by the affected vendor if, at the discretion of the Hearing Officer, the questions are allowed.

A) The Hearing Officer may allow questions when the subject matter of the question is relevant and the questioning will not unnecessarily delay the proceedings.

B) The Hearing Officer may deny questions when the subject matter seeks only to unnecessarily embarrass the witness or delay the proceedings.

e) Recommendation
After conclusion of the hearing, the Hearing Officer shall review the university's position, any information obtained from public comment (written or oral), the applicable Sections of the Code, other laws and associated rules and written policies and other information deemed relevant. The Hearing Officer shall make a written recommendation to the CPO-HE.

f) Decision of the CPO-HE

1) The CPO-HE shall, after considering the Hearing Officer's recommendation, make a decision in writing (which may be electronic) to uphold or overturn, in whole or in part, the university's decision.

2) The CPO-HE may request additional information from the Hearing Officer or any other party, including supplemental comments or testimony from the interested parties, prior to making a decision.

3) The CPO-HE may adopt the recommendation, in whole or in part, or reject the recommendation, or may write a separate decision.

g) Notice of Decision

1) The decision of the CPO-HE shall be posted to the Bulletin along with all documentation presented at the hearing by the university and by any interested party.

2) Upon posting notice of a decision upholding the determination, the university may take action to have the contract executed.

h) Maintenance of Records
A copy of the public notices, any documents presented, any written comments, any meeting minutes, the recommendation of the Hearing Officer, and any decision of the CPO-HE shall be maintained in the procurement file.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

SUBPART V: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 4.7015 Inspections

a) Inspection of Plant or Site
The CPO-HE or a designee may enter a vendor's or subcontractor's plant or place of business and, pursuant to contract provisions, if any:

1) inspect supplies or services for acceptance by the university;

2) audit the books and records of any vendor or subcontractor;

3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;

4) determine whether the standards of responsibility have been met or are capable of being met;

5) determine if the contract is being performed in accordance with its terms; and

6) accomplish any other purpose permitted by law.

b) The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.

c) When an inspection is made in the plant or place of business of a vendor or subcontractor, the vendor or subcontractor shall provide without charge all

reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

d) Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed so as not to unreasonably delay the work of the vendor or subcontractor.

e) ~~Inspection of Construction Projects~~On-site inspection of construction shall be performed in accordance with the terms of the contract, provided that a procurement compliance monitor's activities shall not be unduly restricted by any such contract provision.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

Section 4.7030 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed ~~to be~~ a waiver of sovereign immunity.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3)

Section Numbers:	Adopted Actions:
300.20	Amendment
300.120	Amendment

4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3]

5) Effective Date of Rules: December 31, 2015

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 rules, including all 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*: 39 Ill. Reg. 1; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: In-person visitation was added to the definition of "contact between siblings". Language was added to the definition of "Siblings" to clarify that children will still be considered siblings if parental rights were terminated while a petition under Article II of the Juvenile Court of 1987 was pending. The definition of "Visitation" was changed to include cases closed due to independence for those siblings in substitute care who have siblings who are not in substitute care.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section Number:	Proposed Action:	*Illinois Register* Citation:
300.20	Amendment	39 Ill. Reg. 7004; May 22, 2015

15) Summary and Purpose of Amendments: These amendments implement PA 97-1076 concerning sibling visitation and contact and comply with Section 7 of the Child and Family Services Act.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section
300.10 Purpose
300.20 Definitions
300.30 Reporting Child Abuse or Neglect to the Department
300.40 Content of Child Abuse or Neglect Reports
300.45 Five Year Demonstration of the Differential Response Program
300.50 Transmittal of Child Abuse or Neglect Reports
300.60 Special Types of Reports (Recodified)
300.70 Referrals to the Local Law Enforcement Agency and State's Attorney
300.80 Delegation of the Investigation
300.90 Time Frames for the Investigation
300.100 Initial Investigation
300.110 The Formal Investigative Process
300.120 Taking Children into Temporary Protective Custody
300.130 Notices Whether Child Abuse or Neglect Occurred
300.140 Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150 Referral for Other Services
300.160 Special Types of Reports
300.170 Child Death Review Teams
300.180 Abandoned Newborn Infants

300.APPENDIX A Acknowledgement of Mandated Reporter Status
300.APPENDIX B Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill.

Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days; emergency expired May 30, 2014; amended at 38 Ill. Reg. 1962, effective December 31, 2013; amended at 38 Ill. Reg. 13214, effective June 11, 2014; amended at 40 Ill. Reg. 648, effective December 31, 2015.

Section 300.20 Definitions

"Abandonment" means parental conduct that demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental conduct that evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

"Abused child" means a child whose parent or immediate family member, or any

person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental *injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;*

creates a substantial risk of physical or mental *injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;*

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 [720 ILCS 5]~~,~~ *or in the Wrongs to Children Act* [720 ILCS 150], *and extending those definitions of sex offenses to include children under 18 years of age;*

~~*commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons as defined in Section 10-9 of the Criminal Code of* 2012 *against the child;*~~

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment; ~~*or*~~

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, *against the child*;~~.~~

causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570] *in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act* [720 ILCS 646], *except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the*

prescription; or

commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services as defined in Section 10-9 of the Criminal Code of 2012 against the child.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2]. [325 ILCS 5/3]

"Act" means the Abused and Neglected Child Reporting Act [325 ILCS 5].

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. [325 ILCS 5/3]

"CANTS/SACWIS 8" or "C/S8" means the Department's document titled Notification of a Report of Suspected Child Abuse and/or Neglect. This document explains the Department's child abuse/neglect allegation investigation process.

"CANTS/SACWIS 9" or "C/S9" means the Department's document titled Notification of Intent to Indicate Child Care Worker for Report of Child Abuse and/or Neglect. This document is used to notify a person that the Department plans to indicate that person as a perpetrator of child abuse/neglect.

"CANTS/SACWIS 10" or "C/S10" means the Department's document titled Notice of Intent to Indicate a Child Care Worker for Report of Child Abuse and/or Neglect-Questions and Answers. This is an informational document explaining the impact of a determination of indicated child abuse/neglect and the appeal process.

"CANTS/SACWIS 11" or "C/S11" means the Department's document titled Notification of Indicated Decision in an Employment Related Report of Suspected Child Abuse and/or Neglect. This is the document by which the Department notifies a person that the Department has determined that there is credible evidence that he or she is responsible for the child abuse or neglect described in

that document.

"Caregiver" means the child's parents, guardian, custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/3]

"Child care facility" means any person, group of persons, agency, association, ~~or~~ organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], *established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969.* [225 ILCS 10/2.05]

"Child care worker" means any person who is employed to work directly with children and any person who is an owner/operator of a child care facility, regardless of whether the facility is licensed by the Department. Child care facilities, for purposes of this definition, include child care institutions; child welfare agencies; day care/night care centers; day care/night care homes; day care/night care group day care homes; group homes; hospitals or health care facilities; schools, including school teachers and administrators, but not tenured school teachers or administrators who have other disciplinary processes available to them; and before and after school programs, recreational programs and summer camps. "Child care worker" also means persons employed as full-time nannies. A child care worker may, at his or her discretion, be subject to this Part if alleged to be responsible for child abuse or neglect outside of his or her employment. "Child care worker" includes a person: currently employed as a child care worker; currently enrolled in an academic program that leads to a position as a child care worker; or who has applied for a license required for a child care worker position. A person will be considered to be "employed as a child care worker" under this Part if, at the time of the notice of the investigation, he or she: has applied for, or will apply within 180 days for, a position as a child care worker; is enrolled in, or will commence within 180 days, an academic program that leads to a position as a

child care worker; or has applied for a license as a child care worker.

"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents. [325 ILCS 2/10]

"Child Protective Service Unit" or "CPS"~~*or "CPS"*~~ *means certain specialized State employees of the Department assigned by the Director* or his or her designee~~*or his or her designee*~~ *to perform the duties and responsibilities* described under this Part. [325 ILCS 5/3] CPS staff are~~is~~ also referred to as child protection~~investigative~~ staff. ~~[325 ILCS 5/3]~~

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"CPSW" means a Child Protective Service Worker.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the investigation of a report of child abuse or neglect has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded,

entering information about the report in the State Central Register and notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department" or "DCFS" means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded".

"DR Specialist" means a Differential Response Specialist as described in Section 300.45(e)(1).

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Ecomap" means a pictorial representation of family connections to different systems and community and other resources to identify significant people and/or systems around the family to illustrate the strengths, impact and quality of each connection. (Hartman, A., Diagrammatic Assessment of Family Relationships. Social Casework, 59, 465-476 (1978).)

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]. [325 ILCS 2/10]

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Fire station" means a fire station within the State with at least one staff person. [325 ILCS 2/10]

"Formal investigation" means those activities conducted by Department child protection~~investigative~~ staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Those activities shall include: *direct contact with the subject or subjects of the report as*

soon as possible after the report is received; an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report;~~,~~ the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report, in writing, of the existence of the report and their rights existing under the *Act in regard to amendment or expungement.* [325 ILCS 5/7.4(b)(3)]

"Genogram" means a pictorial representation of an individual's family relationships.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising a child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Hospital" has the same meaning as in the Hospital Licensing Act [210 ILCS 85].

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial investigation" means those activities conducted by Department child protection~~investigative~~ staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial oral report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities. [325~~312~~ ILCS 2/10]

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30~~ of this Part~~.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs. [325 ILCS 5/3]

"Neglected child" means any child:

> *who is not receiving the proper or necessary nourishment or medically indicated treatment, including food or care, not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being* (including when there is harm or substantial risk of harm to the child's health or welfare)~~*(including where there is harm or substantial risk of harm to the child's health or welfare)*~~*, or other care necessary for a child's well-being, including adequate food, clothing and shelter; or*

who is subjected to an environment that~~*which*~~ *is injurious insofar as*:

the child's environment creates a likelihood of harm to the child's health, physical well-being, *or welfare*; *and*

the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities; or

who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or

who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 [705 ILCS 405/3-5] *and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or*

who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in Section 102(f) of the Illinois Controlled Substances Act [720 ILCS 570/102(f)] *or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant.*

A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time.

A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 5].

A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not

being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of the Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code [105 ILCS 5~~/Art. 26~~]. [325 ILCS 5/3]

"Newborn infant" means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child. [325 ILCS 2/10]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent~~,~~ or *relative caregiver*;~~,~~ an operator, supervisor~~,~~ or employee of *a public or private residential agency or institution* or *public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy and volunteers or support personnel in any setting where children may be subject to abuse or neglect*~~, including any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against a child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012~~. [325 ILCS 5/3]

"Police station" means:

a municipal police station;

a county sheriff's office;

a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees or the campus police department are present; or

any of the district headquarters of the Illinois State Police. [325 ILCS 2/10]

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5~~/Art. XI~~].

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt;*

is the spouse, or party to a civil union, *of such a relative;*

is the child's step-father, step-mother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that~~the~~ newborn infant at the hospital:

without expressing an intent to return for the infant; or

stating that she will not return for the infant;

is not a "relinquishment" under the Abandoned Newborn Infant Protection Act*~~the Act~~*. [325 ILCS 2/10]

"Siblings" mean children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Strengthening and Supporting Families service period" means a level of service intervention that will average 90 days, but no more than 120 days.

"State Central Register" is the record of child abuse and/or neglect reports

maintained by the Department pursuant to the Act.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"SSF worker" means a Strengthening and Supporting Families worker.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours, excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 648, effective December 31, 2015)

Section 300.120 Taking Children Into Temporary Protective Custody

a) Local law enforcement officers, Department child protection~~investigative~~ staff, and physicians treating a child may take temporary protective custody of a child without the consent of the persons responsible for the child's welfare, if they have

reason to believe that:

1) leaving the child in the home or in the care and custody of the child's caregiver presents an imminent danger to the child's life or health. The child shall not be taken into protective custody for the sole reason that the child was left with a relative, so long as the relative is willing to keep the child, and the Department has reason to believe that the relative can adequately and safely care for the child; and

2) there is insufficient time to obtain a Juvenile Court order authorizing temporary custody.

b) In addition to the above requirements, Department child protection~~investigative~~ staff shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove a child from the child's home. However, it may be that due to the individual circumstances of the family and the child's best interest, safety and well-being, no efforts reasonably can be made to maintain the child in the child's home. Reasonable efforts shall not be required if there exists any of the grounds for expedited termination of parental rights as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). Such a determination that no efforts reasonably can be made must be documented. If no efforts reasonably can be made to safely prevent or eliminate the removal of the child, the child shall be taken into protective custody.

c) Local law enforcement officers or physicians who take temporary protective custody of a child must immediately notify the Department of their action.

d) When taking temporary protective custody of a child or receiving a child who was taken into temporary protective custody by the local law enforcement officer or by a physician, Department child protection~~investigative~~ staff shall:

1) immediately notify the State Central Register of this action;

2) make every reasonable effort to notify the child's parents, personal guardian, legal custodian, and any relative caregiver from whom the child was removed, of the action;

3) request that the Guardianship Administrator or designee authorize any

ordinary medical care or treatment necessary for those children taken into temporary protective custody;

4) if the child needs treatment of an emergency nature and the parent or guardian is unavailable or unwilling to provide consent, the physician or hospital shall be asked to proceed under the Consent by Minors to Medical Procedures Act [410 ILCS 210], which allows treatment to be given to minors without consent; and

5) obtain a shelter care hearing under the provisions of the Juvenile Court Act within 48 hours, excluding Saturdays, Sundays, and holidays, in order to retain custody for more than 48 hours.

e) The Department recognizes the importance of maintaining sibling relationships in those situations in which children must be placed away from their parents. The Department shall provide training for child protection specialists, their supervisors and managers regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

f~~e~~) At any time during the investigation, but no later than 30 days prior to the date of the scheduled adjudicatory hearing, the child protection specialist~~investigative worker~~ shall request a legal screening to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights, if:

1) it becomes known that there is present one or more of the grounds for seeking expedited termination of parental rights described in 89 Ill. Adm. Code 309.50 (Identification of Children for Potential Adoption Planning)~~309 (Adoption Services for Children For Whom the Department of Children and Family Services is Legally Responsible), Section 309.50(d)(1) and (2)~~; and

2) the parents are unwilling to voluntarily surrender the child for adoption or consent to the adoption of the child by a specified person.

(Source: Amended at 40 Ill. Reg. 648, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Placement and Visitation Services

2) Code Citation: 89 Ill. Adm. Code 301

3)

Section Numbers:	Adopted Actions:
301.20	Amendment
301.60	Amendment
301.70	Amendment
301.80	Amendment
301.220	Amendment
301.230	Amendment
301.250	New Section
301.255	New Section

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505], the Adoption Act [750 ILCS 50], the Child Care Act of 1969 [225 ILCS 10/5.2] and Public Act 96-1513

5) Effective Date of Rules: December 31, 2015

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 rules, including any 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*: 39 Ill. Reg. 19; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definitions of "Siblings" and "Visitation". In Sections 301.70(h)(1) and 301.80(c) language was added to remove priority given to placements that can accept an entire sibling group, and notes that, while placement together is preferable, the placing worker shall consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 rulemakng replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
301.20	Amendment	39 Ill. Reg. 7020; May 22, 2015
301.80	Amendment	39 Ill. Reg. 7020; May 22, 2015

15) Summary and Purpose of Rulemaking: The amendments implement Public Act 97-1076 concerning sibling visitation and contact.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 301
PLACEMENT AND VISITATION SERVICES

Section
301.1 Purpose (Renumbered)
301.2 Definition (Repealed)
301.3 Foster Care Placement Goal (Renumbered)
301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section
301.10 Purpose
301.20 Definitions
301.30 Introduction
301.40 Legal Authority to Place
301.50 Emergency Placement
301.60 Placement Selection Criteria
301.70 Sibling Placement
301.80 Relative Home Placement
301.90 Foster Family Home Care
301.100 Residential Care
301.110 Care in a Medical/Psychiatric Facility
301.120 Sharing Appropriate Information with the Caregiver
301.130 Medical Examinations for Children in Placement
301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section
301.200 Purpose
301.210 Family-Child Visitation
301.220 Sibling Visitation
301.230 Contact Among Siblings Placed Apart
301.240 Grandparents Visitation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

301.250 Sibling Visitation and Contact with Adopted Siblings and Siblings in Private Guardianship
301.255 Sibling Visitation with and Among Adult Siblings

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section
301.310 Purpose
301.320 Foster Care Placement Goal
301.330 Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER IDENTIFYING INFORMATION

Section
301.410 Purpose
301.420 Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430 Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440 Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450 Specific Notice of Disclosure
301.460 Disclosure Prohibited
301.470 Redisclosure Prohibited

301.APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of

150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended at 36 Ill. Reg. 2098, effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19418, effective March 5, 2012; amended at 40 Ill. Reg. 666, effective December 31, 2015.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USC 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.~~, as used in this Part, means telephone and written communication among siblings who are placed apart from one another.~~

"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(f~~c~~)~~ of this Part~~.

"Family" means one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household.

"Father" means a man~~"Father" means a man~~ presumed to be the natural father of a child if:

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act~~*pursuant to Section 12 of the Vital Records Act*~~ [410 ILCS 535]*;*

he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7]~~ [750 ILCS 45/5]~~*; or*

he and the child's natural mother have signed an acknowledgement of parentage or, if the natural father is someone other than the one presumed to be the father under this definition, *an acknowledgement of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act.* [750 ILCS 45/5]~~he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Act. (See Sections 5(a)(4) and 6 of the Act [750 ILCS 45/5(a)(4) and 6].)~~

A man can rebut a presumption of paternity only as provided in Section 5(b) of

the Illinois Parentage Act of 1984 [750 ILCS 45/5(b)]~~before a court of jurisdiction~~. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 (Relative Home Placement) must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated~~ and adoptive parents~~. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which

is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt;~~,~~ or*

is the spouse, or party to a civil union, *of such a relative;~~,~~ or*

is the child's step-father, step-mother, or adult step-brother or step-sister;~~,~~ or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the

child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

~~"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.~~

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 [705 ILCS 405] was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship~~who have a shared biological or adoptive parent~~.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation"~~, as used in this Subpart,~~ means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).
~~between parents and their children who are in substitute care or among siblings who are placed apart from one another.~~

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.60 Placement Selection Criteria

a) All placement decisions will be made consistent with the safety, best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the non-custodial parent would be a suitable caregiver for the child. If placement with the non-custodial parent is not consistent with the safety, best interests and special needs of the child or if the non-custodial parent is not a suitable caregiver for the child, placement in substitute care shall be considered.

b) Substitute care placement decisions consistent with the safety, best interests and special needs of the child shall be made in consideration of the following:

1) the least restrictive setting appropriate for the child that~~which~~ most closely approximates a family;

2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;

3) the ability of prospective foster or adoptive parents to meet the needs of a child. Placement in a foster or adoptive family home shall not be denied or delayed on the basis of the race, color, or national origin of the child, or the foster or adoptive family home members, nor shall placement for adoption of a child be denied or delayed if an approved family is available either outside of the Department's region handling the case or outside of the State of Illinois; ~~and~~

4) preservation of sibling relationships; and

5) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307 (Indian Child Welfare Services).

c) Approval through the Department's Placement Clearance Process is required prior to all placements in licensed foster family homes and unlicensed relative homes.

d) When a private agency or DCFS worker fails to secure prior approval for a placement in a licensed foster family home or unlicensed relative home through the Placement Clearance Process or provides false or misleading information when requesting an approval, the Director may take progressive action including, but not limited to:

1) placing the worker's private agency or DCFS region on hold for cases; and

2) implementing progressive discipline for the DCFS worker.

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.70 Sibling Placement

a) It is the policy of the Department to place siblings together unless:

1) it is in the best interests of one or more of the children to be placed apart or to remain apart from his or her siblings;

2) the Department has been unable to locate a joint placement for the siblings, despite a diligent search by the Department as defined in subsection (f~~c~~) ~~of this Section~~;

3) a court has ordered that the siblings be placed apart; or

4) it is in the best interests of the child or his or her siblings~~sibling(s)~~ to be placed with a relative and the relative is not willing to accept all the children.

b) When the caseworker determines it is in the best interest of one or more siblings in substitute care to be placed apart or to remain apart from his/her siblings, the caseworker shall select a placement where the caregiver is willing and able to be actively involved in supporting the sibling relationship to the extent that doing so is in each child's best interest.

c) When an examination of case records or consultation with the child's parents reveals that a sibling of the child was adopted, was placed in subsidized guardianship, or is emancipated, the caseworker shall determine, in consultation with the child's parents, whether it would be in the child's best interests to explore placement with an adopted sibling, a sibling in guardianship, or an emancipated sibling who is at least 21 years of age. Unless the parent objects, if the caseworker determines it is in the child's best interest to explore the placement, the caseworker shall contact the adoptive parent or guardian of the sibling or emancipated sibling to determine whether that person is willing to be considered as a placement resource for the child and, if so, determine whether it is in the best interests of the child to be placed in the home with the sibling.

d) A determination that it is not in a child's best interest to be placed with a sibling is a critical decision that requires supervisory approval. The decision shall be documented in the child's case record and on the Visitation and Contact Plan.

e~~b~~) It shall be in the best interests of a child to be placed apart from his or her siblings only if:

~~1) the child has been placed in a short-term diagnostic placement in order to determine the placement needs of the child;~~

1~~2~~) the child has special medical, educational, behavioral, or emotional needs that~~which~~ require the child to be placed apart from his or her siblings and the child has been placed or accepted at a placement intended to address those needs;

2~~3~~) the child is at risk of physical, mental, or emotional harm if placed with his or her siblings and the specific risk and the basis for assessing that risk are documented in the child's case file; or

3~~4~~) placement of the child with his or her siblings would require that the child be removed from a current foster home and it is in the best interests of the child to remain in that foster home rather than move to a joint placement with his or her siblings.~~; or~~

~~5) it is necessary to place the child apart from his or her siblings in order to achieve permanency for the child.~~

f~~e~~) A diligent search to locate a joint placement for siblings shall consist of written documentation that:

1) the Department has asked the siblings' parents and known relatives whether there are any relatives who may be willing to become relative foster parents for the siblings;

2) the Department has asked any current foster parents of a child already in Department custody or guardianship whether they can accommodate the child's siblings in accordance with licensing standards; and

3) the Department has asked the adoptive parents or legal guardians of any siblings who were wards of the Department and adopted or placed in legal guardianship whether they can accommodate the child's siblings; and

4) the Department has conducted a search of vacant Department and private agency foster care placements and other appropriate placements within reasonable proximity to the child's home (when the permanency goal is to return home)~~in the same region as the parents' home~~ to identify those placements that can provide a joint placement for the sibling group and that meet the placement requirements for all Department cases as set forth in this Subpart.

g~~d~~) If siblings have not been placed together at the time the Department is awarded custody of one or more of the siblings, the diligent search to locate a joint placement for siblings shall be conducted:

1) not later than 30 days after the Department is awarded custody of a sibling group or of any child who has a sibling in placement;

2) when the Department changes the placement of any child with a sibling, unless it is in the best interests of the child or sibling to be placed apart, as delineated in subsection (b)~~ of this Section~~. Nothing in this Part shall preclude removal of a child from a placement with a sibling when such removal is necessary due to an emergency. An emergency includes but is not limited to situations such as a fire or natural disaster destroying the caregiver's home, behavior on the part of the child which poses a threat to the child or to others in the home, incidents of abuse or neglect which put the child at imminent risk of harm, etc.

h) The placement decision can prove to be critical in the life of a case. When a sibling group must be removed from its home, the Department should do everything in its power to place the children together in substitute care. This includes:

1) Selecting a foster family or relative caregiver who can accept all of the children for placement. This may require the caseworker to conduct a diligent search for family members or a licensed foster family home that will accept all of the children. While it is preferable for children to be placed together in one home, the placing worker shall consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships.

2) Placing step-siblings who enter care together initially, and re-evaluating continued joint placement after the Integrated Assessment.

3) If the children must be separated, identifying relative caregivers or foster family homes that will support frequent sibling contact and visitation.

i) When a child enters substitute care or requires a new placement, the Department shall determine whether a sibling of that child is in the custody or guardianship of the Department.

1) If the Department determines that a sibling is in its custody or guardianship, the Department shall then determine whether it is in the best

interests of each of the siblings for the child needing placement to be placed with the sibling.

2) If the Department determines that it is in the best interest of each sibling to be placed together, and the sibling's caregiver is able and willing to care for the child needing placement, the Department shall place the child with the sibling.

j) When siblings are placed apart, the caseworker shall develop a Visitation and Contact Plan.

1) The Visitation and Contact Plan shall set forth future contact and visits between the siblings to develop, preserve and nurture the siblings' relationships. The Plan shall set forth the role of the caregivers and others in implementing contact and visitation among the siblings. The caseworker shall ensure that the Plan meets the minimum standards regarding frequency of in-person visits provided in Sections 301.220 and 301.230.

2) The Department shall document in the Visitation and Contact Plan why the siblings were placed apart and the efforts made to place siblings together.

3) The assigned caseworker shall file the Visitation and Contact Plan with the Juvenile Court within 10 days, excluding weekends and holidays, after temporary custody is awarded to the Department. The initial Visitation and Contact Plan must be filed within 10 days after temporary custody is awarded, whether or not a caseworker has been assigned to the case.

~~4~~) The Visitation and Contact Plan shall be modified if one of the children moves to a new placement, or as necessary to meet the needs of the children.

5) The Visitation and Contact Plan may include contact and visitation with other siblings not in the custody or guardianship of the Department, only with the consent and participation of the parent or guardian of those siblings, or the siblings themselves if over 18 years of age.

k~~e~~) If an entire sibling group is not placed together, the Department shall place as

many siblings of the group together as possible, considering their relationship and the best interests of the children.

l~~f~~) If the Department determines it is not in the best interests of the child to be placed with his or her siblings, the Department shall identify in the child's case plan the reasons why the siblings were placed apart. If siblings have been placed apart pursuant to subsection (a)~~ of this Section~~, the Department shall document in the case file the efforts made to place siblings together.

m~~g~~) If an entire sibling group cannot be placed together, the Department shall make reasonable efforts to place siblings within reasonable proximity to one another, taking into account the placement requirements for all Department cases as set forth in this Part. The Department may place a child at greater distance from his or her siblings if his or her treatment needs require placement farther away.

n~~h~~) If the Department places siblings apart or siblings remain placed apart after a change in placement, the efforts made to place siblings together and the reasons why the siblings are placed apart shall be documented on the Visitation and Contact Plan and specifically reviewed at the first administrative case review following the~~such~~ placement to ensure compliance with the requirements of this Section.

o) The Department shall provide training for all DCFS and purchase of service permanency workers, and their supervisors and managers, regarding the importance of maintaining sibling relationships, the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

~~i) When it is necessary to place siblings apart the Department shall provide for contact and visitation between the siblings in accordance with Sections 301.220 and 301.230 of this Part.~~

~~j) If the Department decides to separate siblings who are placed together, it shall notify each child (if seven years of age or older) and the children's attorney and guardian ad litem in writing no later than ten days prior to implementation of its decision unless remaining in the joint placement poses an imminent risk of harm to one or more of the children. In such a case, the Department shall notify each child (seven years of age or older) and the children's attorney and guardian ad litem in writing no later than five days after its decision to separate the siblings.~~

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.80 Relative Home Placement

a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).

b) The placing worker shall assess the prospective relative caregiver's willingness to help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. The worker shall document the results of this assessment in the case record.

c) The placing worker shall emphasize to prospective relative caregivers that it is preferable for children to be placed together in one home. However, the placing worker may consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. When it is not possible to place all of the children together, the placing worker shall encourage substitute caregivers to encourage and facilitate contact among the siblings.

d) The placing worker shall inform prospective relative caregivers that they may be contacted in the future regarding placement of the siblings of a child who may subsequently require placement, or contact with siblings in other living arrangements or living independently.

e~~b~~) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets

the following conditions for placement and signs an agreement to that effect. The relative:

1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);

2) is willing and capable of protecting the children from harm by the parents or any other person whose actions or inactions allegedly threatened the children's safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];

3) agrees not to transfer physical custody of the children to anyone, including parents or other relatives, unless previously authorized in writing by the Department;

4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;

5) agrees to notify the Department of any changes in the household composition;

6) agrees to notify the Department of any change of address prior to moving;

7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;

8) agrees to take the children out of state only if previously authorized in writing by the Department;

9) agrees to abide by any conditions or limitations on the parent-child visitation plan;

10) is willing to cooperate with the agency, the children's parents and other resource persons to help develop and achieve the permanency goal recorded in the children's service plan;

11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate;

12) agrees not to subject the child to corporal punishment, verbal abuse, threats, or derogatory remarks about the child or the child's family;

13) agrees that any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time; and

14) agrees to sign, and have all members residing in the home age 17 and over sign, an authorization for a criminal background check and agrees to be fingerprinted no later than 30 days after the placement for a final child placement decision.

f~~e~~) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:

1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:

A) the type of indicated abuse and neglect;

B) the age of the individual at the time of the report;

C) the length of time that has elapsed since the most recent indicated report;

D) the relationship of the report to the ability to care for the related

children; and

E) evidence of successful parenting;

2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household and children age 13 and over is completed prior to placement of the related children. If the results of the LEADS check identify prior criminal convictions listed in Appendix A for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A;

3) the home is free from observable hazards;

4) prescription and non-prescription drugs, dangerous household supplies, and dangerous tools are stored in places inaccessible to children;

5) any and all firearms and ammunition are locked up at all times and kept in places inaccessible to children;

6) basic utilities (water, heat, electricity) are in operation;

7) sleeping arrangements are suitable to the age and sex of the children;

8) meals can be provided daily to the related children in sufficient quantities to meet the children's nutritional needs;

9) supervision of the related children can be assured at all times, including times when the relative is employed or otherwise engaged in activity outside of the home;

10) the relative can provide basic necessities for themselves and their own children;

11) the relative can access health care and provide necessary in-home support for any health care needs of the related children;

12) no member of the household appears to have a communicable disease that could pose a threat to the health of the related children or an emotional or

physical impairment that could affect the ability of the caregiver to provide routine daily care to the related children or to evacuate them safely in an emergency;

13) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;

14) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;

15) the relative has immediate access to a telephone when the related child has medical or other special needs;

16) the relative shall cooperate with the supervising agency's educational and service plan for the child;

17) the relative is able to communicate with the child in the parent's or child's preferred language.

g~~d~~) Within 90 days after initial placement of a relative child, a final placement decision shall be determined by a supervisor of the placing agency based on the criminal background check results of all persons 17 years and older who are living in the home and based on the best interest of the child.

h~~e~~) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.

i~~f~~) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the children. Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (e~~b~~) and (f~~c~~) and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

j~~g~~) The Department may, after providing notice as required by 89 Ill. Adm. Code 337

(Service Appeal Process), move the child to another placement if the Department determines, based on the consideration and assessment of the safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.

k~~h~~) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible are encouraged to~~may, but need not,~~ apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes). When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

SUBPART B: VISITATION SERVICES

Section 301.220 Sibling Visitation

a) The Department or purchase of service agency shall schedule and provide visits among all siblings in substitute care who are placed apart at least twice per month, beginning as soon as possible, but not later than two weeks, ~~no later than two weeks~~ after the Department is awarded temporary custody of any sibling, unless:

1) a court has ordered that sibling visits occur less frequently or not at all; or

2) one sibling may physically, mentally or emotionally harm another during the visit, and supervision would be inadequate to eliminate the risk of that harm as determined by prior observation or documentation of sibling interaction as recorded in the child's case file. The specific risk and the basis for assessing that risk shall be documented in the child's case file.~~the child has stated that he or she does not want to visit with his or her siblings or wants to visit less frequently and has been counseled by the Department on the importance of maintaining family ties. If such a child is age 16 or under, the Department shall inquire of the child at least quarterly whether he or she wants to resume or increase the frequency of visits; or~~

~~3) one sibling may physically, mentally, or emotionally harm another during~~

~~the visit, and supervision would be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file.~~

~~b) If a sibling is placed in a residential facility, visitation with that child may occur less frequently than twice per month if:~~

~~1) the child is at risk of physical harm if he or she visits with his or her siblings and that harm is specifically documented in the child's case file;~~

~~2) the child is at risk of mental or emotional harm if he or she visits with his or her siblings as determined by a qualified mental health professional; or~~

~~3) the child is placed in a residential facility that is located more than 150 miles from his or her siblings, provided, however, that in such event the Department shall provide the child a visit with his or her siblings, preferably overnight, at least every other month.~~

~~c) If the frequency of visits between two siblings is reduced to less than twice per month, the frequency of each child's visits with the other siblings, if any, and of the other siblings visits with each other shall not be reduced except for the reasons stated in subsections (a)(1) through (3) or (b)(1) through (3) above of this Section, or by order of a court.~~

b~~d~~) Neither the Department nor its contractual agencies shall withhold or reduce nor seek to have a court withhold or reduce the frequency of visits based on the unavailability of a supervisor for the visits or as a form of discipline.

~~e) Visits may begin sooner than two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to see each other, no court has prohibited visits, and a qualified supervisor (if deemed necessary) and an appropriate time and location for visits have been identified.~~

c~~f~~) A Visitation and Contact Plan~~sibling visitation plan~~, specifying the frequency of sibling visits and other approved forms of contact, shall be developed by the siblings' caseworkers, foster parents, and the children/siblings and filed with the juvenile court within 10~~(seven years of age and older) within 30~~ days after award of temporary custody of the siblings. The Visitation and Contact Plan~~sibling visitation plan~~ shall be included in the Family Service Plan~~children's case plans~~.

d~~g~~) The Visitation and Contact Plan~~sibling visitation plan~~ may be included as a part of and implemented in coordination with a plan for parent-child visits~~ developed in accordance with Section 301.210, Family-Child Visitation~~. The frequency of sibling visitation shall in no way be affected by the failure of any parent to visit his or her children for any reason.

e) A sibling visit can be scheduled to occur simultaneously with parent-child visitation, but the sibling visit will be deemed to have occurred only if all siblings are present at the parent-child visit.

f~~h~~) The Visitation and Contact Plan~~sibling visitation plan~~ shall specify the duration of sibling visits and shall~~may~~ also include the location and supervision to be provided for visits. A brief statement of the reasons for selecting the frequency and duration of sibling visits as specified in the visitation plan shall also be recorded in the plan.

g~~i~~) After completion of each child's Individualized Assessment, the caseworker shall review the Visitation and Contact Plan to ensure the plan addresses the individualized needs of each child. The Visitation and Contact Plan shall be reviewed on an ongoing basis to determine whether it is possible to allow increased contact and visitation among the siblings. Any time contact and visitation can be increased, the caseworker should ensure it is done. Caregivers should be encouraged to allow siblings to visit each other at holidays, milestones (e.g., birthdays, graduations), etc. Holidays should include nationally recognized holidays as well as holidays recognized by the culture of the family of origin.

h) The Visitation and Contact Plan should be amended every time a sibling moves and as necessary to meet the needs of the children.
~~No changes shall be made in the sibling visitation plan without prior consultation with the siblings (seven years old and older) and with the siblings' foster parents unless there is substantial risk of harm to the child if the visits continue unchanged. The sibling visitation plan and its implementation shall be reviewed at each child's administrative case review.~~

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.230 Contact Among Siblings Placed Apart

a) Unless~~If~~ the Department determines that it is not in the child's best interests to be provided information on a sibling's whereabouts or to have his or her whereabouts provided to his or her siblings, or a ~~and no~~ court has prohibited disclosure of this information, the Department shall promote contact and communication among siblings placed apart by taking the following actions:

1) the Department or purchase of service agency shall provide children ~~who are seven years old and older~~ and their foster parents or other caregiver with each sibling's birth date and the name, address, and telephone number of the foster parent or other caregiver~~caretaker~~ of each sibling placed by the Department in substitute care. The Department shall also provide the birth date and the name, address and telephone number of~~such information regarding~~ siblings in the custody of a parent, adoptive parent, legal guardian or adult sibling, if that information is or becomes known to the Department;

2) the Department or purchase of service agency shall provide children ~~who are seven years of age and older~~ who are in the care of their parents with the name, address and telephone number of siblings in~~under~~ the custody/guardianship of the Department, unless:

A) the Department or purchase of service agency has determined that it is not in the child's best interests to provide information on his or her whereabouts to his or her siblings, and the Department has notified each child's attorney and guardian ad litem in accordance with subsection (b);

B) the Department or purchase of service agency has determined that identifying information of the foster parent/relative caregiver shall not be released to the sibling based on the results of the assessment completed in accordance with Section 301.440(a), and each child's attorney and guardian ad litem has been notified in accordance with Section 301.440(b); or

C) a court has prohibited disclosure of this information;

3) whenever a child is moved to another placement, the Department shall: ~~give written notice of the name, address, and telephone number of the child's new foster parent or other caregiver to each sibling and the foster~~

~~parent or other caregiver of each sibling in writing within seven days after the move;~~

A) give written notice of the name, address and telephone number of the child's new foster parent or other caregiver to each sibling and the foster parent or other caregiver of each sibling, in writing, within seven days after the move; and

B) review and, if necessary, amend the Visitation and Contact Plan in consultation with the caseworkers, foster parents, caregivers, children/siblings and other appropriate parties;~~and~~

4) the Department shall ~~permit and shall~~ encourage foster parents and caregivers to allow~~assist~~ children in their care to use available modes of communication (e.g., telephone, cell phone, letter writing, email, video conferencing, etc.) to contact~~write and phone~~ their siblings between visits as often as the children wish, provided, however, that, if necessary, a plan for scheduling reasonable contact~~phone calls~~ may be established by the children's caseworker, together with the foster parent or other caregiver and the children. This plan shall be incorporated in the Visitation and Contact Plan~~children's service plans. The Department shall also facilitate the use of mail for siblings' contact with each other, including payment of postage~~.

b) If the Department determines that it is not in a child's best interests to be provided~~provide~~ information on a sibling's whereabouts or to have information on his or her whereabouts provided to his or her siblings, the Department shall notify each child's attorney and guardian ad litem in writing within seven days after that determination. The Department shall also record the reasons for that determination in the children's case records.

c) Neither the Department nor its purchase of service or other contractual agencies shall withhold or restrict, or seek to have any court withhold or restrict, contact among siblings as a form of discipline under any circumstances.

(Source: Amended at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.250 Sibling Visitation and Contact with Adopted Siblings and Siblings in Private Guardianship

a) When one or more members of a sibling group is/are placed apart by the Department for adoption or subsidized guardianship, the Department shall encourage the adoptive parents/legal guardian to develop a Visitation and Contact Plan or Post-Permanency Sibling Contact Agreement to enable continued contact among all of the siblings.

b) The Department shall offer to assist the parties in developing the Plan or Agreement, provide services to the parties post-permanency to support them in implementing and maintaining agreements, and assist them in amending agreements as necessary to meet the needs of the children. A copy of the Plan or Agreement shall be placed in the adoption or guardianship record.

(Source: Added at 40 Ill. Reg. 666, effective December 31, 2015)

Section 301.255 Sibling Visitation with and Among Adult Siblings

When one or more (but fewer than all) members of a sibling group are adults or emancipated youth, the Department shall offer to develop a Visitation and Contact Plan or Post-Permanency Sibling Contact Agreement to enable continued contact among all of the siblings.

(Source: Added at 40 Ill. Reg. 666, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services Delivered by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 302

3)

Section Numbers:	Adopted Actions:
302.20	Amendment
302.40	Amendment

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] the Adoption Act [750 ILCS 50] and PA 96-1513

5) Effective Date of Rules: December 31, 2015

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 rules, 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*: 39 Ill. Reg. 47; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definition of "Siblings". In Section 302.40(f)(1) language was amended that removes priority given to placements that can accept an entire sibling group, and notes that, while placement together is preferable, the placing worker shall consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships.

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 an emergency rulemaking currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section Number:	Proposed Action:	*Illinois Register* Citation:
302.20	Amendment	39 Ill. Reg. 7038; May 22, 2015

15) Summary and Purpose of Rulemaking: These amendments implement PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section
302.10 Purpose
302.20 Definitions
302.30 Introduction
302.40 Department Service Goals
302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section
302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
302.110 Content of Child Abuse or Neglect Reports (Recodified)
302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130 Special Types of Reports (Recodified)
302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150 Delegation of the Investigation (Recodified)
302.160 The Investigative Process (Recodified)
302.170 Taking Children Into Temporary Protective Custody (Recodified)
302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section
302.300 Adoptive Placement Services (Repealed)
302.305 Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.310 Adoption Assistance
302.311 Nonrecurring Adoption Expenses (Repealed)
302.315 Adoption Registry (Repealed)
302.320 Counseling or Casework Services
302.330 Day Care Services
302.340 Emergency Caretaker Services
302.350 Family Planning Services
302.360 Health Care Services
302.365 Mental Health Services (Repealed)
302.370 Homemaker Services
302.380 Information and Referral Services
302.390 Behavioral Health Services
302.400 Successor Guardianship (Repealed)
302.405 Subsidized Guardianship Program
302.410 Subsidized Guardianship (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

302.APPENDIX A Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19427, effective March 5, 2012; amended at 40 Ill. Reg. 693, effective December 31, 2015.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department that is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement the child must be placed in a licensed foster family home or a license-exempt relative home and either:

be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means public~~publicly funded~~ social services that*~~that~~ are directed toward the accomplishment of the following purposes:*

protecting and promoting the health, safety and welfare of all*~~all~~ children, including homeless, dependent, or neglected children;*

preventing*, ~~or~~ remedying, or assisting in the solution of problems* that *may result in, the neglect, abuse, exploitation, or delinquency of children;*

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child

removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning~~,~~ so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance that~~which~~ contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried;~~ and~~

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program,~~ or~~ in a licensed shelter facility, or in a *secure child care facility. The Department is not required to place or maintain children:*

who are in a foster home; or

who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5]*; or*

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings~~, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.~~ ~~[20 ILCS 505/5]~~;

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have~~has~~ signed an adoptive surrender or voluntary placement agreement with the Department.

"Custodial Caregiver" means an individual with whom a child resides who is directly responsible for the day-to-day care of the child ensuring the child's safety and well-being.

"Department" means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed

foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Level of care" means one of the following types of substitute care that would be appropriate for the child, if placed in foster care: regular foster care, intensive foster care, or specialized foster care.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service~~,~~ that~~which~~ is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Pre-existing condition" means, for purposes of adoption assistance and subsidized guardianship, a disabling physical, emotional or mental health condition that the child had prior to the finalization of the adoption or transfer of guardianship. Such condition must be documented by a duly licensed or credentialed professional.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5~~/Art. XI~~].

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt*; *or*

is the spouse, or party to a civil union, *of such relative; or*

is the child's step-father, step-mother, or adult step-brother or step-sister; *or*

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when~~*where*~~ *the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative.* [20 ILCS 505/7(b)]

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the private adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship~~in the custody or~~

~~guardianship of the Department who have a shared biological or adoptive parent~~.

"Subsidized Guardianship Program" means a program of the Department~~child welfare demonstration project~~ that offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405 (Subsidized Guardianship) and Section 302.410 (Subsidized Guardianship (KinGap)).

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services that include placement.

(Source: Amended at 40 Ill. Reg. 693, effective December 31, 2015)

Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for children and families that are individually planned to meet the needs of each child and family. These services are directed toward four service goals:

1) family preservation;

2) family reunification;

3) adoption or attainment of a permanent living arrangement;

4) youth development.

b) Family Preservation
When family preservation is the goal, services are directed toward ensuring the children's development, safety and well-being in the home of their family and preventing placement of children away from their family. Families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:

1) counseling/advocacy;

2) emergency caretaker;

3) homemaker;

4) protective and family maintenance day care and child development;

5) family planning;

6) parent education;

7) self-help groups;

8) emergency family shelter;

9) intensive family preservation services;

10) other placement prevention services;

11) referral for substance abuse treatment services;

12) referral for financial assistance and employment related day care;

13) referral for housing assistance or housing advocacy;

14) referral for legal services.

c) Family Reunification
When family reunification is the goal, services are directed toward returning a child to his/her parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the children's parents or private guardians achieve minimum parenting standards ~~and~~ ensuring the children's safety and well-being upon return home, and preserving and supporting sibling relationships. The service constellation for these children and families may include:

1) counseling/advocacy;

2) homemaker;

3) protective and family maintenance day care and child development;

4) foster family home care;

5) relative home care;

6) residential care;

7) family planning;

8) parent education;

9) intensive family preservation services;

10) referral for substance abuse treatment services.

d) Adoption or Attainment of a Permanent Living Arrangement

1) When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department has transferred or intends to transfer legal guardianship to the family. The service constellation for these children may include:

A) counseling;

B) adoption;

C) subsidized guardianship;

D) relative home care;

E) foster family home care;

F) intensive family preservation services.

2) When a prospective adoptive parent or guardian has a medical and/or physical condition that may render him/her unable to care for the child into adulthood, the Department shall request that the prospective adoptive parent or guardian develop~~develops~~ a back-up care plan for the child~~,~~ that~~which~~ includes a "back-up caregiver" willing and able to care for the child into adulthood. The Department shall assess the back-up care plan and meet with the prospective adoptive parent or guardian and the back-up caregiver to review the Department's expectations with regard to the caregiver's role and responsibilities, the child's needs, available services, and financial assistance such as Subsidized Guardianship and/or Adoption Assistance. The Department shall obtain a signed statement from the back-up caregiver acknowledging that he/she is aware of the child's needs and that the back-up caregiver will assume responsibility for the child's care in the event that the adoptive parent or guardian is no longer capable of providing care. The statement will also inform back-up caregivers for guardianship that any subsidy the guardian was receiving is not transferable.

e) Youth Development

1) When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Youth shall also be encouraged to develop and maintain contact with their siblings. The Department shall provide~~Such~~ services ~~may be provided by the Department~~ to youth for whom it is legally responsible and who are:

A) 16 years of age or older, to help them live independently of adult caregiver supervision and achieve economic self-sufficiency;

B) high school graduates and have been awarded scholarships in accordance with the Children and Family Services Act [20 ILCS 505]; or~~and~~

C) unmarried and pregnant.

2) The service constellation for youth for whom the Department is legally responsible may include:

A) counseling/advocacy;

B) day care for the children of unmarried youth;

C) homemaker services;

D) family planning;

E) maintenance payments or foster family home, relative home or residential care payment, except that maternity home payment shall be limited to a maximum of 90 days.

f) Sibling Relationships

1) The Department recognizes the importance of encouraging and maintaining relationships among siblings. In order to preserve and strengthen sibling relationships, it is preferable for children to be placed together in one home. However, a placing worker may consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. When siblings cannot be placed together, priority shall be given to adoptive parents or legal guardians who will agree to frequent sibling visitation and contact.

2) The Department shall provide training for all Department and purchase of service direct service staff, resource development (foster family home licensing) staff, administrative case review and clinical staff, and their supervisors and managers regarding the importance of developing and maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. In addition, the Department shall incorporate this training in pre-service and in-service training for foster and adoptive families.

(Source: Amended at 40 Ill. Reg. 693, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Access to and Eligibility for Child Welfare Services

2) Code Citation: 89 Ill. Adm. Code 304

3)

Section Number:	Adopted Action:
304.2	Amendment

4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5] and PA 96-1513

5) Effective Date of Rule: December 31, 2015

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 rule, including 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*: 39 Ill. Reg. 62; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: The definition of "neglected child" was amended to mirror the statutory definition.

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Pending Action:	*Illinois Register* Citation:
304.2	Amendment	39 Ill. Reg. 7049; May 22, 2015

15) Summary and Purpose of Rulemaking This amendment implements PA 97-1076 concerning sibling contact and visitation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
e-mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 304
ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section
304.1 Purpose
304.2 Definitions
304.3 Introduction to Child Welfare Services
304.4 Eligibility for Child Welfare Services
304.5 Access to Child Welfare Services
304.6 Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 USC 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 22 Ill. Reg. 18843, effective October 1, 1998; amended at 26 Ill. Reg. 11756, effective August 1, 2002; amended at 36 Ill. Reg. 4058, effective March 5, 2012; amended at 40 Ill. Reg. 708, effective December 31, 2015.

Section 304.2 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental *injury, by other than accidental means, which causes*

death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental *injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;*

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 [720 ILCS 5],~~*1961*~~ *as amended, or in the Wrongs to Children Act* [720 ILCS 150], *and extending those definitions of sex offenses to include children under 18 years of age;*

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment; ~~*or*~~

commits or allows to be committed the offense of female genital mutilation~~*multilation*~~*, as defined in Section 12-34 of the Criminal Code of 2012*~~*1961*~~*, against the child;*~~*.*~~

causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570] *in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act* [720 ILCS 646], *except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription; or*

commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services as defined in Section 10-9 of the Criminal Code of 2012 against the child.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2]. [325 ILCS 5/3]

"Addicted minor" includes any minor who is an addict or an alcoholic as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10].

"Adjudicated" as used in this Part~~these rules~~ means that the Juvenile Court has entered an order declaring that a child is abused, neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services" means public~~publicly funded~~ social services that *are directed toward the accomplishment of the following purposes:*

protecting and promoting the health, safety and welfare of all~~*all*~~ *children, including homeless, dependent, or neglected children;*

preventing or *remedying, or assisting in the solution of problems* that *may result in, the neglect, abuse, exploitation, or delinquency of children;*

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in Section *5(l-1) of* the Act [20 ILCS 505/5(l-1)] *so that permanency may occur at the earliest opportunity.~~,~~ Consideration should be given so that, if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;*

providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

who are in a foster home;

who are persons with a developmental disability as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5]*;*

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5(a)(3)]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection, and information and referral.

"Delinquent minor" means a minor who before his or her 18~~17th~~ birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987 [705 ILCS 405].

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means any minor under 18 years of age:

who is without a parent, guardian or legal custodian;

who is without proper care because of the physical or mental disability of his parent, guardian or custodian;

who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under Section 2-4(c) of the Juvenile Court Act of 1987*, unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of* that~~the~~ Act*; or*

who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Section 2-29 of the Juvenile Court Act of 1987.

This definition~~*definition*~~ *does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parent or parents, guardian or custodian or to a minor solely because his or her parent or parents or guardian has left the minor for any period of time*

in the care of an adult relative, who the parent or parents or guardian knows is both a mentally capable adult relative and physically capable adult relative, as defined by the Juvenile Court Act of 1987. [705 ILCS 405/2-4]

"Family" means one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law. ~~A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in Section 1-103 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and who has consistently failed to cooperate in a rehabilitation program for a period of at least six months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well being despite the parent's addiction.~~

"Minor requiring authoritative intervention" or "MRAI" means *any minor under 18 years of age:*

who is:

absent from home without consent of parent, guardian or custodian, or

beyond the control of his or her parent, guardian or custodian, in~~or~~ circumstances that~~which~~ constitute a substantial or immediate danger to the minor's physical safety; and

who, after being taken into limited custody for the period provided for in Section 3.3 of the Juvenile Court Act of 1987*~~this Section~~ and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.*

Any minor taken into limited custody for the reasons specified in Section 3.3*~~this Section~~ may not be adjudicated* an MRAI*~~an MRAI~~ until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in* Section 3.3*~~this Section~~, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision of* Section 3.3*~~this Section~~, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated* an MRAI*~~an MRAI~~ until 21 days have passed since being taken into limited custody.* [705 ILCS 405/3-3]

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other

remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), *or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is subjected to an environment which is injurious insofar as the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare and the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987* [705 ILCS 405/3-5] *and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in Section 102(f) of the Illinois Controlled Substances Act* [720 ILCS 570/102(f)] *or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act* [325 ILCS 5]. *A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of* the Abused and Neglected Child Reporting Act. When the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and, in such cases, spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. *A child shall not be considered neglected or abused solely because the*

child is not attending school in accordance with the requirements of Article 26 of the School Code [105 ILCS 5/Art. 26]. [325 ILCS 5/3]

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt*;~~, or~~

is the spouse, or party to a civil union, *of such a relative*;~~, or~~

is the child's step-father, step-mother, or adult step-brother or step-sister;~~,~~ *or*

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 40 Ill. Reg. 708, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible

2) Code Citation: 89 Ill. Adm. Code 309

3)

Section Numbers:	Adopted Actions:
309.20	Amendment
309.30	Amendment
309.35	New Section
309.40	Amendment
309.100	Amendment
309.110	Amendment
309.130	Amendment
309.135	New Section
309.140	Amendment

4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305)

5) Effective Date of Rules: December 31, 2015

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 rules, including all 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*: 39 Ill. Reg. 74; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definitions of "Siblings" and "Visitation". In Section 309.130(h)(1) language was amended that removes the priority given to placements that can accept an entire sibling group, and notes that, while placement together is preferable, the placing worker shall

consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships.

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
309.20	Amendment	39 Ill. Reg. 7061; May 22, 2015

15) Summary and Purpose of Rulemaking: These amendments implement PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 309
ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section
309.10 Purpose
309.20 Definitions
309.30 Recruitment of Adoptive Families
309.35 Good Faith Effort to Locate Siblings in Adoption and Subsidized Guardianship Placements
309.40 Adoption Listing Services
309.50 Identification of Children for Potential Adoption Planning
309.60 Legal Risk Placements
309.70 Freeing Children for Adoption
309.80 Termination of Parental Rights
309.90 Putative Father Registry
309.100 Preparation of Children for Adoption
309.105 Who May Adopt a Child
309.110 Preparation and Training of Adoptive Families
309.120 Preparation of the Child's Biological Parents
309.130 Placement Considerations
309.135 Post-Permanency Sibling Contact Agreement
309.140 Placement of Children with Adoptive Families
309.150 Providing Information to Adoptive Families
309.160 Post-Placement Services
309.170 Post-Adoption Services
309.180 Adoption Assistance
309.190 Adoption Registry

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5], the Adoption Act [750 ILCS 50] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41) and the Adoption and Safe Families Act (42 USC 1305).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective September 16, 1999; amended at 25 Ill. Reg. 11778, effective September 14, 2001; amended at 26 Ill. Reg. 16449, effective October 23, 2002; emergency amendment at 30 Ill. Reg. 17123, effective October 13, 2006, for a maximum of 150 days; emergency expired March 11, 2007; amended at 31 Ill. Reg. 8466, effective June 8, 2007; amended at 36 Ill. Reg. 4069, effective March 5, 2012; amended at 40 Ill. Reg. 720, effective December 31, 2015.

Section 309.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance and other services from the Department which are provided to the adoptive parents after the finalization of an adoption of a child with special needs as defined in Section 309.180.

"Adoption placement" means a living arrangement with a family that~~which~~ is directed toward establishing that family as the child's new legal parents.

"Adoption triad" means the adoptive family, the adoptee (child being adopted)and the biological family.

"Adult" means a person who has attained the age of 18.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Attachment" means the lasting psychological tie between two people who have significance for each other that endures through space and time and serves to join them emotionally.

"Best interests", as defined in the Juvenile Court Act of 1987 [705 ILCS 405], means consideration of the following factors,~~"Best interests" as defined in the Juvenile Court Act of 1987 means consideration of the following factors~~ in the context of the child's age and developmental needs:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

the development of the child's identity;

the child's background and ties, including familial and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's~~childs~~ need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Certification training" means training directed toward preparing a family to adopt a child for whom the Department of Children and Family Services is legally responsible and may consist of the following different types of training:

six hours of standardized training for foster care conversion adoptions, which means that a foster parent or relative caregiver is adopting a child who has been in his or her care; or

six hours~~hour~~ of standardized training and an additional individualized

training plan specific to the child's needs for adoptive parents who have not had the child in their care prior to the adoptive placement; or

training specified by private child welfare agencies who meet the standards of the Council on Accreditation of Services for Families and Children.

"Children for whom the Department of Children and Family Services is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confidential intermediary" is an individual appointed by the court *for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases* in which *an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under* Section 18.3a of the Adoption Act [750 ILCS 50] *and in cases* in which *the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under* Section 18.3a *for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person*~~*for the purpose of obtaining from biological parents or siblings of an adopted person information concerning the background of a psychological or genetically-based medical problem experienced or which may be experienced by the adopted person or obtaining assistance in treating such a problem*~~. [750 ILCS 50/18.3a] The duties and responsibilities of a~~A~~ confidential intermediary are set out in Section 18.3a(i) of the Adoption Act~~is obliged by law to protect the identity and privacy of the biological family as well as that of the adoptive family and adopted person~~.

"Consent to adoption by a specified person" is a voluntary act by the parents to relinquish all parental rights of a child to a person or persons specified by the

parents in the specific consent document. Consent to adoption by a specified person is further described in Section 309.70 (Freeing Children for Adoption).

"Contact between siblings" means contact among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Internal legal screening" means an internal review required by the Department prior to referring a case for termination of parental rights for the purpose of freeing a child for adoption. Depending on local practice, a representative of the State's Attorney's Office may participate in the screening. The purpose of the screening is to determine whether sufficient grounds for termination of parental rights exist and whether adoption is in the best interest of the child. Legal screening is further described in Section 309.80 (Termination of Parental Rights).

"Legal risk placement" means the placement with a family of a child, not yet legally free for adoption, made in the best interests of the child with the intent that the family will become an adoptive resource for the child should the child become legally free for adoption.

"Parental unfitness" means a finding by the court that a person is unfit to parent a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are described in Section 1(D) of~~Section 309.50 (Identification of Children for Potential Adoption Planning) and in~~ the Adoption Act [750 ILCS 50/1(D)].

"Persons approved for adoption" means persons who have been licensed as a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or relative caregivers with whom children have been placed in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services) and who also meet the certification requirements of Section 309.110(c)~~ of this Part~~.

"Post-adoption services" are services meant to assist and support the family in maintaining itself in a healthy and nurturing environment and in preserving the adoption. Post-adoption services may include, but are not limited to, social,

psychological, psychiatric, health, educational and adoption preservation services. Financial services are available to families and adoptees following the legal consummation of the adoption, when they are eligible for adoption assistance. Post-adoption services also address the needs of adult adoptees and their biological families to seek information and contact, when desired.

"Putative father" means a male, regardless of age, who may be a child's father, but who was not married to the child's mother on or before the date that the child was or is to be born and for whom paternity of the child has not been established in a court proceeding.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent, great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Surrender for adoption" is a voluntary act by the parents to relinquish all parental rights of a child to an agency for the purpose of placing the child for adoption.

"Termination of parental rights" is a legal action of the court or a voluntary action by the parents that~~which~~ relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.30 Recruitment of Adoptive Families

a) The Department shall make special efforts for the diligent recruitment of potential adoptive families that will accept sibling groups for placement and encourage and support sibling contact when siblings must be separated. The Department shall provide training for all prospective adoptive parents and private/subsidized guardians regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining

sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

b) *In addition, special efforts shall be made to recruit potential adoptive families that reflect the ethnic and racial diversity of the children for whom adoptive homes are needed. Special efforts shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other resources, and conducting outreach activities.* [20 ILCS 505/7(c)]

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.35 Good Faith Effort to Locate Siblings in Adoption and Subsidized Guardianship Placements

a) *When a child is in need of an adoptive placement, the* caseworker *shall examine* Department records *and other available resources and attempt to determine whether a sibling of the child has been adopted or placed in private guardianship after being in the Department's custody or guardianship. If the* caseworker *determines that a sibling of the child has been adopted or placed in private guardianship, the* caseworker *shall make a good faith effort to locate the adoptive parents or guardians of the sibling and inform them of the availability of the child for adoption. If a child available for adoption has a sibling who has been adopted or placed in guardianship, and the adoptive parents or guardians of that sibling apply to adopt the child, the* caseworker *shall consider them as adoptive applicants for the adoption of the child. The* caseworker's *final decision as to whether it will consent to the adoptive parents or guardians of a sibling being the adoptive parents of the child shall be based upon the welfare and best interest of the child. In arriving at its decision, the* caseworker *shall consider all relevant factors, including but not limited to:*

1) *the wishes of the child;*

2) *the interaction and interrelationship of the child with the applicant to adopt the child;*

3) *the child's need for stability and continuity of relationship with parent figures;*

4) *the child's adjustment to his or her present home, school and community;*

5) *the mental and physical health of all individuals involved;*

6) *the family ties between the child and the child's relatives, including siblings;*

7) *the background, age and living arrangements of the applicant to adopt the child;*

8) *a criminal background report of the applicant to adopt the child.*

b) *If placement of the child available for adoption with the adopted sibling or sibling in private guardianship is not feasible, but it is in the child's best interest to develop a relationship with his or her sibling, the* caseworker *shall invite the adoptive parents, guardian or guardians for a joint team decision-making meeting to facilitate a discussion regarding future sibling contact.* [20 ILCS 505/7.4(h)]

(Source: Added at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.40 Adoption Listing Services

a) The Department or its agent shall maintain coded listings that~~which~~ include the names and addresses of persons who have applied for and have been approved for the adoption of a child. The listings shall also include the names of children for whom:

1) the Department has determined, after an internal legal screening, that adoption is the appropriate permanency plan for the child~~in the best interests of the child and there are sufficient grounds for termination of parental rights~~; and

2) two weeks have passed since the internal legal screening determination and an adoptive resource has not yet been identified for the child.

b) The purpose of the adoption listing service is to enable caseworkers to aggressively identify adoptive parents and children for whom adoption is in their best interests.

c) When it can be demonstrated that it would be contrary to the child's best interests to list the child due to the child's mental health problems, the child shall not be listed. This exception must be reviewed and reapproved by the Department's Regional Administrator every six months.

d) Licensed Illinois adoption~~Child welfare~~ agencies that provide adoption services on behalf of children for whom the Department is legally responsible shall~~are to~~ submit to the Department's agent, for inclusion in the coded listing, the names and addresses of all persons who have applied and been approved for adoption of a child, who are waiting for a child and who have authorized the listing. In addition, licensed adoption~~child welfare~~ agencies shall also submit to the Department's agent for inclusion in the coded listing the names of such children who have not been placed for adoption. The Department's agent is:

Adoption Information Center of Illinois
120 West Madison Street, Suite 800
~~188 W. Randolph, Suite 600~~
Chicago, Illinois 60602~~60601~~
(800)~~-~~572-2390
www.adoptinfo-il.org

e) The Department or its agent shall make the coded listings available, without charge, to every licensed adoption~~child welfare~~ agency in the State in a format that~~which~~, in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services, protects the confidentiality of the persons seeking to adopt and of the child not yet placed for adoption.

f) Information regarding the child shall be made available as follows:

1) Information that is not included in the listing ~~book~~, but is provided to licensed adoption~~child welfare~~ agencies~~ that provide adoption services~~, shall include specific personal information about the child, including, but not limited to, if applicable, the child's mental health history, health history, HIV test results or diagnosis of AIDS, or parental alcohol or substance abuse history.

2) Information provided to the general public shall be limited to general

information about the child such as the child's personality, likes, dislikes, interests and activities. More specific personal information shall only be provided to persons who have expressed an interest in a specific child and are seriously considering adopting the child.

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.100 Preparation of Children for Adoption

Preparation of children for adoption begins when adoption has been identified as a potential goal for the child. During this pre-placement phase, specific services are provided to the child for whom adoption is being considered.

a) The Assessment Phase
The assessment phase consists of preparation activities initiated before an adoptive home has been identified. The primary purpose of this phase is completion of an assessment to guide the identification of needs to be met and in directing intervention. Assessments already completed on the following issues should be reviewed, and if needing update, should be updated before deciding whether or not adoption is appropriate for a child:

1) assessing the child in relation to the physical, emotional, educational and social environment;

2) determining the developmental level and potential of the child;

3) gathering and assessing all pertinent information on the child and family, which includes the names and whereabouts of all known siblings, why siblings were not placed together (when applicable), and a complete review of the family history;

4) assessing whether it is in the best interests of the child to be separated from his/her siblings (when they were placed together) and, if separated, how best to facilitate contact with his/her siblings;

5) when placement of the child with his or her siblings would require that the child be removed from a current foster home, assessing if it is in the best interests of the child to remain in that foster home rather than move to a joint placement with his or her siblings;

6~~4~~) assessing the child's capacity for attachment;

7~~5~~) assessing the child's ability and opportunity to grieve losses;

8~~6~~) assessing issues involving the child's identity;

9~~7~~) assessing the child's unique qualities by focusing on the strengths and talents possessed by the child; and

10~~8~~) assessing the child's understanding of the adoption process and making a determination of the child's desire to move toward an adoptive placement.

b) The Preparation for Placement Phase
This phase includes activities that are initiated after the assessment has been completed and reviewed and all the placement considerations have been assessed for applicability for a particular child. Such activities include:

1) further assessment of the child's knowledge of adoption as a permanency goal, ensuring that the child understands the selection of the family will be a joint decision between the prospective adoptive family, the child and the Department;

2) sharing~~Sharing~~ descriptive information about the family with the child;

3) helping~~Helping~~ the child deal with feelings of separation and loss;

4) if, after adoption, the child will live separately from some or all of his/her siblings, how to facilitate contact with his/her siblings, including adult siblings.

5) arranging~~Arranging~~ for specific recruitment activities for any child for whom an adoptive resource cannot be located.

c) Diligent Recruitment Requirements
If the child's caregiver~~caretaker~~ is not a viable resource for the child, diligent recruitment efforts shall be undertaken to locate adoptive parents who are appropriate to meet the child's needs and best interests, utilizing the placement considerations described in Section 309.130, Placement Considerations. Diligent

recruitment efforts include, but are not limited to:

1) locating relatives who may be willing to adopt the child or a sibling group and who the Department has reason to believe will be able to adequately provide for the child's/children's safety and welfare;

2) contacting the adoptive parent or legal guardian of a sibling of the child who was adopted or placed in private guardianship and informing them of the availability of the child for adoption;

3~~2~~) a review of the Department's available adoptive resources, contacts with local adoption agencies, and specialized recruitment activities such as parent groups, appropriate religious and civic organizations and service providers, advocacy groups and agencies;

4~~3~~) a review of the Adoption Listing Service to determine the availability of an appropriate family; and

5~~4~~) listing the child with the Adoption Listing Service, in accordance with Section 309.40, that~~which~~ includes among its services an interstate search, when necessary, consisting of contacts with other states, and out of state adoption agencies and referral/advocacy agencies to find a suitable adoptive placement.

d) The Department shall not deny or delay the placement of a child for adoption when a suitable person or family who has been approved as an adoptive resource is available outside of the State, region, or county of jurisdiction.

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.110 Preparation and Training of Adoptive Families

The preparation and training of prospective adoptive families will be done in the following four phases:

a) Pre-service Preparation and Education
During this first phase the Department or adoption agency will educate prospective adoptive parents in the following areas:

1) the purpose and goals of adoption;

2) the selection process and the criteria for being licensed and certified as adoptive parents;

3) the laws, regulations, policies, resources and values that direct the adoption program;

4) information about the needs and strengths of children who require adoption services;

5) the respective roles of adoptive parents, agencies, and courts;

6) differences between parenting in foster home placement, legal risk placement, and adoptive placement regarding attachment, commitment, relationship with the child's family of origin, expectations, responsibilities, supports and the lifelong impact of adoption;

7) the child's sense of attachment to his/her siblings, the importance of maintaining a relationship with siblings over the child's lifespan, and the impact upon the child if those relationships are not preserved;

8) developing, implementing and modifying Post-Permanency Sibling Contact Agreements; the role the adoptive parent can take in supporting the child's connections, and the possibility that the adoptive parent/guardian may be contacted in the future regarding placement of or contact with siblings;

9~~7~~) the knowledge and practical skills necessary to become successful adoptive parents; and

10~~8~~) the knowledge of developmental challenges and changes faced by adoptive families.

b) The Assessment Phase
During the assessment phase the Department or adoption agency will:

1) help applicants make an accurate and informed assessment of the strengths they bring to adoption, including the kinds of children they could most

successfully parent and their ability to parent a sibling group;

2) help applicants make an accurate assessment of their needs, including the kinds of support they would need from the Department or the adoption agency;

3) make an accurate assessment of the strengths and needs of the prospective adoptive family;

4) match the prospective family's assessment with the Department's or agency's assessment;

5) develop a written strength and needs assessment or family profile to be used to guide placement of specific children; and

6) explore with applicants their willingness to help the child maintain contact with his/her siblings and other significant relationships in the child's past.

c) The Certification Process
The certification process includes completion of the required certification training and an assessment~~,~~ that~~which~~ includes a written home study that~~which~~ incorporates information from the assessment phase and includes a recommendation regarding the types of children the family is able to parent that~~which~~ have been approved by the Department or adoption agency supervisor.

d) Post-Certification Phase
During this phase the Department or adoption agency will:

1) provide continued support to the family, including information regarding children available for adoption;

2) make specialized training available; and

3) introduce adoptive families to adoptive parent support groups, and/or master adoptive parents in those areas where they exist.

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.130 Placement Considerations

a) Consideration of the Child's Needs
The child's needs and best interests shall be the primary consideration when selecting an adoptive family for a child. The factors to be considered shall include, but are not limited to:

1) the wishes of the child under 14 years of age, who demonstrates the maturity and cognitive ability to participate in the decision;

2) the physical, mental, and emotional needs of the child;

3) the child's need for stability and continuity of relationship with parent figures;

4) the interaction between the child and the prospective adoptive parent;

5) the prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child;

6) the prospective adoptive parents' ability and willingness to support, maintain and continue to be sensitive to the child's significant relationships with the child's extended family, siblings, and any other significant persons who played an important part in the child's life or to whom the child has established significant emotional ties;

7) the results of an assessment of the child's capacity for attachment conducted in accordance with subsection (b)(7)~~ below~~;~~ and~~

8) the consent of a child 14 years of age or older; and~~.~~

9) the prospective adoptive family's willingness to help and support the child in developing a relationship with his/her siblings, including siblings with whom the child does not yet have a relationship, and recognition of the value of preserving family ties between the child and his/her siblings, including the child's need for stability and continuity of relationships with siblings, and the importance of sibling contact in the development of the child's identity.

b) Other Placement Considerations

The following factors must also be considered when selecting an adoptive placement for a child:

1) Siblings: Sibling groups shall~~are to~~ be placed together whenever possible. A decision to place siblings apart shall be based on a carefully documented and reviewed determination that such a separation will be in the best interests of all the siblings involved. While it is preferable for children to be placed together in one home, the Department shall consider a plan for adoptive placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. When it is not possible to place all of the children together, the Department shall encourage the prospective adoptive families to encourage and facilitate contact among the siblings.

2) Foster Parent Preference: In accordance with the Adoption Act, licensed foster parents who have cared for a child for a continuous period of one year or more shall be given preference and first consideration over all other applicants for the adoption of that child in their home when adoption is the permanency goal, the child is legally free for adoption and adoption is in the child's best interests.

3) Consideration of Relatives: The Department may consider relatives as a potential adoptive resource for children who do not have an identified adoptive resource and are not going to be adopted by their current caregiver.

4) Parenting Capacity of Adoptive Parents: Adoptive parents shall be selected who are likely to retain their parenting capacities or are effectively able to adapt to the needs of the child as they grow, change and develop. Assessments shall include such information as the family's future plans for financial security, child care and supports for child rearing in the event of a significant illness or death of the adoptive parents.

5) Religion: The best interests of the child shall be the prime consideration in the placement of a child for adoption. A child shall be placed, whenever possible, with adoptive parents holding the same religious belief as that of the child. (See 750 ILCS 50/15.)

6) Communication Needs: In the case of a child who is hearing impaired, the

child shall be placed in a home where one of the members is able to communicate in the child's preferred mode of communication; e.g., sign language. In the case of a limited/non-English speaking child, the child shall be placed in a home where at least one person speaks the child's primary language. In an otherwise suitable adoptive home, placement shall not be denied if the prospective adoptive parents have enrolled in a language course to learn the method of communication used by the child prior to finalization of the adoption.

7) Level of Attachment: When there is some question about a child's level of or capacity for attachment, the Department shall assess the child's level of or capacity for attachment in making an adoptive placement decision. Such assessments require prior supervisory approval after consultation with Department adoption staff.

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.135 Post-Permanency Sibling Contact Agreement

When a child in the Department's care has a permanency goal of adoption or private guardianship, and the Department is preparing to finalize the adoption or guardianship, the child's caseworker *shall convene a meeting with the* prospective adoptive parents or guardians *and the foster parents and* caseworkers *for the child's siblings* in substitute care*, and others as applicable. The children should participate* when *developmentally appropriate. Others, such as therapists and mentors, may participate as appropriate. At the meeting, the Department shall encourage the parties to discuss* post-permanency sibling contact. *The* caseworker *may assist the parties in drafting a Post-Permanency Sibling Contact Agreement.*

a) *Parties to the Post-Permanency Sibling Contact Agreement shall include:*

1) *the adoptive parent or parents or guardian;*

2) *the child's siblings* in substitute care, and the sibling's current foster parents *or guardians*, and siblings who are emancipated/ living independently; and

3) *the child.*

b) *The written consent of a child age 14 and over to the terms and conditions of the Post-Permanency Sibling Contact Agreement and subsequent modifications is required.*

c) *In developing this Agreement, the Department shall encourage the parties to consider the following factors:*

1) *the physical and emotional safety and welfare of the child;*

2) *the child's wishes;*

3) *the interaction and interrelationship of the child with the child's siblings who would be visiting or communicating with the child, including:*

A) *the quality of the relationship between the child and his/her siblings; and*

B) *the benefits and potential harms to the child in allowing the relationships to continue or in ending them;*

4) *the child's sense of attachments to* his/her *siblings and adoptive family, including:*

A) *the child's sense of* well-being and *being valued;*

B) the child's sense of familiarity and connectedness; and

C) *continuity of affection for the child; and*

5) *other factors relevant to the best interest of the child.*

d) *In considering the factors in subsection* (c), *the Department shall encourage the parties to recognize the importance to a child of developing a relationship with siblings, including siblings with whom the child does not yet have a relationship, and the value of preserving family ties between the child and* his/her *siblings, including:*

1) *the child's need for stability and continuity of relationships with siblings; and*

2) *the importance of sibling contact in the development of the child's identity.*

e) *The parties to the agreement may modify or terminate the Post-Permanency Sibling Contact Agreement. If the parties cannot agree to modification or termination, they may request the assistance of the Department or another agency identified and agreed upon by the parties. Any and all terms may be modified by agreement of the parties. Agreements may also be modified to include contact with siblings whose whereabouts were unknown or who had not yet been born when the Order for Adoption or Order for Private Guardianship was entered.*

f) When an *Agreement is completed and signed by the parties, the Department shall include the Agreement in the child's Post-Adoption or Private Guardianship case record and in the case file of siblings who are parties to the Agreement who are in the Department's custody or guardianship.* [20 ILCS 505/7.4(i)]

(Source: Added at 40 Ill. Reg. 720, effective December 31, 2015)

Section 309.140 Placement of Children with Adoptive Families

When a specific family is identified as appropriate for the placement of a specific child waiting to be adopted, the Department or adoption agency will:

a) present information on the child to the family to allow the family to make the decision to proceed to the next step in placement;

b) bring the child and family together in a situation designed to offer the family an opportunity to observe the child's appearance and behavior without risk of rejection;

c) arrange a face-to-face meeting between the child and family;

d) plan a series of visits and contacts, usually of progressive duration, to move the child and family toward placement; ~~and~~

e) bring about the actual placement of the child with the adoptive family after which appropriate post-placement services will be provided in accordance with Section 309.160; and ~~of this Part.~~

f) inform the adoptive parents that they may be contacted in the future regarding placement of or contact with siblings subsequently requiring placement or requesting contact with their adopted siblings.

(Source: Amended at 40 Ill. Reg. 720, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Permanency Planning

2) Code Citation: 89 Ill. Adm. Code 315

3)

Section Numbers:	Adopted Actions:
315.20	Amendment
315.30	Amendment
315.45	Amendment
315.70	Amendment
315.120	Amendment
315.125	New Section
315.130	Amendment

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Act [750 ILCS 50], and Public Act 96-1513 and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]

5) Effective Date of Rules: December 31, 2015

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 rules, including all 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*: 39 Ill. Reg. 98; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definitions of "Siblings" and "Visitation". In Section 315.45(c) and (d), language was amended that removes the priority given to placements that can accept an entire sibling group, and notes that, while placement together is preferable, the placing worker shall consider a plan for placement with two or more relatives when the relatives indicate that they are willing and able to develop, nurture and support sibling relationships. Section 315.120 was amended to clarify that contact and visitation plans shall be reviewed, and may be modified, at family meetings. Section 315.125(d) was amended to require the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Department to encourage caregivers to actively support and nurture children in developing and preserving sibling relationships.

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
315.20	Amendment	39 Ill. Reg. 7070; May 22, 2015

15) Summary and Purpose of Rulemaking: These amendments implement PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
e-mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 315
PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section
315.10 Purpose
315.20 Definitions
315.30 Best Interests Health and Safety of the Child
315.40 Accountability
315.45 The Need for a Permanent Home
315.50 Reasonable Efforts/Reasonable Progress
315.60 The Child's Sense of Time
315.70 The Critical Decisions
315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section
315.100 Assessment
315.110 Worker Interventions and Contacts
315.120 Family Meetings
315.125 Preservation of Sibling Relationships
315.130 Developing the Service Plan
315.140 Distributing the Service Plan
315.150 Revising the Service Plan
315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section
315.200 Selection of the Permanency Goal
315.205 Return Home Within Five Months
315.210 Return Home Within One Year
315.215 Return Home Pending Status Hearing
315.220 Substitute Care Pending Court Determination on Termination of Parental Rights
315.225 Adoption

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NOTICE OF ADOPTED AMENDMENTS

315.230 Guardianship
315.235 Independence
315.240 Cannot Be Provided for in a Home Environment
315.241 Continuing Foster Care
315.245 Concurrent Planning
315.250 Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section
315.300 Evaluating Whether Children in Placement Should Be Returned Home
315.305 When Reunification Is Inappropriate
315.310 Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980 (amending section 475 of the Social Security Act (42 USC 670 et seq.)), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008; amended at 35 Ill. Reg. 14934, effective September 1, 2011; amended at 36 Ill. Reg. 4073, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19431, effective March 5, 2012; amended at 40 Ill. Reg. 743, effective December 31, 2015.

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section 315.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who~~panel of appropriate persons at least one of whom~~ is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review. ~~pursuant to section 475 of the Social Security Act~~ (See 42 USC 675(6).) The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in 89 Ill. Adm. Code 316~~316.60~~ (Administrative Case Reviews and Court Hearings).

"Best interest of the child" as defined in the Juvenile Court Act of 1987, means consideration of~~has been defined by law to include~~ the following factors:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

the development of the child's identity;

the child's background and ties, including familial and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Client service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan of intervention toward the permanency goals for the children.

"Concurrent planning" means a process whereby the Department or its service provider works toward family reunification with a family whose children has been removed from the home while, at the same time, developing an alternative plan, if reunification with the family cannot be attained.

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Father" means a man~~man~~ *presumed to be the natural father of a child if:*

> *he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;*
>
> *after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate* pursuant to Section 12 of the Vital Records Act [410 ILCS 535/12]~~*pursuant to Section 12 of the Vital Records Act*~~*;*
>
> *he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of*

Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7] (see 89 Ill. Adm. Code 160 (Child Support Enforcement));

he and the child's mother have signed *an acknowledgement of parentage or, if the natural father is someone other than the one presumed to be the father under this Section, an acknowledgement of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act.* [750 ILCS 45/5]~~a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Illinois Parentage Act of 1984.~~

A man can rebut a presumption of paternity only as provided in Section 5(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(b)].~~*A man can rebut a presumption of paternity before a court of jurisdiction*. [750 ILCS 45/5]~~ Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Guardian" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5~~/Art. XI~~].

"Individual Treatment Plan" or "ITP" or "Treatment Plan" as defined in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's

guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program" or "IEP" means the document prepared by the local school district, as a result of a Multi-disciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226 (Special Education).

"Individualized Family Service Plan" or "IFSP" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare is able and willing to ensure that a child is healthy and safe, which includes ensuring that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service that~~, which~~ is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

~~"Rehabilitative services plan" means a written plan developed in accordance with 59 Ill. Adm. Code 132.155 (Medicaid Community Mental Health Services), which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served~~

~~by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.~~

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood, adoption, marriage, or civil union*: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin,* first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt*;~~,~~ *or*

is the spouse, or party to a civil union, *of such a relative*;~~,~~ *or*

is the child's step-father, step-mother, or adult step-brother or step-sister through a current marriage;~~,~~ or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Service termination planning" means service planning that starts with the first contact with the family and that focuses on providing a smooth transition from Department guardianship or custody. It includes the receipt of child welfare services to discharge from guardianship or custody and the termination of Department funded services.

"Siblings" means children who have at least one parent in common. Children

continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Substitute care" means the care of children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301 (Placement and Visitation Services), Section 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Termination of parental rights" means a court order that relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

Section 315.30 Best Interests, Health and Safety of the Child

a) Best Interests, Health and Safety of the Child

Permanency planning is an on-going process that first and foremost must consider the best interests, health and safety of the child in all planning decisions. Health and safety are the paramount factors that must be considered when determining the best interests of the child. This means that a child is or will be in a living arrangement that meets the placement selection criteria contained in 89 Ill. Adm. Code 301 (Placement and Visitation Services), or for an Indian child, that meets the placement selection criteria contained in 89 Ill. Admin. Code 307 (Indian Child Welfare Services), and that protects the child's physical health and safety and promotes the child's emotional, medical, and developmental well-being. ~~When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:~~

1) When evaluating the best interests of the child, the Department or its purchase of service provider shall consider the following factors as provided in the Juvenile Court Act:

A~~1~~) *the physical safety and welfare of the child, including food, shelter, health, and clothing;*

B~~2~~) *the development of the child's identity;*

C~~3~~) *the child's background and ties, including familial and religious,* including the primary method and/or language of communication between the child and the biological parents or any other special communication needs;

D~~4~~) *the child's sense of attachments, including:*

i~~A~~) *where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);*

ii~~B~~) *the child's sense of security;*

iii~~C~~) *the child's sense of familiarity;*

iv~~D~~) *continuity of affection for the child;*

vE) *the least disruptive placement alternative for the child;*

E5) *the child's wishes and long-term goals;*

F6) *the child's community ties, including church, school, and friends;*

G7) *the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;*

H8) *the uniqueness of every family and child;*

I9) *the risks attendant to entering and being in substitute care; and*

J10) *the preferences of the persons available to care for the child.* [705 ILCS 405/1-3].

2) The Department and purchase of service providers shall consider the importance of maintaining, preserving and supporting sibling relationships and, when selecting and assessing placements, shall comply with placement selection, visitation and contact requirements set out in 89 Ill. Adm. Code 301 (Placement and Visitation).

b) The child's best interests and health and safety must be considered and documented throughout service intervention and during, but not limited to, the following activities:

1) investigation of allegations of abuse or neglect;,

2) completion of safety and risk assessments;,

3) completion of the comprehensive assessment;,

4) worker/client contacts;,

5) service planning;,

6) permanency goal selection;,

7) family meetings;~~,~~

8) administrative case reviews;~~,~~

9) legal screenings;~~,~~ and

10) permanency hearings and other court proceedings; and

11) post-permanency sibling contact.

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

Section 315.45 The Need for a Permanent Home

a) The Department recognizes that the best interest of children require that they have safe, permanent, secure, and nurturing homes for healthy psychological and physical development in order to mature to stable adulthood. Whenever it is determined to be in the best interest of the child, the Department will make reasonable efforts to preserve family life and to stabilize children's homes and to assist in the solution of problems that are likely to result in the abuse, neglect~~,~~ or exploitation of children.

b) When children must be removed from a parent to reduce or prevent harm to the children and the other parent is not a placement option, the Department will make reasonable efforts to reunite families as quickly as is consistent with the children's best interests, safety and well-being. When children and parents cannot be reunited because the parents are unable or unwilling to care for the children and therefore cannot achieve the minimum parenting standards, the Department will make reasonable efforts to find other permanent homes for children in a timely fashion consistent with the child's sense of time and need for physical safety and emotional security.

c) When placing a sibling group, priority shall be given to a placement, whether related or unrelated, that can accept all of the members of the sibling group.

d) When placing a child who has siblings who are in substitute care, or were adopted or placed in private guardianship from the Department's care, priority shall be

given first to placement with the child's siblings who are still in substitute care or who are in an adoptive placement or private guardianship.

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

Section 315.70 The Critical Decisions

Although all Department decisions affecting children and families are important, the Department identifies the following decisions that~~, which~~ require approval of the casework supervisor, as the most critical ones affecting children and families:

a) deciding whether services can prevent placement away from parents or primary parent figure or deciding whether to remove children from the home of parents or primary parent figure;

b) deciding whether to recommend the return of children to the home of parents or primary parent figure from a placement away from parents or primary parent figure;

c) deciding whether to decrease the frequency or the duration of parent and/or sibling visits with the child and whether the visits should be supervised;

d) deciding whether to release the name, address, and telephone number of the foster parent/relative caregiver to the parent and/or siblings placed apart;

e) deciding whether to change children's placements;

f) deciding whether to seek termination of parental rights and seek an alternate permanent home;

g) deciding if children are prepared for partial or total independence; or

h) deciding whether children shall be placed apart from siblings who are also placed in substitute care or who have been adopted or are in subsidized guardianship.

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section 315.120 Family Meetings

Family meetings are a tool intended to engage the family in the planning process. Therefore, caseworkers shall make intensive efforts to persuade and encourage parents, including non-custodial parents, to attend the family meetings, especially during the first 90 days, by explaining to them the importance of the family meeting and of attending and cooperating with the process. Casework staff should make every effort when planning family meetings to be flexible and attempt as much as possible to schedule meetings at a time and place where parents can attend, preferably in the parent's home. Staff shall take into consideration parents' work schedules, transportation issues, availability of interpreters (if the parents' primary language of communication is other than English), and any other barriers that might prevent parents from participating. Parents shall be reminded of the court admonishment to cooperate with the Department and that refusal or chronic failure to attend family meetings may be considered by the Department and the court as a lack of reasonable progress. After reaching agreement with the parents on the date, time, location, and participants of the family meeting, the caseworker shall send a confirmation letter to the parents. Caseworkers shall document in the case file all attempts to include parents in the family meetings. Failure to attend family meetings shall also be documented in the case file.

a) Initial Family Meeting

1) The initial family meeting must occur in time to ensure submittal of the service plan to the juvenile court no later than 45 days after the child's placement and includes at a minimum:

A) the caseworker;

B) the child's custodial parents;

C) the non-custodial parent with the following conditions:

i) there is no danger of violence between the parents; and

ii) no confidential information concerning the custodial parent, such as mental health information, may be shared with the non-custodial parent, unless the custodial parent consents in writing to the sharing of such information as provided in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department

of Children and Family Services). If the custodial parent does not consent to the release of confidential information, the meeting shall be conducted in segments, with the non-custodial parent excluded from any discussion that includes the information about the custodial parent that is confidential;

D) the casework supervisor.

2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:

A) appropriate extended family members including non-custodial parents who are not interested in seeking custody;

B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i));

C) service providers; and

D) the child, if emotionally and developmentally appropriate.

b) Purpose of Initial Family Meeting
The purposes of the initial family meeting, to be conducted by the casework supervisor, are to:

1) share information among all participants;

2) review the initial and comprehensive assessments;

3) develop Visitation and Contact Plans;

4~~3~~) discuss and prepare the initial service plan; and

5~~4~~) determine the permanency goal.

c) Ongoing Family Meetings

1) Following the initial family meeting, family meetings will be conducted

on a flexible schedule, but no less than on a quarterly basis (at least four times a year approximately three months apart). The ongoing family meeting shall include at a minimum:

A) the caseworker;

B) the child's custodial parents;

C) the non-custodial parent with the same conditions as specified in subsection (a)(1)(C);

D) the casework supervisor at the supervisor's discretion. However, the supervisor must attend if the non-custodial parent will be attending the meeting when the non-custodial parent presents a safety concern.

2) In addition, at the supervisor's discretion and with the signed consent of the parent, the following may be invited:

A) appropriate extended family members, including non-custodial parents who are not interested in seeking custody;

B) foster parents and relative caregivers (see subsections (f), (g), (h) and (i));

C) service providers; and

D) the child, if emotionally and developmentally appropriate.

d) Purposes of Ongoing Family Meetings
The purposes of the ongoing family meetings are to:

1) assure disclosure of the expectations of all parties;

2) assess reasonable efforts on behalf of the Department or the purchase of service agency;

3) assess reasonable progress on behalf of the family;

4) assess whether the plan is serving the health, safety, and best interests of the child;

5) provide support for decision making that recognizes the child's sense of time, including whether the permanency goal and time frames for achieving the goal should be continued, and whether services and service providers are effective;

6) share information among the participants;

7) evaluate whether the identified behaviors and conditions are being addressed and whether the parents are engaged in the change process;

8) review, modify or develop Visitation and Contact Plans;

9~~8~~) engage in planning that involves addressing the needs of the child with appropriate services and establishing realistic time frames for achievement of tasks and goals; and

10~~9~~) review clinical material by various service providers. Clinical reports should be obtained and collateral contacts completed prior to the staffing. Professionals should have discussed findings and recommendations with the client/family prior to the meeting to promote open and honest discussion.

e) Prior to inviting foster parents/relative caregivers to the initial family meeting, the caseworker must consider the statutory requirement that protects foster parents'/relative caregivers' names, addresses and telephone numbers from disclosure. Such information regarding the foster parents/relative caregivers shall not be disclosed to the child's parents at the initial family meeting that occurs in time to ensure submittal of the service plan to the juvenile court no later than 45 days after placement.

f) In deciding whether to invite the foster parents/relative caregivers to the meeting, the caseworker shall take into consideration the level of violence or tendency toward violence displayed by the child's parents. This shall be assessed as the caseworker is conducting the comprehensive assessment in accordance with Section 315.100. The caseworker shall use information from:

1) Department safety and risk assessments;

2) the social history, including information such as the parents arrest history, history of domestic violence, and court records; and

3) the caseworker's own observations.

g) Information concerning the level or tendency toward violence of the parents may be shared with the foster parents/relative caregivers to help them decide whether to attend the initial family meeting. In no event shall the address and telephone number of the foster parents/relative caregivers be disclosed at the initial family meeting.

h) For all subsequent family meetings the same violence factor shall be considered when determining whether the foster parent/relative caregiver should attend and whether there is any danger to the foster parent/relative caregiver by attending the family meeting.

i) The participants in the family meeting will attempt to reach decisions and agree on recommendations by consensus. If a consensus cannot be reached, the final decision rests with the supervisor on all meetings.

j) Documentation of the meeting and report of the recommendations/decisions is to be made and included in the case record.

k) Parents have the right to appeal decisions with which they disagree in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

Section 315.125 Preservation of Sibling Relationships

Whenever a child enters care or requires a new placement, the Department shall consider the development and preservation of sibling relationships [20 ILCS 505/7.4(e)]. The Department shall:

a) place children who come into its care with other siblings in substitute care in accordance with 89 Ill. Adm. Code 301.70 (Sibling Placement);

b) encourage the child to develop and maintain a relationship with his/her siblings placed apart in substitute care, still residing with a birth parent or who have attained adulthood, and include those siblings, when possible, in the Sibling Visitation and Contact Plan;

c) encourage the child to develop and maintain a relationship with any of his/her siblings who have been adopted or placed in legal guardianship as described in 89 Ill. Adm. Code 301.250 (Sibling Visitation and Contact with Adopted Siblings and Siblings in Private Guardianship) and, when possible, develop a Post-Permanency Sibling Contact Agreement; and

d) encourage caregivers to actively support and nurture children in developing and preserving sibling relationships.

(Source: Added at 40 Ill. Reg. 743, effective December 31, 2015)

Section 315.130 Developing the Service Plan

Based on the information gathered during the assessment process described in Section 315.100 and through negotiation during the caseworker's contacts, visits, and at the initial family meeting, the caseworker and family shall develop a plan of intervention that is based on the family's strengths and needs and that addresses how the children's needs for health and safety will be met.

a) Purpose of the Service Plan
The service plan is a written plan that is established between the Department and the children and family served, and any involved service providers. The purpose of the service plan is to:

1) formulate goals for the child based on the child's needs for health, safety, and well-being that were identified during the assessment process;

2) identify what actions the family, the caseworker, caregiver, and others will take to meet the needs of the child and achieve permanency;

3) identify what additional interventions and services will be provided to the family, the caregiver, and the child in order to meet the child's needs and achieve permanency; and.

4) ensure that the parents and children have frequent visitation and contact

with one another, and that sibling groups develop and/or preserve their relationships.

b) State and Federal Requirement
Service plans are required by State [20 ILCS 505/6a] and Federal law (42 USCA 675) regardless of whether the child and family are served directly by the Department or through purchase of service providers. The service plan must ensure that the health and safety of the child are the paramount concerns that guide all service, placement, and planning provisions.

c) Time Frames

1) Visitation and Contact Plan. The initial Visitation and Contact Plan shall be completed and forwarded to the juvenile court no later than 10 days after the award of temporary custody when the child has siblings who are also in substitute care. The Visitation and Contact Plan shall be reviewed regularly and changed and updated as specified in 89 Ill. Adm. Code 301.220 (Sibling Visitation).

2) Service Plan. The initial service plan shall be completed and forwarded to the juvenile court no later than 45 days after placement and must be reviewed at least once every six months thereafter. The service plan shall be changed and updated as the child and family's situation changes and shall be reviewed regularly as specified in Section 315.150 (Revising the Service Plan).

d) Contents of the Service Plan
Service plans shall contain the following information:

1) the names of the children for whom the Department is legally responsible or to whom the Department is providing services;

2) the health and safety factors that have resulted in placement of the children away from the family home and an identification of any problems that are causing continued placement of the children away from the home;

3) what outcomes would be considered a resolution to these problems and the strengths the family possesses to achieve these outcomes;

4) the reasons for the out of home placement and the reason why the child has been put in his or her current placement, the resources or other support that will be necessary to maintain the placement, and, where a residential placement has been deemed necessary, a description of how and when a plan for moving the child to the least restrictive, most homelike placement consistent with the child's best interest can be developed;

5) the services to be provided to the parents, for each child while in care, and the foster parents (if necessary, when the child is placed in foster care) that may best resolve these problems;

6) the health care to be provided to the child and the mental health care to be provided to address the child's serious mental health needs as well as a description of the child's physical, developmental, educational or mental disability and any non-educational specialized services the child is receiving or should receive for each disability. If an Individual Treatment Plan (ITP) or Rehabilitative Services Plan exists for the child, it shall be attached to the service plan. To the extent available and accessible, the service plan shall incorporate the health records of the child, including:

A) the names and addresses of the child's health provider;

B) a record of the child's immunizations;

C) the child's known medical problems; and

D) the child's medications;

7) a description of the educational program/services the child is receiving or needs to receive (including information regarding Early Intervention, Head Start, or Pre-Kindergarten services for preschool children). If an Individualized Education Plan (IEP) or an Individualized Family Service Plan (IFSP) exists for a child, the IEP or IFSP shall be included in the record. To the extent available and accessible, the service plan shall incorporate the education records of the child, including:

A) the names and addresses of the child's educational providers;

B) the child's grade level performance; and

C) the child's school record;

8) who will provide the services, how often they will be provided, and an explanation of why these services will meet the needs of the child;

9) if children placed out of the parents' home are placed a substantial distance (more than 150 miles) from the home of the parents or in a different state, the reasons why the placement is in the best interests of the children;

10) if children placed out of the parents' home are placed in a different state, a requirement that the child be visited periodically, but not less frequently than every six months by a caseworker of the Department or of the state in which the child has been placed, as required in Section 315.110 (Worker Interventions and Contacts)~~every 12 months, by a caseworker of the Department or of the state in which the child has been placed, and that the caseworker submit a report on the visit to the Department~~;

11) if siblings are placed apart from one another, the reasons why they are placed apart and what efforts have been and are being made to find a joint placement for the sibling group;

12) the permanency goal for each child and the reason for selecting the goal;

13) in the case of a child for whom the permanency plan is adoption or other permanent living arrangement, documentation of the steps the Department is taking to find an~~and~~ adoptive family or other permanent living arrangement;

14) in the case of a child for whom the permanency plan is independence or for a child 16 years of age or older, as appropriate, a written description of the programs and services that~~which~~ will help such a child prepare for the transition from foster care to independent living;

15) the responsibilities of the family and the child (when appropriate) in fulfilling the service plan;

16) the responsibilities of the Department and purchase of service providers, if any, to assist the family in fulfilling the service plan;

17) when children and families are separated, the parent-child and/or sibling Vistitation and Contact Plan~~visitation plan~~ developed with the family in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services), if visitation and contact is not prohibited by court order. This plan shall include the time and place of visits, the frequency of visits, the length of visits, and who shall be present at the visits. The plan shall also note the permissible modes of communication siblings may use between visits to stay in contact with one another;

18) whether the name, address, and telephone number of the foster parent/relative caregiver may be released to the parent as determined by the assessment conducted in accordance with Section 315.100(b)(3);

19) the time frames for achieving the permanency goal and the objectives to resolve identified problems and the specification of any consequences to the child and family if the time frames are not met;

20) a statement that the parents or children may disagree with the service plan and that they may have their disagreement recorded; and

21) an explanation of how parents or children may request an appeal and fair hearing.

(Source: Amended at 40 Ill. Reg. 743, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Administrative Case Reviews and Court Hearings

2) Code Citation: 89 Ill. Adm. Code 316

3)

Section Numbers:	Adopted Actions:
316.20	Amendment
316.30	Amendment
316.40	Amendment
316.80	Amendment
316.110	Amendment
316.120	Amendment
316.130	Amendment

4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5] and Section 1 of the Adoption Act [750 ILCS 50/1]

5) Effective Date of Rules: December 31, 2015

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 rules, 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*: 39 Ill. Reg. 123; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definitions of "Siblings" and "Visitation". In agreement with the Joint Committee the definition of "Contact between siblings" was changed to "Contact among siblings". In Section 316.40 (c)(1)(C)(iii), language was amended that clarifies that ACR may schedule more frequent case reviews if the caseworker fails to establish or fully implement a Visitation and Contact Plan "that is in the best interests of the siblings".

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
316.20	Amendment	39 Ill. Reg. 7080; May 22, 2015

15) Summary and Purpose of Rulemaking: These amendments implement PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 316
ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

Section
316.10 Purpose
316.20 Definitions
316.30 Administrative Case Review System
316.40 Frequency of Administrative Case Reviews
316.50 Conduct and Participation at Administrative Case Reviews
316.60 Notice of Administrative Case Reviews
316.70 Roles and Responsibilities of the Administrative Case Reviewer
316.80 Caseworker Responsibilities at the Administrative Case Review
316.90 Decision Review
316.100 Appealability of Decisions
316.110 The Department's Role in the Juvenile Court
316.120 Permanency Hearings
316.130 Caseworker Responsibilities at the Permanency Hearing
316.140 Compliance with the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USC 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5] and Section 1 of the Adoption Act [750 ILCS 50/1].

SOURCE: Adopted at 23 Ill. Reg. 2528, effective February 1, 1999; amended at 26 Ill. Reg. 16909, effective November 8, 2002; amended at 35 Ill. Reg. 14942, effective September 1, 2011; amended at 36 Ill. Reg. 4082, effective March 5, 2012; amended at 40 Ill. Reg. 767, effective December 31, 2015.

Section 316.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the

child or the parents who are the subjects of the review. (See 42 USC 675(6)). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in this Part~~Section 316.50 (Conduct and Participation at Administrative Case Reviews)~~.

"Administrative case reviewer" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact between or among siblings who are residing apart from one another and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Parents" means the child's legal parents, including adoptive parents, whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in ~~Permanency Planning (~~89 Ill. Adm. Code 315~~.20).~~ (Permanency Planning).

"Permanency goal" means the desired outcome of intervention and service that~~, which~~ is determined to be consistent with the health, safety, well-being~~,~~ and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent, great-uncle or great-aunt;

is the spouse, or party to a civil union, of such a relative;

is the child's step-father, step-mother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative.

"Service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan toward the permanency goals for the children.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in a

relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, ~~and~~ care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to indpendence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.30 Administrative Case Review System

a) The Department has an administrative case review system for all the children in placement and their families. Administrative case reviews are conducted for children living in foster family homes, relative homes, group homes, child care institutions, youth emergency shelters, or detention, correctional, mental or physical health related facilities. In addition, the Department may elect to conduct administrative case reviews on other groups of children as fiscal and staffing resources permit.

b) Case reviews are conducted in order to:

1) assure that parents and the children (if participating in the planning) are involved in and collaborating in development of the plan and understand and discuss the plan and know what is expected of them;

2) ensure siblings are being placed together whenever possible; when sibling are placed apart, efforts continue to locate a placement that will accept all of the children; contact and visitation between siblings is encouraged and occurring in accordance with the Visitation and Contact Plan; efforts are made to support contact between siblings in substitute care with siblings

who are not in substitute care (e.g., because of adoption, legal guardianship, emancipation or adulthood);

3~~2~~) review whether the Department's continuing intervention is necessary;

4~~3~~) review whether services, including placement services, are necessary, relevant, coordinated, and appropriate and address the health and safety needs of the child;

5~~4~~) identify services needed but that are not being provided to the child, family or foster parents and the reasons why they are not being provided;

6~~5~~) review the disability status of a child to determine the need for and/or appropriateness of specialized services;

7~~6~~) review the appropriateness of the child's educational placement and the child's educational progress and recommend changes to the caseworker;

8~~7~~) review health information on the child and family;

9~~8~~) review any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination;

10~~9~~) review, for any minor age 16 or over, programs or services that will enable the minor to prepare for independent living;

11~~10~~) review whether the Department, the service providers, the family, the substitute care provider, if any, and the child are complying with the service plan and, if they are not complying, whether changes in the service plan or goals are needed;

12~~11~~) review whether there is progress to resolve the child's and family's problems and whether the progress is satisfactory and whether the child can safely return home;

13~~12~~) review whether the projected month for achieving the permanency goal should be changed;

14~~13~~) review the appropriateness of the permanency goal and recommend changes in the goal (if appropriate);

15~~14~~) review and finalize the service plan for the next period, including an analysis of:

A) the appropriateness of the services contained in the plan and whether those services have been provided and, if not, why not;

B) whether reasonable efforts by the Department, and reasonable progress by the family, have been made to achieve the goal;

C) whether the plan and goal have been achieved;

16~~15~~) refer the case for a family meeting as described in 89 Ill. Adm. Code 315.120 (Family Meetings) when one has not been conducted; and

17~~16~~) report findings and make recommendations.

c) The Department shall provide training for all Administrative Case Reviewers, their supervisors and their managers regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.40 Frequency of Administrative Case Reviews

a) The first administrative case review shall be conducted within six months after the temporary custody hearing.

b) Following the six month administrative case review, administrative case reviews shall be conducted every six months.

c) Additional Administrative Case Reviews

1) The Office~~Division~~ of Administrative Case Review may schedule more frequent case reviews for the following reasons:

A) the case requires more than the scheduled six-month review. Such cases may be ones in which it is important that follow-up to the recommendations made at the last administrative case review is monitored. For example, cases for which concurrent planning, as described in 89 Ill. Adm. Code 315 (Permanency Planning), is being utilized;

B) the biological family requests an administrative case review prior to the first six-month review; or

C) cases of workers, teams, offices, and purchase of service agencies are selected for special reviews because those workers, teams, offices, and agencies are shown to be in non-compliance with mandated requirements. Non-compliance of mandated requirements may include, but is not limited to:

i) failure to establish and implement procedures for assessment and service planning;

ii) failure to set and conduct family meetings;~~ and~~

iii) failure to establish or fully implement a Visitation and Contact Plan that is in the best interests of the siblings; and

iv~~iii~~) failure to comply with current and ongoing consent decrees.

2) The caseworker and supervisor must attend all administrative case reviews scheduled by the Office~~Division~~ of Administrative Case Review in accordance with this subsection (c).

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.80 Caseworker Responsibilities at the Administrative Case Review

The caseworker's responsibilities at the administrative case review will be to:

a) present a completed service plan, based on the assessment and developed in

collaboration with the family;

b) present a recommendation regarding the permanency goal;

c) report on the placement, best interests, health, safety~~,~~ and well-being of the child;

d) present a copy of the Visitation and Contact Plan and report on the efforts made to encourage and maintain sibling relationships;

e) present a copy of a Post-Permanency Sibling Contact Plan when one has been developed;

f) report on the progress of the parent to date toward changing the behaviors and conditions that require the child to be in out-of-home care;

g~~e~~) provide a statement as to whether the child can return home, and, if so, when and with what supports;

h~~f~~) provide the casework rationale and supporting documentation for all decisions and recommendations.

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.110 The Department's Role in the Juvenile Court

a) The Department shall inform the Juvenile Court of the Department's planning for the children and families it serves and of their progress toward those goals.

b) When in the Juvenile Court, the Department shall provide information and recommendations to the court and the parties and shall recommend that the court keep families together in all instances when it is consistent with the children's best interests, health, safety, and well-being. In those instances when children must be removed from their parent's care, the Department shall recommend that the court reunite children for whom the Department is legally responsible with their families as soon as returning home is consistent with their best interests, health, safety and well-being. Finally, when it is clear to the Department that the child's health and safety needs cannot be met by the parents and it is in the child's best interests, the Department will provide that information to the court and recommend that the court establish other permanency goals.

c) When the DCFS Guardianship Administrator is appointed as the temporary custodian of a child whose siblings are in substitute care and the child and all of his/her siblings are not placed together, the Department shall file with the court and serve on the parties a Visitation and Contact Plan within 10 days, excluding weekends and holidays, after the appointment.

d~~c~~) When the Department has legal responsibility for a child, a representative of the Department or its provider agency shall attend all hearings required by the court. At each hearing the Department or its provider agency shall provide information relating to the child's placement, best interests, health, safety, and well-being, and make any appropriate recommendations. Such hearings include:

1) the temporary custody hearing;

2) the adjudicatory hearing;

3) the dispositional hearing;

4) permanency hearings (as described in Section 316.120~~ below~~); and

5) all other hearings the court may require.

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.120 Permanency Hearings

a) The Department or its provider agency will participate in permanency hearings conducted by the court at 12 months following the temporary custody hearing and every six months thereafter in order to:

1) select the permanency goal;

2) review the appropriateness of the services contained in the plan and whether those services, including sibling visitation and contact, have been provided as specified and, if not, why not;

3) determine whether reasonable efforts have been made by all parties to the service plan to achieve the goal; and

4) evaluate whether the plan and goal have been achieved.

b) The Department or its provider agency shall provide, no later than 14 days in advance of the hearing, a copy of the most recent service plan and Visitation and Contact Plan, prepared within the prior six months, to the court and all parties to the permanency hearings.

c) If not contained in the plan, the Department or its provider agency shall also include a report setting forth:

1) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination; and

2) for any minor age 16 or over, a written description of the programs or services that will enable the minor to prepare for independent living.

d) The Department's or its provider agency's written report must explain why, if the goal is other than return home, continued involvement is appropriate and why termination of parental rights or private guardianship is not being sought.

e) The Department's or its provider agency's written report must explain why, if the goal recommended is continuing foster care, all other goals have been ruled out based on the child's best interest and delineate the compelling reasons for selection of this goal.

f) The Department's or its provider agency's caseworker is required to appear and testify at the hearing and prepare a written report for the court.

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

Section 316.130 Caseworker Responsibilities at the Permanency Hearing

a) The caseworker's responsibilities at the permanency hearing will be to:

1) present a recommendation regarding the permanency goal, time frame for achievement, clinical intervention, social services, and Visitation and Contact Plans~~visitation plan~~;

2) report on the placement, best interests, health, safety~~,~~ and well-being of the child;

3) report on the progress of the parent to date toward compliance with the service plan and progress toward correcting the conditions that require the child to be in care; and

4) provide the basis for all decisions and recommendations.

b) Within 10~~ten~~ working days after the permanency hearing, the worker will:

1) amend the service plan to conform to the court order, if necessary;

2) attach a copy of the permanency order to the amended service plan (as well as ensuring that a copy of the order is in the case record);

3) engage the family to ensure that the family understands the recommendations and decisions made at the permanency hearing and obtain the family's signature on the service plan;

4) file six copies of the plan with the court; and

5) send a copy of the plan to the Administrative Case Review Office Administrator/Scheduler in the region where the next administrative case review will be held.

(Source: Amended at 40 Ill. Reg. 767, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Interstate Placement of Children

2) Code Citation: 89 Ill. Adm. Code 328

3) Section Number: 328.2 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by the Interstate Compact on the Placement of Children Act [45 ILCS 15], Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5], Section 16 of the Child Care Act of 1969 [225 ILCS 10/16] and the Interstate Compact on Adoption Act [45 ILCS 17/5-1]

5) Effective Date of Rule: December 31, 2015

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 rule, 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*: 39 Ill. Reg. 137; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Difference between Proposal and Final Version: Other than technical and grammatical changes suggested by the Joint Committee, no other changes have been made.

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
328.2	Amendment	39 Ill. Reg. 7086; May 22, 2015

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: The amendment implements PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 328
INTERSTATE PLACEMENT OF CHILDREN

SUBPART A: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

Section
328.1 Purpose
328.2 Definitions
328.3 Placement of Illinois Children
328.4 Placement of Children From Other States
328.5 Removal of Illinois Children

SUBPART B: INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

Section
328.100 Purpose
328.110 Interstate Compact
328.120 Definitions
328.130 Relocation of Adopted Children from Illinois to Other States
328.140 Relocation of Adopted Children from ICAMA Party State into Illinois

AUTHORITY: Implementing and authorized by the Interstate Compact on the Placement of Children Act [45 ILCS 15]; Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5]; Section 16 of the Child Care Act of 1969 [225 ILCS 10/16] and the Interstate Compact on Adoption Act [45 ILCS 17/5-1].

SOURCE: Adopted and codified at 7 Ill. Reg. 9207, effective August 5, 1983; amended at 23 Ill. Reg. 5245, effective May 1, 1999; amended at 26 Ill. Reg. 11773, effective August 1, 2002; amended at 40 Ill. Reg. 780, effective December 31, 2015.

SUBPART A: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

Section 328.2 Definitions

"Children for Whom the Department has Legal Responsibility" or "Department

Wards", as used in this Part,~~Subpart~~ means children for whom the Department of Children and Family Services has temporary protective custody, custody or guardianship via court order, or ~~as well as~~ children whose parents have signed an adoptive surrender with the Department.

"Facility" means a person, group of persons, or corporation caring for children licensed under applicable laws. Facility includes, but is not limited to, child care institution, related or non-related foster family home or group home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60~~302.60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Interstate Compact on the Placement of Children" is a law, enacted by all 50 states and the territories of Guam and the Virgin Islands, for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

"Placement", as used in this Part~~Subpart~~, means the arrangement for the continuing care of a child in a foster or adoptive family home, group home, child care institution, or other child care facility as defined by the Child Care Act of 1969 [225 ILCS 10]. Placements do not include care of a child in a medical facility, a mental health facility, a correctional facility or an educational facility.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

> *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin,* first cousin once removed (children of one's first cousin

to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt;*

is the spouse, or party to a civil union, *of such a relative;*

is the child's step-father, step-mother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

~~*"Relative"*, for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*~~

- ~~is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined above), great-uncle, or great-aunt, or~~

- ~~*is the spouse of such a relative, or*~~

- ~~*is the child's step-father, step-mother, or adult step-brother or step-sister.*~~

~~*Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person.* [20 ILCS 505/7(b)]~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 40 Ill. Reg. 780, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Service Appeal Process

2) Code Citation: 89 Ill. Adm. Code 337

3) Section Number: 337.20 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5]

5) Effective Date of Rule: December 31, 2015

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 rule, including all 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*: 39 Ill. Reg. 143; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: The proposed amendment to the definition of "family" has been removed and the existing language retained in order to ensure that the appeal rights are available for affected individuals.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
337.20	Amendment	39 Ill. Reg. 7092; May 22, 2015
337.20	Amendment	39 Ill. Reg. 12658; September 18, 2015
339.30	Amendment	39 Ill. Reg. 12658; September 18, 2015
339.80	Amendment	39 Ill. Reg. 12658; September 18, 2015

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

339.110	Amendment	39 Ill. Reg. 12658; September 18, 2015

15) Summary and Purpose of Amendment: This amendment implements PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 337
SERVICE APPEAL PROCESS

Section
337.10 Purpose
337.20 Definitions
337.30 The Service Appeal Process
337.40 Department and Provider Agency Responsibilities on Appealable Issues
337.50 The Right to a Service Appeal
337.60 Who May Appeal
337.70 What May Be Appealed
337.80 What May Not Be Appealed
337.90 Notices of Department or Provider Agency Decisions
337.100 How to Request a Service Appeal
337.110 Grounds for Dismissal of a Service Appeal Request
337.120 Time Frames for the Service Appeal Process
337.130 Continuing Services During the Service Appeal Process
337.140 Confidentiality During the Service Appeal Process
337.150 Notice Concerning a Service Appeal
337.160 Abandonment of a Service Appeal
337.170 Fair Hearing Appeal Rights
337.180 The Administrative Law Judge
337.190 Record of a Fair Hearing
337.200 Combined Hearings
337.210 Continuances Requested in a Combined Hearing
337.220 The Final Administrative Decision
337.230 Who Receives a Copy of the Final Administrative Decision
337.240 Notice of the Availability of Judicial Review
337.250 Severability of This Part

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective July 1, 1995; emergency

amendment at 25 Ill. Reg. 4283, effective March 19, 2001, for a maximum of 150 days; emergency amendment repealed in response to an Objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 6735, effective May 8, 2001; amended at 26 Ill. Reg. 6246, effective June 1, 2002; amended at 26 Ill. Reg. 11778, effective August 1, 2002; amended at 36 Ill. Reg. 4388, effective March 7, 2012; amended at 40 Ill. Reg. 786, effective December 31, 2015.

Section 337.20 Definitions

"Adequate notice" means a notice that contains all of the elements identified in Section 337.90(c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Clinical Intervention for Placement Preservation~~Child and Youth Investment Teams~~" or "CIPP~~CAYIT~~" means a regionally based, multidisciplinary team consisting of designated DCFS staff, the child (when age-appropriate), the child's family, extended family and others who have relevant and current information about the child, and professionals who are critical to achieve informed, sound decision-making.

"Clinical Intervention for Placement Preservation~~CAYIT~~ Action Plan" means a

written document summarizing a clinical assessment of a child's or youth's service needs, identifying the resources required to meet those needs, and establishing time frames for their achievement.

"Child welfare services" means public social services that *are directed toward the accomplishment of the following purposes:*

protecting and promoting the health, safety and welfare of all~~*all*~~ *children, including homeless, dependent, or neglected children;*

preventing, ~~*preventing or*~~ *remedying, or assisting in the solution of problems* that *may result in, the neglect, abuse, exploitation, or delinquency of children;*

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance that contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried;~~*providing supportive services and living maintenance* that~~

~~contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;~~

providing shelter and independent living services for homeless youth; and *~~providing shelter and independent living services for homeless youth; and~~*

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility or secure child care facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are persons with a developmental disability~~developmentally disabled~~, as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5]*; or*

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings;~~,~~

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5(a)(3)]~~.~~

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

"Clinical placement review" means a process in which designated clinical Department staff will review a disputed decision by the Department or purchase of service agency to remove a child from the home of a foster family or relative caregiver, when the child will be placed in the home of another foster family or relative caregiver.

"Date of action" means the effective date of the action or proposed action by the

Department or provider agency that resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 [225 ILCS 10] in facilities exempt from licensure, in the homes of relatives, or in their own home.

"Department representative" means an attorney or designated individual responsible for presenting the Department's position in mediation, staffings and negotiations and at an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency that may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether that action or decision is in compliance with applicable laws and rules and will be in the best interests of the child.

"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case that affects the legal rights, duties or privileges of appellants and that may be appealed in a circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decisions made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means *any person, 21 years of age or over, other than the*

parent, who:

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin,* first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt, or*

- *is the spouse*, or party to a civil union, *of such a relative*; *or*

- *is the child's step-father, step-mother, or adult step-brother or step-sister*; or.

  is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition *prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in Section 1-3(4.05) of the Juvenile Court Act of 1987* [705 ILCS 405/1-3(4.05)]. [20 ILCS 505/7(b)]

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to

parents, children, guardians ad litem, foster parents and relative caregivers to challenge service decisions of the Department.

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 USC 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice that complies with the requirements of Section 337.90(b).

(Source: Amended at 40 Ill. Reg. 786, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Appeal of Foster Family Home License Denials by Relative Caregivers

2) Code Citation: 89 Ill. Adm. Code 338

3)

Section Number:	Adopted Action:
338.20	Amendment

4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]

5) Effective Date of Rule: December 31, 2015

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 rule is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 153; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Difference between Proposal and Final Version: Other than technical and grammatical changes suggested by the Joint Committee, no other changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
338.20	Amendment	39 Ill. Reg. 7102; May 22, 2015

15) Summary and Purpose of Amendment: This amendment implements PA 97-1076 concerning sibling contact and visitation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 338
APPEAL OF FOSTER FAMILY HOME LICENSE DENIALS
BY RELATIVE CAREGIVERS

Section

338.10 Purpose
338.20 Definitions
338.30 Who May Appeal
338.40 What May Be Appealed
338.50 What May Not Be Appealed
338.60 Concurrent Jurisdiction
338.70 Notices of Department Decisions
338.80 The Appeal Process
338.90 Internal Review
338.100 The Administrative Hearing
338.110 Rights and Responsibilities in Administrative Hearings
338.120 Rules of Evidence
338.130 The Administrative Law Judge
338.140 Combined or Separate Hearings
338.150 Final Administrative Decision
338.160 Records of Administrative Hearings
338.170 Severability of This Part
338.180 Transition Provisions

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 12305, effective August 11, 1995, for a maximum of 150 days; adopted at 20 Ill. Reg. 1574, effective January 10, 1996; amended at 26 Ill. Reg. 11786, effective August 1, 2002; amended at 40 Ill. Reg. 796, effective December 31, 2015.

Section 338.20 Definitions

"Administrative hearing" in the context of this Part means a formal review of the

Department's decision to deny a foster family home license to the relative who is serving as caregiver of children for whom the Department is legally responsible.

"Administrative law judge" means the person who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Appeal file" means the correspondence, statements, reports, investigative files, documents and other written material submitted to the Administrative Hearings Unit and the appellant after the commencement of the appeal. It does not include any documents or other material that~~which~~ may be in the custody of any other unit of DCFS, unless the document or material has been submitted to both the appellant and the Administrative Hearings Unit.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have~~has~~ signed an adoptive surrender or voluntary placement agreement with the Department.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark date on the appellant's request to appeal the Department's decision to deny the application for a foster family home license.

"Date of notice" means the date of the written notice of the Department's decision.

"Department's representative" means an attorney or designated individual~~the person who is~~ responsible for presenting the Department's case.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case that affects the legal rights, duties or privileges of participants and that may be further appealed to the circuit court under the Administrative Review Law [735

ILCS 5/Art. III].

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60~~302.60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"License" means a document issued by the Department of Children and Family Services which authorizes a relative caregiver to operate a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) and the provisions of the Child Care Act of 1969 [225 ILCS 10] and rules promulgated thereunder.

"Party" to any administrative hearing or other proceeding in the Department is the Department or the appellant, as the case may be.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

> *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin,* first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt; or*
>
> *is the spouse,* or party to a civil union, *of such a relative; or*

is the child's step-father, step-mother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

~~*"Relative"* for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*~~

- ~~*is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin*, first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle, or great-aunt, or*~~

- ~~*is the spouse of such a relative, or*~~

- ~~*is the child's step-father, step-mother, or adult step-brother or step-sister.*~~

~~*Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person.* [20 ILCS 505/7(b)]~~

(Source: Amended at 40 Ill. Reg. 796, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Authorized Child Care Payments

2) Code Citation: 89 Ill. Adm. Code 359

3) Section Number: 359.2 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505]

5) Effective Date of Rule: December 31, 2015

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 rule is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 159; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Difference between Proposal and Final Version: Language was added that clarifies the definitions of "Siblings" and "Visitation".

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
359.2	Amendment	39 Ill. Reg. 7109; May 22, 2015

15) Summary and Purpose of Rulemaking: The amendment implements PA 97-1076 concerning sibling contact and visitation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 359
AUTHORIZED CHILD CARE PAYMENTS

Section
359.1 Purpose
359.2 Definitions
359.3 Introduction
359.4 Payments for Substitute Care Services
359.5 Payments for Family Preservation and Auxiliary Services
359.6 Payments for Independent Living Arrangements
359.7 Payments for Children's Personal and Physical Maintenance
359.8 Payments for Unmarried Mothers (Repealed)
359.9 Payments for Medical Care
359.10 Overpayments and Repayments

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3259, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10904, effective July 29, 1997; amended at 26 Ill. Reg. 11791, effective August 1, 2002; amended at 40 Ill. Reg. 802, effective December 31, 2015.

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Human Services.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parents have~~has~~ signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact between or among siblings who are placed apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60~~302.60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Relative", for purposes of placement of a child for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin,* first cousin once removed (children of one's first cousin to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle or great-aunt;~~,~~ or*

- *is the spouse, or party to a civil union, of such a relative;~~,~~ or*

- *is the child's step-father, step-mother, or adult step-brother or step-sister; or~~.~~*

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Substitute care services" means those services provided to children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other

institution, and care provided in an independent living arrangement.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 802, effective December 31, 2015)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3)

Section Numbers:	Adopted Actions:
402.2	Amendment
402.12	Amendment
402.16	Amendment

4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Child Care Act of 1969 [225 ILCS 10]

5) Effective Date of Rules: December 31, 2015

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulmaking contain incorporations by reference? No

8) A copy of the adopted rules, including all 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 the *Illinois Register*: 39 Ill. Reg. 165; January 2, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

11) Differences between Proposal and Final Version: Language was added to clarify the definitions of "Siblings" and "Visitation". Section 402.12(i) was amended to clarify that, regardless if parental rights are terminated, foster parents shall respect a child's ties to his/her family and support the child in maintaining connections with his/her family. Amendments in subsection (m)(3) removes the priority given to placements that can accept an entire sibling group.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemaking pending on this Part? Yes

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section Number:	Proposed Action:	*Illinois Register* Citation:
402.2	Amendment	39 Ill. Reg. 7114; May 22, 2015

15) Summary and Purpose of Rulemaking: These amendments implement PA 97-1076 concerning sibling contact and visitation.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
email: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1 Purpose
402.2 Definitions
402.3 Effective Date of Standards (Repealed)
402.4 Application for License
402.5 Application for Renewal of License
402.6 Provisions Pertaining to Permits
402.7 Provisions Pertaining to the License
402.8 General Requirements for the Foster Home
402.9 Requirements for Sleeping Arrangements
402.10 Nutrition and Meals
402.11 Business and Employment of Foster Parents~~Family~~
402.12 Qualifications of Foster Family~~Parents~~
402.13 Background Inquiry
402.14 Health of Foster Family
402.15 Number and Ages of Children Served
402.16 Meeting Basic Needs of Children
402.17 Health Care of Children
402.18 Religion
402.19 Recreation and Leisure Time
402.20 Education
402.21 Discipline of Children
402.22 Emergency Care of Children
402.23 Release of Children
402.24 Confidentiality of Information
402.25 Required Written Consents
402.26 Records to be Maintained
402.27 Licensing Supervision
402.28 Adoptive Homes
402.29 Director's Waivers
402.30 Severability of This Part

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

402.APPENDIX A	Criminal Convictions That Prevent Licensure
402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. ~~(Section 2 of the Smoke Detector Act~~ [425 ILCS 60/2]~~)~~

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;

- foster parent conferences sponsored by the Department;

- other conferences approved by the Department;

- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;

- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals 17 years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI)

for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System that~~, which~~ has been replaced by SACWIS .

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association,~~ or~~ organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10]*~~the Child Care Act~~, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under~~pursuant to~~ Section 4 of the Child Care Act.* [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means, at a minimum, *a completed written* application *form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook) and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related *to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related* or unrelated *children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.* [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for

daily operation of the facility to be licensed. [225 ILCS 10/4.4]~~(Section 4.4 of the Child Care Act)~~

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.~~*"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority* in Illinois *or another state or municipal authority which is punishable solely by fines as a petty offense.* [625 ILCS 5/6-601]~~

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the

Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a fine only is provided, and *a sentence of imprisonment is not an authorized disposition~~to a fine only is provided~~.* [730 ILCS 5/5-1-17]

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt, or

- *is the spouse*, or party to a civil union, *of such a relative, or*

- *is the child's step-father, step-mother, or adult step-brother or step-sister, or*

- is the partner, or adult child of a partner, in a civil union with the child's mother or father.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Specialized care" or specialized foster care services means care provided to *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs* that *require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).~~a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.~~

"Supervising agency", for the purpose of this Part, means a licensed child welfare

agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

Section 402.12 Qualifications of Foster Family

a) The licensees shall be either a single person or two persons in a marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.

b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.

c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.

d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:

1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;

2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;

3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;

4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and

5) the number of foster parents in the home and the availability and experience of child care assistants.

e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks).

f) Foster parents shall accept agency supervision.

g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.

h) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.

i) Foster ~~Unless parental rights have been terminated, foster~~ parents shall respect ~~and support~~ a child's ties to his or her ~~biological~~ family and support the child in maintaining connections with his or her family. Foster parents shall cooperate with the supervising agency and the service plan for the child and his/her family. In an effort to become better acquainted with the child's siblings and other family members, a foster parent shall transport children to and supervise family visitation whenever possible.

j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.

k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.

l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.

m) Promoting Joint Placement of Sibling Groups and Sibling Contact

1) As part of pre-licensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. Foster home applicants shall be asked to explore their willingness to help children maintain contact with their siblings and other significant relationships in the children's past, as well as significant relationships they develop in the future. Foster home applicants shall be told that they may be contacted in the future regarding placement of siblings of a child subsequently requiring placement, or visitation and contact with siblings in other living arrangements or living independently.

2) The Department shall assess the prospective foster family's understanding of a foster child's family connections, their willingness to help and support children in maintaining or developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship,

and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of the each child's identity.

3) When it is not possible to place all of the children together, the Department shall encourage the prospective foster families to encourage and facilitate visitation and contact among the siblings.

n~~m~~) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

o~~n~~) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

p~~o~~) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

Section 402.16 Meeting Basic Needs of Children

a) All children in the foster family shall be treated equitably.

b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.

c) Foster parents shall provide the child with ongoing opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas.

d) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.

e~~d~~) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.

f~~e~~) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster parents. Extended trips away from the foster home must be approved by the foster child's parent or guardian.

g~~f~~) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.

h~~g~~) Foster parents shall assist the child in the proper handling of money.

i~~h~~) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability.

No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.

j~~i~~) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions

2) Code Citation: 17 Ill. Adm. Code 150

3) Section Number: 150.20 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330]

5) Effective Date of Rule: December 29, 2015

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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12719, September 18, 2015

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 an emergency rule currently in effect? No

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

15) Summary and Purpose of Rulemaking: This Part has been amended to change the length of leases that contain CRP acreage.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

Robert G. Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 150
REGULATIONS FOR THE LETTING OF CONCESSIONS, FARM LEASES, SALE OF BUILDINGS AND FACILITIES, AND DEMOLITIONS

Section
150.10 Concessions
150.20 Agricultural Management Leases
150.30 Sale of Buildings and Facilities
150.40 Demolition
150.50 Criteria for Selection

AUTHORITY: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330].

SOURCE: Adopted at 5 Ill. Reg. 7512, effective July 6, 1981; codified at 5 Ill. Reg. 10625; amended at 6 Ill. Reg. 13326, effective October 20, 1982; amended at 16 Ill. Reg. 4839, effective March 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 32 Ill. Reg. 9295, effective June 13, 2008; amended at 40 Ill. Reg. 825, effective December 29, 2015.

Section 150.20 Agricultural Management Leases

a) Agricultural management leases are for a period of: ~~not more than four years.~~

1) not more than 15 years, if the land is to be enrolled in the United States Department of Agriculture Conservation Reserve Program; or

2) not more than four years for all other agricultural management leases.

b) Agricultural management leases shall be let by sealed competitive bids, except these leases may be negotiated under any of the following conditions:

1) when land has been recently purchased with an agreement that the previous owner will farm the property for the next one to two years (as part of the land transaction);

2) when the tract is less than 50 acres or completely surrounded by other private land;

3) when property acquired by lease or purchase is acquired late in the season;

4) when crops are already planted by a previous owner or tenant; or

5) when the Department of Natural Resources purchases less than fee simple interest in a property for development purposes.

c) Notices of the available agricultural management leases shall be placed in a local newspaper prior to a sealed competitive bid letting.

d) A public informational meeting shall be held at the site of the available agricultural management lease prior to the bid letting.

e) The bids shall be opened at a public bid opening.

f) The best qualified highest bidder shall be given the right to enter into an agricultural management lease. Factors taken into consideration in determining a qualified bidder shall include, but not be limited to, criteria contained in Section 150.50.

g) If no bids are placed or if no qualified bidders place bids, a negotiated lease with a qualified lessee may be sought.

h) At the end of an agricultural management lease period, the lease may be renegotiated with the present leaseholder if the leaseholder has not violated lease covenants or has quickly corrected such violations after notification by the Farm Lease Program Administrator. In such a case, no competitive bidding on the agricultural management lease will be offered.

(Source: Amended at 40 Ill. Reg. 825, effective December 29, 2015)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Number: 670.30 — Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

5) Effective Date of Rule: December 29, 2015

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 rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 12723, September 18, 2015

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

In Section 670.30(a)(2)(A) and (B), "[520 ILCS 5/2.5]" has been deleted; subsection (A)(2)(D), "[520 ILCS 5/2.5a and 3.1-9] " has been added after "permit".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

13) Will this rulemaking replace an emergency rule currently in effect? Yes

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This Part has been amended to add young hunters that possess a Youth Hunting License and an archery deer permit to the list of hunters eligible to use a crossbow during the archery deer hunting season; to require that eligible youth who desire to take advantage of the new crossbow regulation must be under the direct supervision of a parent, grandparent, or guardian who is 21 years of age or older; to require that the adult supervisor accompanying the youth (while hunting with a crossbow) must possess both a valid Illinois hunting license and a valid archery permit; and to provide that accompaniment by a parent, grandparent, or guardian shall serve as evidence that express permission of an adult was granted to obtain the deer permit.

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

Robert G. Mool, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements – Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.5, 2.20, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013; amended at 38 Ill. Reg. 22752, effective November 18, 2014; amended at 39 Ill. Reg. 10905, effective July 27, 2015; emergency amendment at 39 Ill. Reg. 13125, effective September 3, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 14568, effective October 20, 2015; amended at 40 Ill. Reg. 829, effective December 29, 2015.

Section 670.30 Statewide Legal Bow and Arrow

a) The only legal hunting devices to take, or attempt to take, deer are:

1) Vertical bows, limited to longbows, recurve bows or compound bows with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches. Any mechanical device capable of maintaining a drawn or partially drawn position on a vertical bow without the hunter exerting full string tension is illegal.

2) Crossbows, so long as one or more of the following conditions are met:

A) *If the user is a person age 62 and older* with a valid photo ID containing proof of age; or

B) *If the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by* 17 Ill. Adm. Code 760; or

C) *If the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive)* [520 ILCS 5/2.5]; or

D) If the user possesses a valid *Youth Hunting License* and archery *deer hunting permit,* and *remains under the direct supervision of a parent, grandparent, or guardian who is 21 years of age or older*

and *who possesses a valid Illinois hunting license and valid archery deer permit*. [520 ILCS 5/2.5a and 3.1-9] Accompaniment by a parent, grandparent, or guardian shall serve as evidence that express permission of an adult was granted to obtain the deer permit.

b) Broadheads must be used for archery deer hunting. Broadheads may have fixed or expandable cutting surfaces, but they must be a minimum ⅞ inch in diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert- or obsidian-knapped; broadheads with expandable cutting surfaces must be metal. Nothing in this subsection shall be construed to prohibit the possession of arrows with field tips or blunt tips for the purpose of legally taking small game or for target practice during the course of the hunt, but those arrows may not be used in any attempt to take deer.

c) Specifications for legal crossbows and bolts are contained in 17 Ill. Adm. Code 760.

d) All other hunting devices, including electronic arrow tracking devices utilizing radio telemetry, are illegal. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.

e) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum $500 and maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 40 Ill. Reg. 829, effective December 29, 2015)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3)

Section Numbers:	Adopted Actions:
1001.30	Amendment
1001.40	Amendment
1001.70	Amendment
1001.80	Amendment
1001.90	Amendment
1000.100	Amendment
1000.110	Amendment
1001.220	Amendment
1001.300	Amendment
1001.320	Amendment
1001.340	Amendment
1001.410	Amendment
1001.420	Amendment
1001.430	Amendment
1001.440	Amendment
1001.442	Amendment
1001.460	Amendment
1001.465	New Section
1001.660	Amendment
1001.670	Amendment

4) Statutory Authority: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-

906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710]

5) Effective Date of Rules: December 31, 2015

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 rules including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed published in the *Illinois Register*: August 21, 2015; 39 Ill. Reg. 11689

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. All technical changes recommended by JCAR were made.

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 an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citation:
1001.410	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.420	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.430	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.440	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.441	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.443	Amendment	39 Ill. Reg. 16073, December 18, 2015
1001.444	Amendment	39 Ill. Reg. 16073, December 18, 2015

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking:

In Subpart A:

1001.30 − Right to Counsel: Amended the rule on pro hac vice to allow the Director of the Department of Administrative Hearings, or his/her designee, to allow attorneys who are not licensed to practice in this State to represent petitioners at hearings. This is authorized by a revision to Supreme Court Rule 707, effective January 1, 2010. Requires corporations and partnerships to be represented by counsel;

1001.40 − Appearance of Attorney: Expands on the information that an attorney should provide in his/her entry of appearance, to include an e-mail address and website;

1001.70 − Commencement of Actions; Notice of Hearing: Subsection (a) amended to strike reference to outdated "Illinois Driver Licensing Law", and updates the language in this rule by allowing a Notice of Hearing to be issued by electronic transmission. Language added that all petitions for driving relief will be considered as seeking relief in the alternative unless otherwise specified by the petitioner. Subsection (b) amended to clarify refunds of filing fees. In subsection (c), language added to clarify the Department's position on the location of hearings. Final paragraph in Section is reorganized;

1001.80 − Motions: Updated subsection (a) to allow motions to be filed by facsimile and electronic transmission as well as by regular mail. Also clarified where motions must be sent and when considered to be received;

1001.90 − Form of Papers − Original Documents Required: In subsection (a), filing requirements updated and amended/updated to include website of person/attorney filing papers with the Department of Administrative Hearings. Substantial reorganization of subsection (b), and language added in an attempt to clarify its intent and application, particularly in regards to the exceptions to the requirement of an original document and the procedure to be followed if the petitioner has documents sent by facsimile or electronically. Also eliminated the rule that the hearing officer must be able to articulate a specific issue or concern with the authenticity of the document;

NOTICE OF ADOPTED AMENDMENTS

1001.100 − Conduct of Formal Hearings: Section reorganized in a more chronological fashion. Subsection (a) amended/condensed to specifying that hearings are open to the public. A new subsection (b) reorganized and limited to out-of-state hearing process; see also, amendment of 1001.440(o). Subsection (d) language on depositions and interrogatories is amended. Subsection (l) clarified the obligations of the party who requests a subpoena, and language in (l) regarding right to call witnesses is moved to subsection (m). Rule on withdrawing from a hearing in subsection (n) amended. Subsection (s) amended to clarify the petitioner's burden of proof. Rule on provision of interpreters in subsection (t) revised to clarify that it is the petitioner's responsibility to provide language interpreters. However, the Department may establish a pilot program to explore possibility of providing interpreters. Subsection (u) updated to include digital recording of formal hearings and the cost of a transcription;

1001.110 − Orders; Notification; Time Limits on Obtaining Relief: Subsection (d) amended to clarify that Department will notify a petitioner's attorney, and not the petitioner, of the result of the hearing;

In Subpart B:

1001.220 − Hearings: Notice; Location; Procedures; Record: Subsection (a) amended/updated to allow filing of petition by facsimile or electronic transmission as well as regular mail. Outdated language removed from subsection (b). Subsection (d) updated to allow a Notice of Hearing to be issued by electronic transmission. Subsection (e) amended by striking name of hearing officer from the Notice of Hearing. In subsection (i), the rule on pro hac vice is amended to allow the Director of the Department of Administrative Hearings, or his/her designee, to allow attorneys who are not licensed to practice in this State to represent petitioners at hearings. This is authorized by a recent revision to Supreme Court Rule 707, effective January 1, 2010. Elaborated on the requirements for corporations and partnerships to be represented by counsel and what steps must be taken by the corporation in order to appear pro se, consistent with 1001.30; Subsections (j) and (k) updated to include digital recording of a safety responsibility hearing and the cost of a transcription. Rule on provision of interpreters in subsection (l) revised to clarify that it is the petitioner's responsibility to provide language interpreters. However, the Department may establish a pilot program to explore possibility of providing interpreters. See 1001.100(t) above. Subsection (u) updated to include digital recording of formal hearings and the cost of a transcription;

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In Subpart C:

1001.300 − Subsection(a) amended to clarify applicability of informal hearings. Subsection (b) amended to add to the reasons, offenses or conditions which prohibit a petitioner from having an informal hearing; exception made in regard to revocations entered pursuant to IVC Section 6-205(a)16 (new subsection added by PA 96-1305); Note that all out-of-state hearings will be classified as formal hearings. See also, the revision of 1001.340;

1001.320 − The rule on pro hac vice is amended to allow the Director of the Department of Administrative Hearings, or his/her designee, to allow attorneys who are not licensed to practice in this State to represent petitioners at informal hearings. This is authorized by a recent revision to Supreme Court Rule 5.5, effective January 1, 2010.

1001.340 − Subsection (d) on out-of-state hearing stricken. All out-of-state hearings will be done as formal hearings.

In Subpart D − PA 96-1180 in re elder and disabled daycare permits.

Amended the following definitions (in 1001.410):

"Accredited educational course" is expanded to include additional activities. Implements PA 95-848, which gives the Secretary of State the authority to issue restricted driving permits to allow petitioners to drive their children to and from school. See also, amendments to 92 Ill. Adm. Code 1001.420(b)(4);

"Alcohol and drug evaluation (Investigative)" is updated to allow the evaluation to be printed, rather than typewritten. (See also, definitions of "Alcohol and drug evaluation (Out-of-state)", "Alcohol and drug evaluation (Uniform Report)", and "Alcohol and drug evaluation (Update)".) Its applicability is also clarified and the list of offenses which require an investigative evaluation are expanded;

"Alcohol/drug-related criminal record" is amended to include violations of the Methamphetamine Control and Community Protection Act [720 ILCS 646];

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Definitions of the various types of evaluations amended/updated to clarify that they may be typewritten or "printed". Definition of "Update evaluation" clarified to state that it must update a Uniform Report;

"BAIID petitioner " is amended to be consistent with its authorizing statutes, which were recently amended;

"Documentation of abstinence" clarified to state that it must conform to standards recited in 1001.440(e);

"DUI disposition" is amended to added offenses of boating under the influence and snowmobiling under the influence, and to clarify that zero tolerance suspensions are not included;

"High risk" is amended to clarify the application of this classification to DUI offenders. See also, amendment to definition of "Minimal Risk", "Moderate Risk" and "Significant Risk" classifications;

"Immediate family" is amended to include grandchildren and stepchildren who live with the petitioner;

Definitions of "Undue hardship" amended to strike requirement that petitioner show an "extreme difficulty" in getting to and from destination, to an "unreasonable difficulty";

"Undue hardship as it relates to educational pursuits" amended to provide requirements for driving member of immediate family to and from school, and which school activities are included in definition of "educational pursuits". Amendments made to implement authority given to the Secretary of State in PA 95-848;

Created new definitions, as follows:

"Daycare provider licensed/unlicensed − children". Implements PA 95-848, which gives the Secretary of State the authority to issue restricted driving permits to allow petitioners to drive their children to and from daycare;

"Daycare provider licensed/unlicensed − elderly or disabled person". Implements PA 96-1180, which gives the Secretary of State the authority to issue restricted

driving permits to allow petitioners to drive their disabled and elderly persons to and from daycare. See also, new subsection 1001.420(b)(6);

"Disabled person". Implements PA 96-1180, which gives the Secretary of State the authority to issue restricted driving permits to allow petitioners to drive their disabled and elderly persons to and from daycare. See also, new subsection 1001.420(b)(6);

"Elderly person". Implements PA 96-1180, which gives the Secretary of State the authority to issue restricted driving permits to allow petitioners to drive their disabled and elderly persons to and from daycare. See also, new subsection 1001.420(b)(6);

"MDDP holder". To distinguish between one who is issued a MDDP from one who is eligible to apply for a MDDP;

"Near-alcoholic beverage";

"Problem Driver Point System", taken from 92 Ill. Adm. Code 1040.70;

"Show cause hearing". See also, new subsection 1001.440(p);

"Undue hardship as it relates to court ordered activities" (formerly "community service"). See also, amendments to 1001.420(b)(3);

"Undue hardship as it relates to day care". See also, reference to new definitions for "disabled person" and "elderly person" above;

"Undue hardship as it relates to educational pursuits" is amended to implement PA 95-848. See reference to amended definition of "Accredited educational course" above;

Definition of "JDP" is stricken.

1001.420 − Restricted Driving Permits: In subsection (b) "RDP Classifications"—the purposes of and evidence required for the amended and new community service, educational, and day care permits, mentioned above, are explained. Further, a new subsection (8) clarified the requirement of verifying/documenting the need for permits. Subsection (c) updated to reference

Monitoring Device Driving Permits. Subsection (d) "Undue hardship" is amended to implement the new and revised permits. In subsection (e), an additional factor to be considered in deciding whether to issue a restricted driving permit, in regards to petitioners who are or who were recently incarcerated.

Subsection (g) amended to clarify impact of pending charges on availability of RDPs; subsection (i), on issuance of "probationary RDP" is clarified; subsection (j), on issuance of RDP to out-of-state residents, is clarified and amended to implement the above-referenced legislation; in subsection (m), applicability of the investigative evaluation is clarified and the list of offenses which require an investigative evaluation are expanded.

1001.430 − Reinstatement of Driving Privileges after Revocation: Subsection (c) "Factors" amended to include petitioners who are or who were recently incarcerated. See amendments to 1001.420(i) above; subsection (d), applicability of the investigative evaluation is clarified and the list of offenses which require an investigative evaluation are expanded; subsection (h) amended to clarify impact of pending charges on availability of RDPs; subsection (i) − "75% Rule" is amended in another attempt to clarify its applicability; subsection (k) provisions on out-of-state petitioners are extensively amended.

1001.440 − Alcohol and Drug Related Revocations, Suspensions, and Cancellations: Subsection (a) amended to include show cause hearings, early intervention classifications in alcohol/drug use evaluations, and MDDP offenders; Subsection (a)(1) amended to clarify when we will accept out-of-state evaluations and treatment; new Subsection (a) (1)(C) codified internal policy to waive driver risk education course for those petitioners who complete a High Risk-Dependent treatment program; Subsection (a) (4) amended to update and clarify the standards for the Uniform Report; Subsection (a) (5) also updated to include arrests for BUI and SUI; Subsection (6)(A)(2) amended to clarify rule on treatment provider's ability to conduct update evaluations; Subsections (6)(B), (C) and (D) amended to update the minimum content of the Illinois and out-of-state update evaluations and the investigative evaluation; Subsection (6)(E) revised in an attempt to clarify when an investigative evaluation must be updated;

Subsection (b) amended to clarify the countermeasures required for the Minimal, Moderate, Significant, and High Risk-Non-Dependent classifications. Subparagraphs are renumbered, beginning with Subsection (b) (3); renumbered Subsection (b) (5) amended to codify internal policy that the petitioner's failure to

provide an explanation for the High Risk Non-Dependent classification is a ground for denying relief; renumbered Subsection (b) (7) revised in an attempt to clarify the requirements of a treatment waiver; new Subsection (b) (8) Treatment Needs Assessment − amended in an attempt to clarify who may provide it and how it should be conducted, including the use of prior treatment documents; subsection (d) updated to include Monitoring Device Driving Permits and amended to provided two more decision making factors. Subsection (e) amended to clarify the requirement of abstinence. This includes a new rules on a petitioner's participation in "Opiate Substitution Programs" and the "Consumption of 'near-alcoholic' beverages", and their effect on abstinence. Subsection (l) and subsection (m) amended to clarify the information required in documenting completion of early intervention and treatment programs, respectively; subsection (n) requirements for using an evaluation originally conducted for court purposes are clarified; new subsection (p) on the process for cancellation/show cause hearings;

1001.441 − Breath Alcohol Ignition Interlock Device Conditioned RDPs: subsection (h): new Subsection (b) (6) adds to responsibilities of the BAIID permittees; subsection (i)(6) amended to strike reference to a physical inspection disclosing circumvention or tampering; amendment to subsection (j) − new subparagraph (5)--makes this ground for immediate cancellation; Subsection (j) (7) added to close loophole in regards to information received after a BAIID permittee's driving privileges are reinstated. Substantially similar language is stricken from subsection (i); subsection (k) amended to specify possible outcomes of hearings conducted on the cancellation of BAIID permits; codifies current policy; subsection (q) amended to codify policies regarding denial of employment exemption and to grant exemption of BAIID requirement to self-employed permittees to allow limited (test driving) privileges;

1001.442 − BAIID Providers: subsection (d) amended to specify additional services that the BAIID provider must provide to BAIID permittees. These were added to respond to complaints made by BAIID permittees; see amended Section (d) (7) and (19) and new Subsections (d) (23) and (24). See also, subsections (g) (7) through (9); subsection (e)(1) amended to correct citation to the federal rules on interlock devices;

1001.444 − Monitoring Device Driving Permits: subsection (a)(4) amended in an attempt to clarify when the MDDP is rendered invalid; subsection (b) amended to clarify the indigency provisions; subsection (e) amended to clarify the

sanctions imposed for violations of the MDDP program, adding evidence of tampering or circumvention found during a physical inspection, and the permittee's recourse after a sanction is imposed. Includes a new Subsection (e)(9); subsection (f) amended to clarify requirements for filing a petition to contest and extension of a summary suspension; subsection (j) amended to codify policies regarding denial of employment exemption and to grant exemption of BAIID requirement to self-employed permittees to allow limited (test driving) privileges (see 1001.441(q) above);

1001.460 − Modification of Revocations and Suspensions: extensive revision and reorganization of these provisions in an attempt to clarify their substantive content. "Modification" defined; disqualifying factors recited and factors to be considered by hearing officer in considering modification recited; new subsection implements recent amendment to Section 6-206 of the IVC (new subsection (a)(16)) made by PA 96-1305;

In Subpart F:

1001.660 − Alcohol and Drug Education and Awareness Program: updated to include referral to SOS website for information on this program;

1001.670 − Petitions for Restricted Driving Permits: Subsections (a) and (b) amended to extend applicability and requirement of alcohol/drug use evaluations; offenses added which require a petitioner to obtain an evaluation.

It should be noted that some of the substantive adjustments/amendments recited above are being proposed based upon the Department's experience with the day-to-day application of these rules.

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

Marc Loro
Department of Administrative Hearings
Michael J. Howlett Building, Room 207
Springfield IL 62756

217/524-0124
mloro@ilsos.net

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NOTICE OF ADOPTED AMENDMENTS

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

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PROCEDURES AND STANDARDS

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1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002;

emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg.13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015.

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section 1001.30 Right to Counsel

a) Attorneys Must be Licensed; 711 Students. Any party may appear and be heard through an attorney at law licensed to practice in the State of Illinois, or any law student licensed under Supreme Court Rule 711, in any hearing in any matter involving the exercise of legal skill or knowledge. ([ILCS S. Ct. Rule 711)]

b) Pro Hac Vice. Attorneys admitted to practice in states other than the State of Illinois may appear and be heard in a specific hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance, by special leave of the Director of the Department or the Director's designee, pursuant to an Order pro hac vice, as authorized by Supreme Court Rule 707 and the Illinois Rules of Professional Conduct Rule 5.5, effective January 1, 2010entered by a judge of the circuit court of the county in which the hearing is conducted, as provided in Supreme Court Rule 707.

c) Pro Se. A natural person may appear and be heard on his or her own behalf.

d) Corporations, Limited Liability Companies, and Partnerships. A corporation, association, limited liability company or partnership must appear by legal counsel, licensed to practice in the State of Illinois or appearing pro hac vicemay appear and present evidence by any bona fide officer, employee, or representative.

e) The standard of conduct shall be the same as before the Courts of Illinois.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.40 Appearance of Attorney

An attorney appearing in a representative capacity shall file a written notice of appearance with the Department of Administrative Hearings office where the formal hearing is requested or pending, identifying himself or herself by name, address, electronic mail address, website, facsimile number, telephone number, and Supreme Court registration number, and identifying the party represented.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.70 Commencement of Actions; Notice of Hearing

a) Petition; Notice of Hearing

1) A contested case is commenced by the Office, either after the written request of the petitioner or on the Office's initiative, by service of a Notice of Hearing in accordance with Section 2-114, within the time limitation contained in Sections 2-118(a) and (b) and 3-402.B(7)(a) and (b), as applicable, ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~(Code)~~ [625 ILCS 5/2-114, 2-218(a) and (b), and 3-402.B(7)(a) and (b)] upon the respondent. By "written request" it is meant that the petitioner may send the Office a petition via facsimile, electronic transmission, or regular mail. The Notice of Hearing may be sent by electronic transmission, if the petitioner agrees to receiving the Notice of Hearing and Decision and/or Order via electronic transmission.

2) Any petition for reinstatement of driving privileges will also be considered a petition for a restricted driving permit, unless the petitioner specifically waives any consideration for alternative relief.

b) Filing Fee

1) A petition for a hearing will not be accepted for filing unless it is accompanied by a fee of $50, as provided in Sections 2-118 and 3-402.B(7)(a) of the Illinois Vehicle Code. This filing fee must be

submitted in the form of a money order, a check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.

2) This filing fee will not be refunded to the party requesting a hearing if the hearing proceeds, the party submits multiple petitions for a hearing to different hearing locations simultaneously, the party withdraws from the hearing or an order of default is entered~~defaults~~. The party will be required to submit another filing fee before another hearing will be scheduled.

3) In cases where a hearing is continued, the party requesting the hearing will not be required to submit another filing fee.

4) In cases where the party requesting a hearing withdraws or defaults, the party will be required to submit another filing fee before another hearing will be scheduled.

c) The Notice of Hearing shall include:

1) The names and addresses of all known parties, petitioner and respondent, including the department initiating the hearing;

2) Whether the hearing is at the request of the petitioner or the Department;

3) The time, date~~,~~ and place of hearing. The Department will endeavor to accommodate a party's request regarding the location of a hearing, but reserves the discretion to schedule a hearing at a site that is mutually convenient for all parties involved, including witnesses, and subject to the constraints imposed by budgetary and personnel considerations;

4) A short and concise statement of facts (as distinguished from conclusions of law or a mere recitation in the words of the statute) alleging the act or acts done by each petitioner or, where appropriate, respondent; the time, date, and place each such act was done or a short and concise statement of the matters asserted; and the rule, statute, or constitutional provision, if any, alleged to have been violated, or otherwise involved in the proceeding; and the relief sought by the petitioner party;

5) A statement to each party that:

A) Such party may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate in the hearing.

B) Failure to so appear shall constitute a default, unless such party has, upon due notice to other parties, moved for and obtained a continuance from the hearing officer.

C) Delivery of notice to the designated representative of a party constitutes service upon the party.

~~D) A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence which involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court which states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections which reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to Section 6-208(b)1 of the Code, and for the issuance of a restricted driving permit pursuant to Sections 6-205(c) and 6-206(c)3 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.~~

d) Requirements for Felony Convictions Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to Section 6-208(b)1 of the Code, and for the issuance of a

restricted driving permit pursuant to Sections 6-205(c) and 6-206(c)3 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.80 Motions

a) Form of Motions. All motions shall be made in writing and shall set forth the relief or order sought and shall be filed with the Department at the earliest time to be considered by the hearing officer. Motions may be hand delivered or sent by regular mail, by courier, or by facsimile transmission, must be sent to the hearing location designated in the notice of hearing, and are considered received on the date that they are file-stamped by Department personnel. Motions based on matter that does not appear of record shall be supported by affidavit. Motions may be presented by a party to obtain appropriate relief, such as to dismiss the proceedings, to add necessary parties, or to extend time for compliance of an order.

b) Motions to Correct or Reconsider. The Department will not consider motions to correct a material misstatement of fact or to reconsider a decision made or Order entered in a formal hearing. The proper avenue of relief is to file a complaint under the Administrative Review Law. The petitioner may also file another petition for driving relief pursuant to Section 1001.450.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.90 Form of Papers − Original Documents Required

a) Form of Papers. All papers filed in any proceeding shall be clearly written or typewritten ~~on white paper using one side of the paper only~~. They shall contain a caption showing the title of the proceeding with a case number. All papers must be signed or verified by the party filing the papers or his/her authorized representative or attorney, and shall contain his or her address, telephone number, website and electronic mail address, if available. An original and one copy shall be filed by each party, except as provided in subsection (b).

b) Original Documents Required. In regard to documents that are submitted pursuant to the requirements of Subpart D and that have not been previously submitted to the Department, the Department will accept, or admit into evidence, only the original document, except as specified in this subsection. By original document is meant a document that bears the original signature of the petitioner and/or author of the document, as applicable.

1) Uniform Reports; Original Required. The requirement of the submission of an original document that must also be submitted to a court of venue can be met in one of two ways:

A) Service providers can print multiple "originals", all of which are signed and dated by the provider and the petitioner; or

B) The provider can make a photocopy of the original and the provider and petitioner can sign and date (or re-sign and re-date a second time) both the original and the copy.

~~A) The requirement of the submission of an original document that must also be submitted to a court of venue, can be met in one of two ways:~~

~~i) service providers can print two "originals", both of which are signed and dated by the provider and the petitioner; or~~

~~ii) the provider can make a photocopy of the original (before it is verified) and the provider and petitioner can sign and date both the original and the copy.~~

~~B) Exceptions to this requirement will be considered only if the petitioner is able to demonstrate that the original document is no longer available from the agency that composed the Uniform Report. In such cases, the petitioner must submit a "Verification Form" that the Department has composed, published, and distributed to service providers, and upon which the service provider shall verify that the copy of the document is a true and correct/identical copy of the original and/or inform the Secretary of State of the reason that the original of a document is not available.~~

~~In such a case, the petitioner also will be asked to explain, under oath, why an original Uniform Report is not available.~~

2) Update~~Updated~~ Evaluations; Original Required. The first time that an update~~updated~~ evaluation is submitted to the Secretary of State, it must be submitted as an original document. See Sections 1001.410 and .440(a)(6). At subsequent submissions of the same document, such as when renewing a restricted driving permit at an informal hearing, the petitioner may submit a copy of the update~~updated~~ evaluation.

3) Treatment Verification; Original Required. The rules of the Secretary of State require petitioners to submit proof of the successful completion of alcohol or drug related treatment in a "narrative summary" or a similar report that shall provide~~provides~~ the information listed at Section 1001.440(m)(1). The Department has composed, published, and distributed a "Treatment Verification Form", which it prefers and strongly encourages that~~to be used or replicated by~~ treatment providers use and replicate for this purpose. The first time that this document, or a narrative summary composed on a treatment provider's letterhead, is submitted, it must be submitted to the Secretary of State as an original.

A) As specified in Section 1001.440(m)(2), the Department will accept a copy of the petitioner's Individualized Treatment Plan and Discharge Summary.

B) As specified in Section 1001.440(m)(3), the Department will accept a copy of the Continuing Care Plan. The other Continuing Care documents that must be submitted to the Secretary of State (periodic status reports and the final summary report, or the waiver of continuing care) must be submitted as originals, on the provider's letterhead stationery~~stationary~~.

4) Driver Risk Education; Original Not Required. The Department will accept a copy of the form used by service providers to record and verify successful completion of a Driver Risk Education course. See Section 1001.440(a).

5) Exceptions; Verification Form Allowed. Exceptions to the requirement that the original document be submitted will be considered only if the petitioner is able to demonstrate that the original document is no longer available from the agency that composed the document. In these cases, the petitioner must submit a "Verification Form" that the Department has composed, published and distributed to service providers. On the Verification form the service provider shall verify that the copy of the document is a true and correct/identical copy of the original or of the document that was received from another agency and is contained in its file, and/or inform the Secretary of State of the reason that the original of a document is not available.

6~~5~~) Other Documents; Original Preferred. All other documents that are composed or created solely for the purpose of being submitted to the Secretary of State at a formal or informal hearing should~~must~~ be submitted as originals. (For example: the Secretary of State medical report forms; reports/evaluations from psychiatrists, clinical psychologists, or other counselors; letters from probation officers or physicians; letters of reference~~ to verify abstinence or attendance of support/recovery program meetings~~; verification of employment.

7~~6~~) Documents Sent by Facsimile or Electronic Transmission. Documents recited in this Section that must be submitted as an original but are, instead, sent by facsimile or electronic transmission will be accepted at the time of the hearing; however, the originals of the ~~faxed~~ documents must be submitted at a later date. Leave to submit the originals will be granted within no more than 14~~fourteen~~ calendar days after the hearing. The presiding hearing officer will determine the specific number of days within which the petitioner is allowed to submit the original, based upon the circumstances of each individual case.

8~~7~~) The failure of the petitioner to submit an original document as required in this Section shall not, in and of itself, constitute, under any circumstance, the sole basis of denying driving relief. ~~Rather, relief may be denied or a document rejected only when the hearing officer is able to articulate a specific issue or concern with the authenticity of the document.~~

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.100 Conduct of Formal Hearings

a) ~~Location;~~ Open to Public~~; Out-of-state Petitioners~~. All hearings conducted in any proceeding shall be open to the public. ~~Pursuant to statute, formal hearings may be conducted in Springfield, Chicago, Joliet, Mt. Vernon, or such other locations as agreed upon by the Secretary and the petitioner/respondent.~~

b) Out-of-state Petitioners. An out-of-state petitioner is defined as a petitioner who never resided in Illinois, or who has permanently relocated outside of the State of Illinois, and who chooses to submit an "out-of-state packet" in petitioning for driving relief. Out-of-state petitioners have the option of submitting written application for driving relief in lieu of returning to Illinois for a formal hearing. These petitioners shall be deemed to have waived the right to appear in person.

1) Out-of-state petitioners must initially submit the filing fee, authorized by Section 2-118 of the Code and Section 1001.70(b)(1) of this Part, and evidence of their residency, such as, but not limited to, voter registration, income tax returns, apartment rental leases, mortgage contracts, employment verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions that fail to provide this evidence or establish residency. The Department also reserves the discretion to reject out-of-state petitions if there is evidence that the petitioner is regularly present in the State of Illinois, for such reasons as, but not limited to, through work, school or family contacts and is capable of attending a hearing in person in a timely manner. An out-of-state petitioner who chooses to appear in person must either testify to, or provide documentation of, the location of his or her current residency.

~~1)~~ ~~In petitions for driving relief, petitioners who have permanently relocated outside of the State of Illinois and petitioners who are still residents but are temporarily residing outside the State of Illinois may make, except as provided in subsection (a)(2), written application in lieu of returning to Illinois for a formal hearing. These petitioners shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit the filing fee authorized by Section 2-118 of the Illinois Vehicle Code and Section 1001.70(b)(1) of this Subpart A, and evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment~~

~~verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions that fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner is regularly present in the State of Illinois, such as through work, school, or family contacts, but not limited thereto, and is capable of attending a hearing in person in a timely manner.~~

~~2) Out-of-state petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless the petitioner shows good cause for not being able to attend in person. Good cause is shown when it is demonstrated by a written statement that the petitioner cannot attend a formal hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.~~

2~~3~~) Except as provided in Sections 1001.430(k) and (1) and 1001.440(o), out-of-state petitioners must submit at a minimum all documentation and information required by Subpart D of this Part, as well as a sworn Out-Of-State Petitioner's Affidavit, that provides the information otherwise required by the Secretary, at a formal hearing.

3~~4~~) A petition for an out-of-state formal hearing is regarded as being filed when the Department accepts, as fully completed, the documentation required by subsection (b)(2)~~(a)(3)~~. The Department will inform the petitioner of this fact by a dated letter posted in the regular mail or by electronic transmission. Pursuant to Section 2-118 of the Code, the petitioner's file will be assigned to a hearing officer within 90 calendar days from the date of filing. A final Order will be entered no more than 90 days after it is assigned to a hearing officer.

c~~b~~) Formal Hearings Generally; Parties to a Hearing; Disqualification of Hearing Officer. Every hearing shall be presided over by a hearing officer duly appointed by the Secretary. The hearing officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence. The Secretary may also appoint a representative to appear and participate in the hearing on his/her behalf. Prior to the taking of evidence, the petitioner/respondent may request disqualification of the hearing officer by making a motion for disqualification on the record, stating the specific

grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the petitioner/respondent by the hearing officer. The hearing officer will rule upon the motion. If the motion is denied, the hearing will proceed, or the petitioner may withdraw from the hearing. If the motion is granted, the case shall be transferred to another hearing officer for a hearing on the same day if possible. If it is not possible to schedule a hearing on the same day, a new hearing date shall be scheduled and another hearing officer shall be assigned by the Secretary. ~~The hearing officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.~~

d~~e~~) Depositions and Interrogatories~~.~~

1) Upon order of the hearing officer, for good cause shown, and upon reasonable notice to other parties, any party, including the Department, may take~~cause~~, at his/her or its expense, the testimony of any party or person by deposition upon oral examination or written questions for the purpose of discovery or for use as evidence in the action~~a deposition of any witness to be taken for use as evidence~~ in a contested case (for example, when the witness is not available due to distance, time, cost to the party using the testimony, sickness, infirmity, imprisonment, the witness being out of state or similar factors). The notice, order or stipulation to take a deposition shall specify whether the deposition is to be a discovery deposition or an evidence deposition. In the absence of specification, a deposition is a discovery deposition only. If both discovery and evidence depositions are desired of the same witness, they shall be taken separately, unless the parties stipulate otherwise or the hearing officer orders otherwise upon notice and motion. The deposition shall be taken in the manner provided by law for discovery and evidence depositions in civil actions in the Circuit Courts of Illinois.

2) Any party may direct written interrogatories to any other party. Interrogatories must be restricted to the subject matter of the case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party. Sworn answers or objections to interrogatories directed to the Department and/or Secretary of State may be made by a designated agent, including the Department's counsel, who shall furnish such information as is available. Written interrogatories shall

be served on the opposing party no later than 15 business days before the hearing. Objection to answers or refusals to answer shall be heard on motion at the hearing before the hearing officer, who shall rule on the objection or refusal. Answers shall be sworn. If an answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatories were served, it shall be a sufficient answer to specify the documents and make them available to the inquiring party to inspect and copy at the asking party's expense. The requirements of this subsection (d)(2) do not apply to objections or refusals to answer interrogatories.

e~~d~~) Rules of Evidence~~.~~

1) The technical rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent people in the conduct of their affairs. The existence of any common law or statutory exclusionary rule that might make improper the admission of the evidence over objections in civil or criminal actions shall not be a bar to the admissibility of otherwise relevant evidence. The rules of privilege shall be followed to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant, immaterial or unduly repetitious evidence may be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the hearing officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.

2) In regard to implied consent hearings over which the Secretary of State has jurisdiction, the hearing may be conducted upon a review of the official police reports. However, the parties may subpoena the arresting officer and any other officer who was involved in the petitioner's arrest or processing after arrest, as well as any other person whose testimony may be probative to the issues at the hearing. The failure of an officer to answer the subpoena shall be considered grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate.

Furthermore, the failure of the arresting officer to answer a subpoena shall not be considered grounds for the rescission of an implied consent suspension. Rather, the hearing shall proceed on the basis of the other evidence available and the hearing officer will assign this evidence whatever probative value he or she deems appropriate.

f) List of Witnesses; Bill of Particulars. Upon written request, made at least 10 business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, or furnish written answers to a written demand for a bill of particulars.

g) Inspection of Documents; Interview of Parties. Any party or his/her representative shall have a right, upon the filing of a written motion with proper proof of service, to inspect any relevant document in the possession of or under the control of any other party prior to the formal hearing. The inspection of documents shall occur at the location the formal hearing is scheduled. Any party may file a written motion seeking to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Upon order of the hearing officer, for good cause shown, and upon reasonable notice to other parties, any party, including the Department, may interview, at his/her or its expense, parties or persons having knowledge of relevant facts. Interviews of persons and inspection of documents shall be at times and places reasonable for the persons and for the custodian of the document.

h) Admissions. 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.

i) Right to Call Witnesses, Cross-Examine, Subpoena Documents and Introduce Exhibits. Each party shall have the right to request the subpoena of, and to call and to examine, witnesses, to introduce exhibits, and to cross-examine witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination. Applications to the hearing officer assigned to the case for subpoenas duces tecum shall specify the books, papers and documents desired to be produced.

~~e) Official Notice. Official notice may be taken of past hearings and any matter of~~

~~which the Circuit Courts of Illinois may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.~~

j)~~f)~~ Pre-hearing Conference. At the request of any party or upon the hearing officer's~~his or her~~ own motion, the hearing officer may call a pre-hearing~~prehearing~~ conference. At the conference, the parties or their representatives shall appear as the hearing officer directs. Matters that may be considered at a pre-hearing~~prehearing~~ conference include, but are not limited to:

1) The simplification of the issues;

2) Amendments to the grounds for action;

3) The possibility of obtaining admissions and stipulations of fact and of documents that will avoid unnecessary proof;

4) The limitation of the number of expert witnesses;

5) Any other matters which may aid in the disposition of the contested case.

k)~~g)~~ Order from Pre-hearing Conference. Upon the conclusion of a pre-hearing conference, the hearing officer shall enter an order that recites any action taken, any agreements made by the parties as to any of the matters considered, and the issue to be heard.

~~h) List of Witnesses; Bill of Particulars. Upon written request, made at least 10 business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, or furnish written answers to a written demand for a bill of particulars.~~

~~i) Inspection of Documents; Interview of Parties. Any party or his representative shall have the right, upon written motion made at least 10 business days prior to the hearing, to inspect any relevant documents in the possession of or under the~~

~~control of any other party and to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Interviews of persons and inspection of documents shall be at times and places reasonable for the persons and for the custodian of the document.~~

l~~j~~) Oath. Testimony shall be taken only on oath or affirmation.

~~k) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.~~

~~l) Right to Subpoena. Each party shall have the right to request the subpoena of and to call and to examine witnesses, to introduce exhibits, and to cross-examine witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination. Applications to the hearing officer assigned to the case for subpoenas duces tecum shall specify the books, papers, and documents desired to be produced.~~

m) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.

n) Official Notice. Official notice may be taken of past hearings and of any matter of which the Circuit Courts of Illinois may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.

o)~~m)~~ Rights of Parties. Each party shall have the right to rebut the evidence against him; to appear in person; and to be represented by counsel. If a party does not testify in his/her own behalf, he or she may be called by the Secretary of State's representative and examined as if under cross-examination.

~~n) Motions to Continue and Withdraw~~

~~1) Grounds. Hearings before the Department of Administrative Hearings will be continued only pursuant to a motion: filed prior to or on the date~~

~~of the hearing, made over the telephone less than 15 days prior to or on the date of the hearing, or in person on the day of the hearing. The movant shall set forth the grounds for the motion, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the movant or a member of his/her immediate family, or of the movant's legal counsel, or if the movant is able to demonstrate some other real and compelling need for additional time. A Motion to Continue may be supported by evidence which tends to prove the grounds alleged, including sworn testimony taken at a motion hearing on the day of the hearing. The inability to obtain transportation to the hearing site or a party's failure or inability to obtain the documentation required to fulfill the minimum requirements to be issued driving relief are not circumstances that will justify continuing a hearing.~~

~~2)~~ ~~Must be Continued to a Date Certain. A formal hearing shall not be continued "generally". A continuance, if granted, shall state a date certain upon which the hearing shall reconvene. If the petitioner is not prepared to go forward after the first continuance, a request to withdraw should be submitted.~~

~~A)~~ ~~Motions to Continue which are filed at least 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of a continued hearing date will be given priority in re-scheduling over those motions filed or made less than 15 days prior to the date of the hearing or made on the day of the hearing. The Department will rule upon Motions to Continue filed at least 15 days prior to the date of the hearing and, when possible, notify the movant of its ruling prior to the date of the hearing. If the motion is denied, then the movant must appear at and proceed with the hearing or withdraw from the hearing.~~

~~B)~~ ~~Motions to Continue which are made in person on the day of the hearing or by telephone less than 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of a continued hearing date must also be filed in writing and received or postmarked no more than 5 days after the date of the hearing. A Motion to Continue made in writing less than 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of~~

~~a continued hearing date must be received or postmarked no more than 5 days after the date of the hearing. The Department cannot assure the movant that it will rule upon such motions prior to the date of the hearing.~~

~~C)~~ ~~A Motion to Continue made or filed by a petitioner waives the statutory requirement of Sections 2-118 and 3-402.B(7)(a) of the Code that his/her hearing commence within 90 days from the date of his/her written request.~~

~~D)~~ ~~It is the responsibility of the movant to inform the Department, in the Motion to Continue or during his/her telephone conversation, what course of action he/she wishes to take if the motion is denied (either to appear and proceed with the hearing, withdraw or default). In all cases, it is also the responsibility of a movant who has not been notified of the Department's ruling to contact the Department on or before the day of the hearing to determine whether his/her motion has been ruled upon. A movant's failure to appear after a Motion to Continue is denied will result in the entry of an Order of Default.~~

~~3)~~ ~~Motions Made by the Department. The Department may also make or file a Motion to Continue for unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the hearing officer, the attorney representing the Secretary of State, a witness, or a member of the immediate family of the same, or if the Department is able to demonstrate some other real and compelling need for additional time.~~

~~4)~~ ~~Motions to Withdraw. Except as provided in this subsection (n)(4) and in Section 1001.70, a petitioner may withdraw from a hearing for any reason. A Motion to Withdraw made in person or by telephone on or before the day of the hearing must be followed up with a written motion that is received or postmarked no more than 5 days after the date of the hearing. A Motion to Withdraw made in writing must be received or postmarked no more than 5 days after the date of the hearing. Failure to do so will result in an Order of Default. A request to withdraw from a hearing, which in the hearing officer's judgment is based upon surprise of evidence presented or adverse evidence, shall not be granted. Upon withdrawal, the~~

~~requested relief will not be considered and the petition dismissed. Should the petitioner request another hearing, it must be done in writing and it will be treated as any other request for hearing. (See Section 1001.70.)~~

~~5) Attorney's Appearance Must be on File. A Motion to Continue or Withdraw made by any attorney on behalf of a petitioner/respondent will not be considered unless the attorney shall have filed a written notice of appearance as provided in Section 1001.40.~~

~~6) Out-of-State Petitioners. An out-of-state petitioner who fails to provide the information required by Sections 1001.100(a)(3) and 1001.440(o) within 30 days after a written demand made by the Department to his/her last known address shall have his/her petition withdrawn by a written Order of the Director or Deputy Director. The Order shall be made part of the petitioner's permanent record and a copy shall be sent to the petitioner's last known address. The Department shall not accept another petition for driving relief from a petitioner whose petition for driving relief has been withdrawn pursuant to this provision for 30 calendar days from the date of the Order.~~

~~o) Admissions. 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.~~

p) Opening and Closing Statements. Upon the opening of the hearing, the hearing officer shall allow the parties to make opening statements. Opening statements may not be made at any other time, except at the discretion of the hearing officer. Upon the close of the hearing each party may make a closing statement orally and/or by written brief at the discretion of the hearing officer, incorporating arguments of fact and law. A written brief may be required when the facts and issues are deemed complicated by the hearing officer and there is a need for the parties to plead their cases in writing for the record.

q) Exhibits. All exhibits for any party shall be clearly marked for identification and as admitted into evidence by the hearing officer.

r) Cross-examination of Witnesses. In the hearing of any case, any party or his

agent may be called, as an adverse witness and examined as if under cross-examination, by any party. The adverse party calling for the examination is not bound by the testimony of the adverse witness, but may rebut the testimony given and may impeach the witness by proof of prior inconsistent statements. If the hearing officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.

s) Burden of Proof; General and Exception. The general burden of proof is upon the petitioner for any relief in a hearing. The standard of proof is the preponderance of the evidence, except as provided for in Subpart D, where the burden of proof is upon the petitioner to prove each issue or element of proof by clear and convincing evidence.

t) Interpreters; Hearing Impaired. The Secretary will provide, upon prior written request, an interpreter for hearing impaired petitioners/respondents who wish to testify; providing a language interpreter, however, is the responsibility of the petitioner/respondent.

u) Report of Proceedings; Obtaining a Copy of Record

1) The Department shall, at its expense, have present at each formal hearing an electronic or digital recording device or a qualified court reporter, for the purpose of making a permanent and complete report of the proceedings, including: evidence admitted or tendered and not admitted, testimony, offer of proof, objections, remarks of the hearing officer and of the parties and/or their representatives, all rulings of the hearing officer.

2) Upon written request and at his/her own expense, any party may obtain~~have~~ a copy of the report of proceedings~~,~~ from the court reporter~~,~~ or copied~~transcribed~~ from the electronic device by the Department~~ at the statutory rate set forth in Section 5.5 of the Secretary of State Act [15 ILCS 305/5.5] and 2 Ill. Adm. Code 551.150, or the cost of an audio tape plus mailing~~. The party must pay $25 to the Secretary of State, in advance, to cover the cost of making an electronic or digital copy and mailing.

v) Motions to Continue and Withdraw; Leave to Submit Original Documents

1) Motions to Continue by Petitioner or Respondent; Grounds. Hearings before the Department of Administrative Hearings will be continued only pursuant to a motion that complies with the requirements of Section 1001.80 and is: filed prior to or on the date of the hearing, made over the telephone less than 15 days prior to or on the date of the hearing, or made in person on the day of the hearing. The movant shall set forth the grounds for the motion, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the movant, a member of his/her immediate family, or the movant's legal counsel, or if the movant is able to demonstrate some other real and compelling need for additional time. A Motion to Continue may be supported by evidence that tends to prove the grounds alleged, including sworn testimony taken at a motion hearing on the day of the hearing. The inability to obtain transportation to the hearing site or a party's failure or inability to obtain the documentation required to fulfill the minimum requirements to be issued driving relief are not circumstances that will justify continuing a hearing.

2) Continued to a Date Certain. A formal hearing shall not be continued "generally". A continuance, if granted, shall state a date certain upon which the hearing shall reconvene. If the petitioner is not prepared to go forward after the first continuance, a request to withdraw should be submitted or an Order of Default shall be entered.

A) Written Motions to Continue filed at least 15 days prior to the date of the hearing specified in the Notice of Hearing or notice of a continued hearing date will be given priority in rescheduling over those motions filed or made less than 15 days prior to the date of the hearing or made on the day of the hearing. The Department will rule upon Motions to Continue filed at least 15 days prior to the date of the hearing and, when possible, notify the movant of its ruling prior to the date of the hearing. If the motion is denied, the movant must appear at and proceed with the hearing or withdraw from the hearing or an Order of Default shall be entered.

B) Motions to Continue made by telephone less than 15 days prior to the date of the hearing, specified in the Notice of Hearing or notice

of a continued hearing date must also be filed in writing and received or postmarked no more than 5 days after the date of the hearing to be considered. A Motion to Continue made in writing less than 15 days prior to the date of the hearing specified in the Notice of Hearing or notice of a continued hearing date must be received and postmarked no more than 5 days after the date of the hearing. The Department cannot assure the movant that it will rule upon these motions prior to the date of the hearing.

C) A Motion to Continue made or filed by a petitioner waives the statutory requirement of Sections 2-118 and 3-402.B(7)(a) of the Code that his/her hearing commence within 90 days from the date of the written request.

D) It is the responsibility of the movant to inform the Department, in the Motion to Continue or during his/her telephone conversation, what course of action he/she wishes to take if the motion is denied (either to appear and proceed with the hearing, withdraw or default). In all cases, it is also the responsibility of a movant who has not been notified of the Department's ruling to contact the Department on or before the day of the hearing to determine whether the hearing officer has ruled on his/her motion. A movant's failure to appear after a Motion to Continue is denied will result in the entry of an Order of Default.

3) Motions Made by the Department. The Department may also make or file a Motion to Continue for unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the hearing officer, the attorney representing the Secretary of State, a witness, or a member of the immediate family of one of these entities, or if the Department is able to demonstrate some other real and compelling need for additional time.

4) Motions to Withdraw. Except as provided in this subsection (v)(4) and in Section 1001.70, a petitioner may withdraw from a hearing for any reason. A Motion to Withdraw made in person or by telephone on or before the day of the hearing must be followed up with a written motion that is received no more than 10 days after the date of the hearing. A Motion to Withdraw made in writing must be received or postmarked no

more than 10 days after the date of the hearing. Failure to do so will result in an Order of Default. Once a petitioner is placed under oath, a request to withdraw from a hearing that, in the hearing officer's judgment, is based upon surprise evidence presented or adverse evidence, shall not be granted. Upon withdrawal, the requested relief will not be considered and the petition dismissed. Should the petitioner request another hearing, it must be done in writing and it will be treated as any other request for hearing. (See Section 1001.70.)

5) Motions for Leave to Submit Original Document. As provided in Section 1001.90(b)(7) and (8), the petitioner may request leave to submit original documents if the petitioner proceeds with the hearing, offering copies of documents when originals are required. The hearing shall be completed and the petitioner shall be granted leave to submit the original documents as provided in Section 1001.90(b)(7) and (8).

6) Attorney's Appearance on File. A Motion to Continue or Withdraw made by any attorney on behalf of a petitioner/respondent will not be considered unless the attorney has filed a written notice of appearance as provided in Section 1001.40.

7) Out-of-State Petitioners. An out-of-state petitioner who fails to provide the information required by Sections 1001.100(b)(2) and 1001.440(o) within 30 days after a written demand made by the Department to his/her last known address shall have his/her petition withdrawn by a written Order of the Director or Deputy Director. The Order shall be made part of the petitioner's permanent record and a copy shall be sent to the petitioner's last known address. The Department shall not accept another petition for driving relief from a petitioner whose petition for driving relief has been withdrawn pursuant to this provision for 30 calendar days from the date of the Order.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.110 Orders; Notification; Time Limits on Obtaining Relief

a) The Department shall prepare a written order for all final determinations, which shall include the Findings of Fact, Conclusions of Law, Recommendations of the hearing officer, and the Order of the Secretary.

b) The hearing officer shall prepare the Findings of Fact, Conclusions of Law, and Recommendations to the Secretary. The Findings of Fact and Conclusions of Law must be stated separately.

c) The Order of the Secretary of State shall be the decision of the Office upon the application for relief.

d) The Department shall notify all parties or~~and~~ their agents personally, by facsimile, regular mail or ~~by~~ electronic transmission~~mail~~, of the Findings of Fact, Conclusions of Law, Recommendations, and the Order within the statutory time limit specified in Section 2-118 of the Code. If it is the Order of the Secretary of State to grant driving relief, then the Department will also provide instructions on what steps the petitioner must take (such as, but not limited to, filing high-risk insurance, the payment of fees, taking driving tests, etc.) in order to obtain the relief. The failure to follow and complete these instructions will result in the denial of driving relief.

1) Petitioners who are granted a restricted driving permit must complete the requirements for obtaining the permit within 90 days after the date of the Secretary's Order. The Department reserves the discretion to extend this deadline in order to allow a petitioner to achieve compliance, when it is apparent that the petitioner is making a good faith effort or the petitioner demonstrates that he or she has experienced a change in circumstances that requires the petitioner to provide additional information (such as, but not limited to, a change in employment).

2) Petitioners who are granted the reinstatement of driving privileges must complete the requirements for effecting reinstatement within 365 days after the date of the Secretary's Order.

e) An Order of Default shall be entered against the petitioner or respondent, who fails to appear for a hearing at the scheduled time and has failed to request or been granted a continuance in accordance with Section 1001.100(v~~n~~).

f) Orders resulting from formal hearings are final administrative orders within the meaning of the Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section 1001.220 Hearings: Notice; Location; Procedures; Record

a) Notice of Suspension; Right to a Hearing. Any petitioner who receives a Notice of Suspension in a safety responsibility case may contest the suspension by submitting a written request for a hearing pursuant to Section 7-205 of the Code.~~Subsequent to certification of an uninsured motorist by the Department of Transportation as provided by statute, and upon a preliminary finding that a reasonable possibility of a civil judgement exists, the Secretary shall institute a Notice of Suspension which advises the petitioner of his/her right to a hearing in lieu of deposit of security. Any petitioner, by submitting a written request postmarked within 15 days after the mailing date of the Notice of Suspension, will be afforded a full, fair, and impartial hearing to contest the preliminary finding of the Secretary. [625 ILCS 5/7-205]~~ Any request for hearing postmarked within 15 days after the mailing date of the Notice of Suspension will stay the effective date of the safety responsibility suspension pending the outcome of the hearing. Hearing requests received after the 15 day period will be granted; however, the suspension will not be stayed or removed pending the hearing. "Written request" means that the petitioner may send the Office a petition via facsimile, electronic transmission, or regular mail.

b) Filing Fee

1) A~~Effective 15 October 2001, a~~ petition for a hearing to contest a suspension will not be accepted for filing unless it is accompanied by a fee of $50, as provided in Section 2-118 of the Illinois Vehicle Code. This filing fee must be submitted by each party who wishes to be made a petitioner in the proceeding, in the form of a money order, a cashier's or certified check, a check drawn on the account of an attorney of record or an attorney professional corporation of record in a hearing before the Department of Administrative Hearings, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.

2) This filing fee will not be refunded to any petitioner if the petitioner withdraws from the hearing or defaults.

3) In cases where a hearing is continued, any petitioner who has paid a filing

fee will not be required to submit another filing fee.

4) In cases where a petitioner withdraws, the petitioner will be required to submit a filing fee before another hearing will be scheduled.

c) Decisionmaking Factors; Burden of Proof. The decision resulting from the hearing shall be based upon the following factors: whether the petitioner, as a motor vehicle owner or operator, has been involved, or whose vehicle has been involved, in a motor vehicle accident occurring within the State of Illinois and which has resulted in bodily injury or death of any person or in which damage to the property of any one person exceeds the amount provided by statute; whether petitioner is exempt from the Safety Responsibility Law; and whether there exists a reasonable possibility of a civil judgment against the petitioner. The petitioner shall bear the burden of proof throughout the proceedings. The standard of proof shall be a preponderance of the evidence.

d) Issuance of Notice of Hearing. The hearing shall be initiated by the issuance of a Notice of Hearing by the Secretary. The Notice shall be served upon the petitioner, as the person against whom action may be taken by the Secretary, any interested party, and any attorney of record. The Notice of Hearing may be sent by electronic transmission, if the parties agree to this format.

e) Notice of Hearing − Content. The Notice of Hearing shall be a written statement setting forth, but not limited to, the following information:

1) The name of the petitioner;

2) The name and address of any interested party;

3) The date, time, place, and nature of the hearing;

4) The matters to be addressed at the hearing;

~~5) The name of the hearing officer;~~

5~~6~~) The specific Sections of the Statutes involved;

6~~7~~) The statutory authority pursuant to which the hearing is being conducted;

7~~8~~) Notice to the petitioner that a failure to appear will result in the denial of any relief requested and that at any rehearing granted under Section 1001.260 the petitioner will be deemed to have waived the right to subpoena or cross-examine witnesses that testified at the original hearing.

f) Location of Hearings; Notice of Change of Location. Hearings shall be conducted in the Counties of Cook, DeKalb, Madison, Will, Sangamon, Kane, St. Clair, McDonough, and Jefferson and in such other locations as the Secretary shall from time to time designate. The Secretary reserves the discretion to conduct these hearings by videoconferencing. If the Secretary determines to abandon or change the location of hearings to a location or locations outside the counties specifically listed in this subsection, the Secretary shall publish a notice of the change, at least 20 days prior to the effective date of the change, in a local newspaper of general circulation in each county wherein a location is abandoned or to which a hearing location will be added or moved. The notice shall indicate the reasons for the determination and shall identify the new location proposed to serve the county, if known at the time of publication. The hearing site locations, and any change therein, shall also be posted on the Secretary of State website.

g) Parties to a Hearing; Disqualification of Hearing Officer. Every hearing shall be presided over by a hearing officer duly appointed by the Secretary. The Secretary may also appoint a representative to appear and participate in his behalf. Prior to the taking of evidence, a petitioner may request the disqualification of the hearing officer by making a motion for disqualification, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the petitioner by the hearing officer. The hearing officer will rule upon the motion. If the motion is denied, the hearing will proceed. If the motion is granted, the case shall be transferred to another hearing officer for a same day hearing if possible. If not possible, a new hearing date will be established and another hearing officer shall be assigned by the Secretary. The hearing officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any petitioner, to examine witnesses, and to rule upon the admissibility of testimony and evidence.

h) Petitioner's Rights. Each petitioner to the hearing and the Secretary of State shall have the following rights:

1) The right to the issuance of subpoenas upon written request directed to the hearing officer at least 10 business days prior to the hearing;

2) The right to call and examine witnesses;

3) The right to cross-examine witnesses on any matter relevant to the issues, even though the matter was not covered on direct examination;

4) The right to introduce exhibits; and

5) The right to obtain in advance, upon written request, copies of all related police reports not designated confidential by State law. Requests must be submitted at least 10 business days prior to the hearing date to be considered. The petitioners may request copies of the related police reports at the hearing if the need for the copies could not be foreseen before the hearing, or the need for them arose because of the issues or allegations adduced at the hearing.

i) Right to Counsel; Attorneys Must Be Licensed; 711 Students. The petitioner shall have the right to appear in person and be heard through an attorney at law licensed to practice in the State of Illinois or any law student licensed under Supreme Court Rule 711. If the petitioner does not testify on his/her own behalf, he/she may be called by the representative of the Secretary and examined as if under cross-examination.

1) Attorneys admitted to practice in states other than the State of Illinois may appear and be heard in a specific hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance, by special leave of the Director of the Department or the Director's designee, pursuant to an Order pro hac vice, as authorized by Supreme Court Rule 707 and the Illinois Rules of Professional Conduct Rule 5.5, effective January 1, 2010~~Attorneys admitted to practice in states other than the State of Illinois may appear by special leave of the hearing officer appointed to conduct the hearing, upon the attorney's verbal representation or written documentation as to the attorney's admittance~~.

2) A natural person may appear and be heard in his/her own behalf.

3) A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.

4) Only an attorney mentioned above properly licensed shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge. The standards of conduct shall be the same as before the Courts of the State of Illinois.

j) Recording of Proceedings; Obtaining a Copy of the Record.

1) The proceedings shall be recorded by a suitable electronic method. The petitioner may furnish, at his/her own expense, a certified shorthand reporter. All records taken shall be properly cataloged and preserved by the Secretary for a period of at least 45 days from the entry of the hearing officer's order. A copy of the electronically recorded~~Oral~~ proceedings~~, or any part thereof,~~ shall be available~~transcribed~~ upon the request of the petitioner, any party, or his/her counsel upon advance payment of $25 by~~at~~ the requesting party~~party's personal expense~~ , to cover the cost of making a copy of the recording plus mailing~~as specified in 2 Ill. Adm. Code 551.150, or the cost of an audio tape, plus mailing~~.

2) Persons who are not a party to a proceeding may obtain a copy of the file, a document in the file, or a transcript of the proceeding by filing with the Department a request for the record pursuant to, and subject to the restrictions and exemptions in, the Freedom of Information Act [5 ILCS 140].

k) Record of a Hearing. The record of a hearing held pursuant to this Section shall include, but not be limited to, the following:

1) The notices, pleadings, and responses to pleadings;

2) The motions and rulings on motions;

3) The matters officially noticed;

4) The offers of proof made and objections to and rulings on those offers;

5) The opinions, recommendations, or reports by the hearing officer, Secretary, or Department; and

6) An electronic or digital recording~~A transcript~~ of the proceedings.

l) Interpreters~~; Hearing Impaired~~. The Secretary will provide, upon prior written request, an interpreter for hearing impaired petitioners and interested parties who wish to testify. However, it is the responsibility of the petitioner or interested parties to provide a language interpreter.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

Section 1001.300 Applicability

a) Lower Level Hearing; No Right to Appeal. This Subpart applies to informal hearings conducted by driver license hearing officers in the Department of Administrative Hearings of the Office of the Secretary of State in various locations throughout Illinois. They are a lower level hearing than the formal hearings conducted pursuant to Subpart A of this Part. There is no appeal from an informal hearing to a formal hearing because the formal hearing is a de novo proceeding. These informal hearings are limited to the consideration of and the making of recommendations on driver's license suspension and revocation matters and the recommendations may include any recommendation able to be made by a formal hearing, except as provided in subsection (b).

b) Petitions Not Subject of Informal Hearings. An informal hearing shall not, however, consider petitions for driving relief in the following cases:

1) the current suspension, revocation~~,~~ or cancellation resulted from an offense, the facts of which involved a death, except for petitions for restricted driving permits after a revocation entered pursuant to Section 6-205(a)16 of the Code;

2) for the rescission or modification of suspensions or revocations;

3) the petitioner's driving privileges are currently revoked in Illinois for driving under the influence or aggravated driving under the influence pursuant to Section 11-501 of the Code or similar provisions of local ordinances or out-of-state statutes, and the petitioner has been convicted of ~~another revocation for~~ driving under the influence or aggravated driving

under the influence pursuant to Section 11-501 of the Code or similar provisions of local ordinances or out-of-state statutes, and/or has been suspended~~any suspensions~~ pursuant to Section 11-501.1 or 11-501.6 of the Code or similar provisions of local ordinances or out-of-state statutes, arising from separate incidents, on a previous occasion;

4) an open revocation entered pursuant to Section 6-206(a)1 of the Code and 92 Ill. Adm. Code 1040.35;~~.~~

5) for a restricted driving permit after an extension or reimposition of a summary suspension entered pursuant to Section 6-206.1(l) of the Code;

6) an out-of-state petition for reinstatement, made pursuant to Section 1001.100(a).

c) Jurisdiction of Informal Hearings − Renewal of Permits. An informal hearing may, however, consider, after initial approval or issuance at a formal hearing, a petition for the continuation/renewal of restricted driving permits in the above cases if:

1) a restricted driving permit was granted from a formal hearing;

2) a permit is still in effect or has expired no more than 30 days from the date of the informal hearing;

3) the petitioner has not been subsequently convicted or received court supervision for any of the following offenses: driving under the influence or aggravated driving under the influence, leaving the scene of a fatal or personal injury collision, drag racing, reckless driving, driving while suspended or revoked, fleeing or attempting to elude a peace officer, or any of the felony offenses listed in Section 6-206(a)28 of the Code;

4) the petitioner has driven on the current permit for at least 75% of the length of the permit; and

5) the petitioner is now eligible for and requests the continuation of the previously issued permits.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.320 Right to Representation

Any petitioner may represent himself or herself at an informal hearing, or may be represented by an attorney licensed to practice law in Illinois or in another state who is specifically permitted, ~~either~~ by the Director of the Department pursuant to Supreme Court Rule 707 and the Illinois Rules of Professional Conduct Rule 5.5, effective January 1, 2010,~~or a judge of the circuit court of the county in which the hearing is conducted, pursuant to an Order pro hac vice,~~ to represent a petitioner at the informal hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance, or any law student licensed under Supreme Court Rule 711. A petitioner may be assisted by a non-lawyer if the petitioner is representing himself or herself.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.340 Location of Hearings

a) There shall be at least one hearing officer in each region.

b) The headquarters of each region shall be in the facility located in that city, and a work location may also be established by the supervisor for one or more hearing officers within a region.

c) The regions and headquarters shall be designated by the Secretary or the Director of the Department and announcements of the location and days and hours of service shall be posted at driver's license stations throughout the State and on the Secretary of State website (cyberdriveillinois.com). This information will be updated quarterly.

~~d) Out-of-state Petitioners~~

~~1) Petitioners who have permanently relocated outside of the State of Illinois and petitioners who are still residents but are temporarily residing outside the State of Illinois may make, except as provided in subsection (d)(2), written application in lieu of returning to Illinois for an informal hearing. The petitioner shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment~~

~~verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions which fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner is maintaining substantial contact with the State of Illinois and is capable of attending a hearing in person in a timely manner.~~

~~2)~~ ~~Out-of-state petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless the petitioner shows good cause for not being able to attend in person. "Good cause" is shown when it is demonstrated by a written statement that the petitioner cannot attend a hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.~~

~~3)~~ ~~Except as provided in Sections 1001.430(k) and 1001.440(o), out-of-state petitioners must submit at a minimum all documentation and information required by Subpart D, as well as a sworn Out-Of-State Petitioner's Affidavit that provides the information otherwise required by the Secretary at an informal hearing.~~

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcohol, from any source, or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or

certificate. It shall also include attendance at any required instructional class in an apprentice program and at functions and activities required to maintain the student's status as a currently enrolled student or to fulfill the requirements of a scholarship.

"Accredited educational institution" means any school or institution, whether public or private, that offers classes or courses of instruction, and that is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol.

"Alcohol and drug evaluation (Investigative)" means a printed~~typewritten~~ report that~~which~~ conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet:

the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 5~~10~~ years (as of the date of the hearing) for which the petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges;~~, or~~

there is credible evidence that the petitioner had any arrest or implied consent suspension for boating or snowmobiling under the influence within the last 5 years (as of the date of the hearing);~~, or~~

the petitioner has an alcohol/drug-related criminal conviction within the last 5 years (as of the date of the hearing)~~record~~, as defined in this Section; or

the facts of the current loss of driving privileges indicate the use or potential use of alcoholic beverages or other drugs at a time when the offender was under the age of 21 years and within the last 5

years (as of the date of the hearing); or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree that~~which~~ renders that~~the~~ person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (Out-of-state)" means a printed~~typewritten~~ report that~~which~~ conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C)~~ of this Subpart~~.

"Alcohol and drug evaluation (Uniform Report)" means a printed~~typewritten~~ report that~~which~~ conforms to standards established by the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse (DASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by DASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (Update)" means a printed~~typewritten~~ report that~~which~~ updates a Uniform Report or Investigative Evaluation and conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B)~~ of this Subpart~~. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A)~~ of this Subpart~~.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, that~~which~~ conforms to the standards established by DASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol/drug-related criminal conviction~~record~~" means a petitioner's or respondent's record of being found guilty of violating the Cannabis Control Act [720 ILCS 550], ~~or the~~ Illinois Controlled Substances Act [720 ILCS 570], or Methamphetamine Control and Community Protection Act [770 ILCS 646], or being found guilty of the commission of a misdemeanor or felony offense while under the influence of, or impaired by the use of, alcohol or other drugs, or the facts of the offense indicate that it was committed for the purpose of obtaining alcohol or other drugs.

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID permittee " means a BAIID petitioner who has been issued an RDP as a result of a hearing.

"BAIID multiple offender " means anyone who is required to install an interlock device on all vehicles he or she owns, pursuant to Sections 6-205(h)~~ and 11-501(i)~~ of the IVC. Any petitioner whose current or most recent suspension or revocation is for an offense or offenses that are not alcohol/drug-related, and whose alcohol/drug use was the topic of previous hearings that resulted in a finding that the petitioner's alcohol/drug problem had been resolved and who, therefore, previously fulfilled the requirements of Sections 6-205(h) and 11-501(i), is not a BAIID multiple offender.

"BAIID petitioner" means anyone who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by the IVC or these rules~~Sections 6-205(c) and 6-206(c)3 of the IVC. Any petitioner whose current or most recent suspension or revocation is for an offense or offenses that are not alcohol/drug-related, and whose alcohol/drug use was the topic of previous hearings that resulted in a finding that the petitioner's alcohol/drug problem had been resolved, is not a BAIID petitioner~~.

"BAIID provider" means an entity authorized by the Secretary to contract with BAIID permittees and MDDP offenders and distribute, supply, install, maintain and monitor BAIID devices. A "BAIID provider" may be an authorized agent or representative of a manufacturer or an independent entity. "BAIID provider" may be synonymous with vendor, supplier, manufacturer, or installer.

"Breath Alcohol Ignition Interlock Device"~~Devices~~ or "~~(~~BAIID~~)~~" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint, the

vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"BUI" means boating under the influence, as defined in the Boat Registration and Safety Act [625 ILCS 45/5-1 through 5-21].

"Certified controlled reference sample~~Controlled Reference Sample~~" means a suitable reference of known ethyl alcohol concentration.

"Chemical test~~Test~~" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical impression~~Impression~~" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"DASA" means the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse.

"Day care provider, licensed/unlicensed – children" means a licensed "facility for childcare", "child care institution", or "day care center", as defined and provided for in the Child Care Act of 1969 [225 ILCS 10] and the rules of the Department of Children and Family Services at 89 Ill. Adm. Code 406 and 89 Ill. Adm. Code 408. It also includes, for purposes of this Subpart, a private individual or family member who, regardless of whether payment is made for the service, provides day

care services as described in the Child Care Act of 1969 and 89 Ill. Adm. Code 406.

"Day care provider, licensed/unlicensed – elderly or disabled person" means a licensed "adult day health center" and other community based services for elderly and disabled persons, as defined and provided for in the All-Inclusive Care of the Elderly Act [320 ILCS 40], the Older Adult Services Act [320 ILCS 42], the Community Senior Services and Resources Act [320 ILCS 60], the Family Caregiver Act [320 ILCS 65], and Article III of the Illinois Public Aid Code [305 ILCS 5]. It also includes, for purposes of this Subpart, a private individual or family member who, regardless of whether payment is made for the service, provides day care services as described in those statutes and the rules of the Departments of Healthcare and Family Services and Aging.

"Decertification" means the removal or cancellation by the Secretary of the authorization for a BAIID provider to use, distribute or provide a particular type of BAIID to BAIID permittees, MDDP offenders and BAIID multiple offenders.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated driver remedial or rehabilitative program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

"Director" means the Director or Acting Director of the Department.

"Disabled person" means any person who is, and who is expected to indefinitely continue to be, subject to any of the 5 types of disabilities listed in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or who is disabled as defined in Article III of the Illinois Public Aid Code. It also means any person whose disability is verified by the person's treating physician.

~~"Disqualification" means the removal or cancellation by the Secretary of the authorization for a BAIID provider to sell, rent, distribute, supply, install, service, repair or monitor BAIIDs for BAIID permittees, MDDP offenders and BAIID multiple offenders.~~

"Documentation of abstinence~~Abstinence~~" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time, according to the standards stated in Section 1001.440(e).

"Driver License Compact" is an agreement among signatory states that deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.

"DUI disposition" means any conviction or supervision for DUI, BUI or SUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension, except summary suspensions entered pursuant to Section 11-501.8 of the Code (zero tolerance suspensions). This definition applies to offenses that are committed in other states as well as in Illinois, and regardless of whether the offense has been recorded to the offender's Illinois criminal or driving record.

"Elderly person" means a person age 60 or over who does not possess driving privileges or who, due to age or infirmity, is not able to exercise those driving privileges.

"Employ" or "employed" or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence that includes the completion of a term of community service. Employment need not be the sole or primary means of

support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by DASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updateupdated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a running retest" means any time the BAIID Permittee registers a BrAC reading of 0.05 or more on a running retest or fails to perform a running retest that has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in IVC Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with either:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent. This classification shall be assigned to a petitioner who has experienced the required number of symptoms within any 12 month period, as defined by the Diagnostic and Statistical Manual of Mental Disorders, and regardless of whether the petitioner has attained a sustained period of remission/abstinence at the time that the evaluation is conducted; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, BUI or SUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).) This definition applies to offenses that are committed in other states as well as in Illinois, and regardless of whether the offense has been recorded to the offender's Illinois driving record.

"Immediate family" means a member of the petitioner's household, the petitioner's parents, grandparents, children, grandchildren and stepchildren who live with the

petitioner, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID provider or manufacturer to install, repair, maintain, or monitor a BAIID and employed by an authorized BAIID provider, service center, vendor or manufacturer. "Installer" is synonymous with an authorized entity providing installation, repair, or monitoring services to BAIID permittees and MDDP offenders through those trained individuals.

~~"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.~~

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"MDDP" means a monitoring device driving permit, issued pursuant to Section 6-206.1 of the IVC. A MDDP is not a restricted driving permit.

"MDDP holder" means an MDDP offender who has been issued an MDDP by the Office of the Secretary of State.

"MDDP offender" means a person who is a first offender as defined in Sections 11-500 and 6-206.1 of the IVC.

"Medical cannabis" means the prescribed use or consumption of cannabis as defined and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"Medical or physical BAIID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAIID by the BAIID permittee or MDDP offender for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without violating the

BAIID rules and statutory requirements.

"Medical or Physical BAIID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAIID by the BAIID permittee or MDDP offender for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, BUI or SUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

This definition applies to offenses that are committed in other states as well as in Illinois, and regardless of whether the offense has been recorded to the offender's Illinois criminal or driving record.

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, BUI or SUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

This definition applies to offenses that are committed in other states as well as in Illinois, and regardless of whether the offense has been recorded to the

offender's Illinois criminal or driving record.

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"Near-alcoholic beverage" means a beverage with an alcohol content of .05 percent or less.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(e)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Problem Driver Pointer System" or "PDPS" is a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (state of record (SOR)) and is accessed by other states (state of inquiry (SOI)) to determine a person's eligibility to apply for a driver's license. (See Secretary of State rules at 92 Ill. Adm. Code 1040.70.)

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in IVC Sections 6-205(c) and 6-206(c)~~3 of the~~

~~Code~~.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Running retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State or his designee.

"Service or inspection notification" means that feature of the device that advises or notifies the BAIID permittee or MDDP offender to either take the vehicle with the device installed to the BAIID provider or installer or send the device to the BAIID provider or installer for the required inspection and the monitor report.

"Service center" means an authorized dealer, distributor, supplier, or other business engaged in the installation of BAIIDs and is synonymous with installer.

"Show cause hearing" means that the Secretary has good cause to believe that a driver may be a danger to public safety and welfare for violations of IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a). The Department will send notice to the driver, who then has an opportunity to show cause why his/her driving privileges should not be cancelled at a formal hearing conducted pursuant to IVC Section 2-118.

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

one prior conviction or court ordered supervision for DUI, BUI or SUI, one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or

other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

This definition applies to offenses that are committed in other states as well as in Illinois, and regardless of whether the offense has been recorded to the offender's Illinois criminal or driving record.

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"SUI" means snowmobiling under the influence, as defined in the Snowmobile Registration and Safety Act~~, found at~~ [625 ILCS 40/5-1 through 5-7.6].

"Support/recovery program" means specific activities that~~which~~ a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i)~~ of this Part~~). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change that~~which~~ involves the replacement of substance using activity with non-substance using activity; a strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device.

"Treatment Needs Assessment" means an assessment of a petitioner's current need for alcohol/drug treatment, counseling, or other intervention services or rehabilitative activity, composed by a licensed treatment provider.

"24 hour~~Hour~~ lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to court ordered activities" means an extreme difficulty in getting to and from a location where a petitioner is participating in or fulfilling the requirements of conditional discharge, probation or parole, such as, but not limited to, community service, support groups, and treatment for illnesses or disorders. This does not include getting to and from primary treatment for alcohol/drug abuse. It is more than mere inconvenience to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. The impact on the family unit is a valid consideration. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to day care for children, an elderly or disabled person" means an extreme difficulty in getting a member of the petitioner's immediate family to and from a day care provider or a pre-school. It is more than mere inconvenience to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. The impact on the family unit is a valid consideration. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It also means an extreme difficulty in getting a member

of the petitioner's immediate family to and from pre-school, elementary school or high school, or their equivalent. "Educational pursuits" include activities and events conducted, and services provided, by the school district, immediately before and/or after the school day begins, functions and activities required to maintain the student's status as a currently enrolled student, and functions and activities required to fulfill the requirements of a scholarship. It is more than mere inconvenience to the petitioner~~, and pertains only to the petitioner~~. All other reasonable means of transportation must be unavailable to the petitioner. The impact on the family unit is a valid consideration. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. The impact on the family unit is a valid consideration. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. The impact on the family unit is a valid consideration. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. The impact on the family unit is a valid consideration. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful attempt to start the vehicle" means anytime the BAIID permittee or

MDDP offender registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, motorcycles, motor driven cycles and vehicles that require a commercial driver's license to operate.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

a) Burden of Proof. In every petition for driving relief, the petitioner must prove, by clear and convincing evidence, that he/she will not endanger the public safety and welfare~~Petitioners who are not eligible for reinstatement of driving privileges at the time of their hearing must prove that there is no reasonable alternative means of transportation available, that they will not endanger the public safety and welfare, and that an undue hardship will result if they are not issued a restricted driving permit (RDP). The Secretary of State does not weigh the nature or extent of a petitioner's hardship against the risk he/she poses to the public safety and welfare. Rather, the petitioner must first carry his/her burden of proving that he/she will not endanger the public safety and welfare in order for the Secretary of State to consider whether the petitioner has an undue hardship~~.

1) Burden of Proof; Not Eligible for Reinstatement – Hardship Required. Petitioners who are not eligible for reinstatement of driving privileges or whose driving privileges are suspended at the time of their hearing must prove, by clear and convincing evidence, that there is no reasonable alternative means of transportation available, that they will not endanger the public safety and welfare, and that an undue hardship will result if they

are not issued an RDP. The Secretary of State does not weigh the nature or extent of a petitioner's hardship against the risk he/she poses to the public safety and welfare. Rather, the petitioner must first carry the burden of proving that he/she will not endanger the public safety and welfare in order for the Secretary of State to consider whether the petitioner has an undue hardship.

2) Burden of Proof; Eligible for Reinstatement – Hardship Not Required. The Secretary reserves the discretion to issue an RDP to petitioners who are eligible for reinstatement at the time of their hearing, when warranted by the facts and circumstances reflected in the evidence submitted at the petitioner's hearing, and subject to the terms and conditions of Sections 1001.430 and 1001.440.

b) RDP Classifications

1) Employment. A petitioner for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. If the petitioner is self-employed, evidence of self-employment can include, but is not limited to, stationery, business card, official receipt, check, State or Federal tax returns or letters from business associates.

2) Medical or Treatment. A petitioner for an RDP for medical or treatment purposes must provide verifiable documentation from the licensed physical or mental health care provider involved that the petitioner or a member of his/her immediate family (who is unable to operate a motor vehicle) must receive or is receiving services on a regularly scheduled basis.

3) Court Ordered Activities and Community Service. A petitioner for an RDP for court ordered activities or community service must provide certified court documents detailing the terms of the service or activity, including but not limited to the place or places the service or activity is performed, the hours during which the service or activity is to be performed and the nature of the service or activity. This does not include getting to and from primary treatment for alcohol/drug abuse. The attendance or participation in treatment or support meetings must be

verified and documented in the manner specified in this subsection (b)(3).

4) Educational. A petitioner for an educational RDP must be currently enrolled, or intend to enroll for the next available session, in an accredited educational institution for the purpose of taking an accredited educational course or courses, to attend or participate in functions and activities required to maintain the student's status as a currently enrolled student, or to fulfill the requirements of a scholarship. A petitioner who is applying for an educational RDP to enable the petitioner to drive members of his or her immediate family to school or other education pursuits, as defined in this subsection (b)(4), must provide evidence that the members of the immediate family are currently enrolled, or will be enrolled for the next available session, in an accredited pre-school, elementary school or high school, or their equivalent. Prior to the issuance of any educational RDP, the petitioner must submit verification by the institution of his or her, or the immediate family member's, enrollment ~~from the institution~~. The verification shall be on a form provided by the Secretary of State.

5) Support/Recovery~~.~~

A) A petitioner for a support/recovery program RDP must provide verifiable documentation, from members of the group or program, that he/she has been attending meetings on a regular basis.

B) A petitioner who wishes to begin or resume participation in a support/recovery program, but who resides alone or in a household in which there is no other licensed driver and/or resides in a remote location in or near a community in which public transportation is not available, will be considered for a support/recovery program RDP if the petitioner proves that he/she has been abstinent from all alcohol and drugs for a minimum of 12 months and has satisfied the other provisions of this Subpart.

6) Day Care. A petitioner who requests an RDP for day care purposes must identify the children or other person who is to receive the day care services, specify the nature of the services, and provide verifiable documentation from the day care provider that it is providing day care services to a member of the petitioner's immediate family. The verification shall be on a form provided by the Secretary of State. A

person's disability must be verified by providing the Department with a copy of the person's Illinois Disabled Person Identification Card. An elderly person's age must be verified by providing the Department with a copy of the person's Illinois Identification Card, Social Security Card, birth record, or some other, credible proof of age. The petitioner must also be able to verify the reason why the elderly person is not able to drive himself or herself.

7~~6~~) Revocations for Reckless Homicide and Aggravated DUI Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with the petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for the issuance of a restricted driving permit pursuant to IVC Sections 6-205(c) and 6-206(c)3~~ of the Code~~, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

8) Except as specified in subsection (b)(7), the verifications and documentation required by this Section need not be provided at the time of the hearing. It is, however, strongly encouraged and it is the petitioner's responsibility to provide detailed contact information when applicable. Furthermore, the failure of the petitioner to provide verification or documentation at the time of the hearing is not a sufficient basis, in and of itself, to deny driving relief.

c) Jurisdiction/Eligibility. An RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in IVC Sections 6-205, 6-206, 6-303, 6-201(a)5 as it relates to 6-103.4, 11-501.1, 11-501.6 and 11-501.8~~ of the Code~~. Petitioners who are eligible to apply for an MDDP~~a JDP~~ are not eligible for and will not be considered for an RDP, except as provided in Section 6-206.1(l) or this Part.

d) Undue Hardship – Burden of Proof and Types. If not yet eligible for reinstatement, a~~. A~~ petitioner must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the petitioner or family and friends is not undue hardship. The petitioner should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, as defined in Section 1001.410, such as but not limited to: walking, mass transit, car pools, or being driven; how the petitioner is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the petitioner's residence and his/her destination; and similar factors relating to employment, necessary medical care, support/recovery program meetings, court ordered activity and community service, ~~and/or~~ educational pursuits, and/or day care services.

1) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the petitioner's primary employment and shall be limited to a maximum of 12 hours per day and 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the petitioner's work schedule.

2) A support/recovery program RDP may include attendance at no more than 5~~3~~ meetings per week.

3) An educational RDP will be subject to appropriate limits necessary to allow the petitioner or members of his or her immediate family to get to and from the subject institution/courses, schools, and educational pursuits. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of 12 hours per day and 6 days per week. Additional parameters to consider in setting these limits shall include whether the petitioner or members of his or her immediate family commute~~commutes~~ daily to the courses, schools and educational pursuits; is required to participate in clinical or student teaching programs in order to fulfill the requirements for a degree in his/her chosen field, to participate in functions and activities in order to maintain the student's status as a currently enrolled student, or to fulfill the requirements of a scholarship; or lives on or within a radius of one mile from the campus and only needs to drive to and from the institution on an infrequent basis

(less than once per week) and is then able to get to the courses or the educational pursuits by other means of transportation. An educational permit will not be issued to allow a student to drive between his or her permanent residence and the educational institution on a weekend visit. The permit shall expire at the conclusion of the period for which it is granted.

4) A petition for a day care RDP will be considered to allow the petitioner to drive the child to a day care provider while the petitioner is engaged in other activities, regardless of whether the petitioner is issued an RDP to drive to and from those activities, and to enable the child to receive day care services.

A) A petition for a day care RDP will be considered for noncustodial parents. Factors to be considered include, but are not limited to, how frequently the noncustodial parent requests that he or she be allowed to transport his or her children, the distance between the petitioner's residence and that of the custodial parent, the route to be traveled, which must be consistent and in conjunction with the other activities engaged in by the petitioner, and any other relevant evidence presented by the petitioner.

B) In relation to day care for an elderly or disabled member of the petitioner's immediate family, a day care RDP will be considered to allow the petitioner to drive the person to a day care provider to receive identifiable services and to allow the petitioner to drive the person to a day care provider while the petitioner is engaged in other activities, regardless of whether the petitioner is issued an RDP to drive to and from those activities.

e) Factors Considered. Factors which will be considered by the Department in determining the propriety of granting a petitioner an RDP include, but are not limited to: the petitioner's age; whether the petitioner has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner in the hearing; credibility of petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's documentary evidence; petitioner's total driving record, including but not limited to reasons for violations,

prior permits issued (unless such permits were issued pursuant to the order of a circuit or appellate court following an administrative review action), the length of time that the petitioner actually drove or has been driving on permits, and driving record while on those~~such~~ permits; record of performance while driving with an interlock device; driving history in another state if licensed previously; any arrest or implied consent suspension for boating or snowmobiling under the influence; petitioner's alcohol/drug-related criminal record as defined in Section 1001.410; whether the petitioner was incarcerated and successfully participated in any rehabilitative activity during his or her incarceration; whether the petitioner complied with the terms and conditions of probation or parole;~~reports of probation and/or parole officers;~~ and psychiatric reports when~~where~~ the evidence shows that the petitioner is suffering or has suffered from a mental disorder that~~which~~ might affect his/her ability to operate a motor vehicle in a safe and responsible manner.

f) Public Safety and Welfare. Pursuant to IVC Sections 6-205(c) and 6-206(c)3~~ of the Code~~, the public welfare and safety must not be endangered by the issuance of an RDP. The evidence must show that the petitioner will operate a motor vehicle safely so as not to be a danger to himself or herself or others. The mere passage of time since the date of revocation is not sufficient evidence.

g) Ticket Pending. An RDP will not be issued while any moving traffic offense is pending against a petitioner in any court of this or any other state, unless the pending citation or citations are also the only cause of the current loss of driving privileges.

h) Referral to Remedial Program. A petitioner who is otherwise eligible for an RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants these measures. (See IVC Sections 6-205(c) and 6-206(c)3~~ of the Code~~.)

i) Probationary RDP – Hardship Not Required. A petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under IVC Section 6-201(a)5, as it relates to IVC Section 6-103.4, may be issued an RDP for a probationary or trial period prior to (or rather than) reinstatement of driving privileges or termination of cancellation in cases where the petitioner has a poor driving record (evidenced by many minor violations or a few serious violations) or involvement as a driver in a traffic collision or collisions resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's

office to any person, or has been evaluated as Moderate Risk, Significant Risk or High Risk by an alcohol/drug evaluation. A petitioner is not required to prove an undue hardship in order to obtain a probationary RDP. The fact that a petitioner was not cited or arrested for, or convicted of, any traffic offense while driving on a probationary permit does not, in and of itself, entitle the petitioner to reinstatement.

j) Out-of-state Resident; Eligibility. An RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides~~;~~ or is eligible to apply for a license or restricted permit to drive; he/she has a verified employment, medical, day care, court ordered activity,~~community service~~ or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.

k) New Resident of Illinois; Eligibility. An RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended in another jurisdiction until such time as that suspension is terminated. An RDP may be issued to a new resident of Illinois if his/her driving privileges are revoked in another jurisdiction, pursuant to IVC Section 6-103.1~~ of the Code~~, under the following conditions:

1) At least one year has expired from the date of the revocation yet the revocation period has not expired; and

2) The petitioner meets all other applicable requirements of this Subpart.

l) Decision. The Director or a designee shall make the final decision, on each petition, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners will receive a copy of the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

m) Investigative Evaluation Required~~.~~

1) A petitioner will be required to complete and submit an investigative alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:

A) the current loss of driving privileges is not related to a DUI arrest/disposition yet:

i) the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 5~~10~~ years (as of the date of the hearing) for which the petitioner/respondent did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges;~~, or~~

ii) there is credible evidence that the petitioner had any arrest or implied consent suspension for boating or snowmobiling under the influence within the last 5 years (as of the date of the hearing);~~, or~~

iii) the petitioner has an alcohol/drug-related criminal conviction within the last 5 years (as of the date of the hearing)~~record~~, as defined in Section 1001.410; or

iv) the facts of the current loss of driving privileges indicate the use or potential use of alcoholic beverages or other drugs at a time when the offender was under the age of 21 years and within the last 5 years (as of the date of the hearing); or

B) the petitioner/respondent may be a user of alcohol or any other drug to a degree that~~which~~ renders that person incapable of safely driving a motor vehicle. (See IVC Section 6-103.4~~ of the Code~~.)

2) The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver. Furthermore, if any rehabilitative activity (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) is recommended, then the petitioner must submit an update~~updated~~ evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. An update evaluation is required even if the waiver is based upon the fact that the petitioner completed treatment prior to the date that the investigative evaluation was conducted.

3) The requirements of this subsection (m) also apply to an investigative evaluation that is submitted by a petitioner voluntarily.

4) The Department reserves the discretion to waive the requirements of an investigative evaluation if the current criminal offense is a misdemeanor and there is no other evidence of a current alcohol or drug problem.

n) Examination. A petitioner whose driving privileges have been revoked or cancelled or whose driver's license has expired will be required to submit to a driver's license examination prior to the issuance of an RDP.

o) Fourth Conviction. Pursuant to IVC Section 6-208(b)4, the Secretary of State will not issue a restricted driving permit to any person who has a fourth conviction and revocation for the offenses listed in that Section and who is, therefore, not eligible to apply for the reinstatement of driving privileges, if the arrest that resulted in the fourth conviction was made on or after January 1, 1999~~after the effective date of P.A. 90-738 (1/1/99)~~.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation

a) Conviction is Dispositive. In all cases, a conviction in a court of law in Illinois or any other state is dispositive of the guilt of a petitioner of the offense that caused his/her revocation.

b) Cause Removed. If revocation was for a cause that has been removed, such as the reversal of a conviction upon which revocation was entered, the petitioner must demonstrate that fact by clear and convincing evidence.

c) Hardship Not Required; Factors Considered. A petitioner who is otherwise eligible for reinstatement of driving privileges at the time of his/her hearing is not required to prove an undue hardship as a condition of being, or in order to be, reinstated. The factors that will be considered by the Department in determining the propriety of reinstating a petitioner whose driving privileges have been revoked include but are not limited to: the~~The~~ petitioner's age; whether the petitioner has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency

of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner in the hearing; credibility of petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's documentary evidence; petitioner's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permit was issued pursuant to the order of circuit or appellate court following an administrative review action), the length of time that the petitioner actually drove or has been driving on permits, and driving record while on any permit; record of performance while driving with an interlock device; driving history in another state if licensed previously; any arrest or implied consent suspension for boating or snowmobiling under the influence; petitioner's alcohol/drug-related criminal record, as defined in Section 1001.410; whether the petitioner was incarcerated and participated in any rehabilitative activity during his or her incarceration; whether the petitioner complied with the terms and conditions of probation or parole~~reports of probation and/or parole officers~~; and psychiatric reports in which~~where~~ the evidence shows that petitioner is suffering or has suffered from a psychiatric disorder that might affect his/her ability to operate a motor vehicle in a safe and responsible manner. The fact that a petitioner was not cited or arrested for, or convicted of, any traffic offense while driving on a probationary permit does not, in and of itself, entitle the petitioner to reinstatement.

d) Investigative Evaluation

1) A petitioner will be required to complete and submit an investigative alcohol drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:

A) the current loss of driving privileges is not related to a DUI arrest/disposition yet:

i) the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 5~~10~~ years (as of the date of the hearing) for which the petitioner/respondent did not or was not required to submit

to the Secretary of State an alcohol/drug evaluation to obtain driving privileges;~~, or~~

ii) there is credible evidence that the petitioner had any arrest or implied consent suspension for boating or snowmobiling under the influence within the last 5 years (as of the date of the hearing);~~, or~~

iii) the petitioner~~petitioner's~~ has an alcohol/drug-related criminal conviction within the last 5 years (as of the date of the hearing)~~record~~, as defined in Section 1001.410; or

iv) the facts of the current loss of driving privileges indicate the use or potential use of alcoholic beverages or other drugs at a time when the offender was under the age of 21 years and within the last 5 years (as of the date of the hearing); or

B) the petitioner/respondent may be a user of alcohol or any other drug to a degree that renders that person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

2) The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver. Furthermore, if any rehabilitative (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) activity is recommended, then the petitioner must submit an update~~updated~~ evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. An update evaluation is required even if the waiver is based upon the fact that the petitioner completed treatment prior to the date that the investigative evaluation was conducted.

3) The requirements of this subsection (d) also apply to an investigative evaluation that is submitted by a petitioner voluntarily.

4) The Department reserves the discretion to waive the requirement of the investigative evaluation if the current criminal offense is a misdemeanor and there is no other evidence of a current alcohol or drug problem.

e) Examination. A petitioner will be required to submit to a driver's license examination prior to the reinstatement of driving privileges if the test has not been successfully completed in the preceding 12 months.

f) Public Safety and Welfare. In case of either subsection (b) or (c), the public welfare and safety must not be endangered by the reinstatement of the petitioner's driving privileges. The petitioner, if restored to full driving privileges, must operate a motor vehicle safely so as not to be a danger to himself or herself or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.

g) Eligibility; New Residents of Illinois. A hearing for reinstatement will not be conducted at any time before the prescribed date of eligibility. The Secretary of State will not issue a driver's license to a new resident of Illinois while his/her driving privileges are revoked in another jurisdiction, pursuant to IVC Section 6-103.1~~ of the Code~~.

h) Ticket Pending. The driving privileges of a petitioner shall not be reinstated while any moving~~traffic~~ offense is pending against a petitioner in any court of this or any other state unless the pending citation or citations are also the only cause of the current loss of driving privileges~~him/her in any court~~.

i) 75% Rule. A petitioner who was issued an RDP at his/her previous hearing~~ is driving on a restricted driving permit at the time of his/her hearing~~ will not be considered for reinstatement of driving privileges, regardless of the petitioner's date of eligibility for reinstatement, unless he/she has successfully completed driving on that permit for 75% of its length, or has driven continuously on the current permit and a previously issued permit for a total of at least 9 months at the time that the petitioner becomes eligible for the reinstatement. However, a petitioner may appeal to the Director of the Department for a waiver of this provision when exigent circumstances warrant consideration of a waiver. An exigent circumstance is one that would prevent the petitioner from ever being able to meet this requirement, such as moving out of the State.

j) Decision. The Director or a designee shall make the final decision, on each petition, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners will receive a copy of the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

k) Out-of-state Petitioners – Never Resided in Illinois. Notwithstanding any other provisions of this Subpart, the following provisions for reinstatement of the Illinois driving privileges for certain out-of-state petitioners shall apply:

1) Out-of-state petitioners whose driving privileges are revoked in Illinois shall be granted reinstatement of Illinois driving privileges upon a showing that:

A) he/she is not currently a resident of the State of Illinois and resides more than 30 miles from the Illinois border;

B) at the time of arrest or arrests in Illinois for the violations that led to the revocation of the Illinois driving privileges, the petitioner was not licensed to drive in Illinois, was a resident of a state or jurisdiction other than Illinois, and continues to reside in that or any other state or jurisdiction;

C) the petitioner is not currently seeking to reside in or be licensed to drive in the State of Illinois;

D) the state of residence and/or licensure of the petitioner at the time of the Illinois arrests did not take action, or took action against the driving privileges of the petitioner based upon the Illinois arrest and the action has terminated;

E) but for the revocation in Illinois, the petitioner is not prohibited from obtaining driving privileges in any state or jurisdiction other than Illinois. The Secretary reserves the discretion to check the status of the petitioner's driving privileges in other states, as reported by the PDPS; and

F) the petitioner has paid all necessary fees due the State of Illinois.

2) Out-of-state petitioners granted reinstatement under the provisions of this subsection (k), who subsequently apply for Illinois driving privileges and a driver's license within 3 years afterfrom the date of reinstatement in Illinois, shall be required to have an administrative hearing and meet all of the applicable requirements of this Subpart prior to the issuance of any Illinois driving privileges and a driver's license.

l) Out-of-state Petitioners – 15 Years Rule. Out-of-state petitioners whose driving privileges were revoked in Illinois more than 15 years prior to the filing date of their current petition for driving relief shall be granted reinstatement, upon submission of a completed application and payment of the required fees, if a search of the PDPS shows that the petitioner has not had any DUI dispositions, as defined in Section 1001.410, or a finding of guilty or a plea of guilty to the possession, manufacture or delivery of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act within 15 years prior to the filing date of the current petition. The Secretary reserves the discretion to deny reinstatement pursuant to this Section and require the petitioner to satisfy the requirements of this Subpart D if the petitioner voluntarily submits evidence indicating that he or she has a current alcohol or drug problem.

m) Out-of-state Petitioners – Less than 15 Years Rule. Out-of-state petitioners whose driving privileges were revoked in Illinois less than 15 years prior to the filing date of their current petition for reinstatement must satisfy the requirements of this Subpart D.

n~~l~~) Revocations for Reckless Homicide and Aggravated DUI Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to IVC Section 6-208(b)1~~ of the Code~~, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations

a) Documents/Evidence Required. Except as provided in subsection (a)(1), in any application for reinstatement, an RDP, or the termination of an order of cancellation at a show cause hearing, all petitioners must submit an alcohol and drug evaluation and, where required, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of early intervention, treatment or proof of adequate rehabilitative progress. These requirements apply to MDDP offenders whose permits are cancelled and who apply for an RDP pursuant to IVC Section 6-206.1(l) and Section 1001.444(a) of this Part.

1) An alcohol and drug evaluation and the evidence of successful completion of early intervention or treatment submitted by a resident of Illinois must have been conducted by an individual or an agency licensed by DASA. An alcohol or drug-related driver risk education course completed by an Illinois resident must have been provided by an individual or agency licensed by DASA. (See 77 Ill. Adm. Code 2060.201.) Exceptions to these requirements will be allowed in the following cases ~~listed in subsections (a)(1)(A) and (B), as follows~~:

A) If the petitioner is currently and has been temporarily residing outside the State of Illinois (except as provided in Section 1001.100(a)(2)), then the evaluation, early intervention, treatment, and driver risk education course may be provided by an individual or agency accredited by the state in which the individual or agency operates; ~~or~~

B) If the petitioner currently resides in Illinois but received treatment for alcohol or drug abuse or dependence from a treatment program located outside the State of Illinois that has been appropriately accredited by the state in which it operates, then the petitioner may document the successful completion of that treatment in the manner provided by subsection (m) ~~of this Section~~. However, the petitioner's evaluation and driver risk education course must be provided by an individual or agency licensed by DASA; or~~.~~

C) If the petitioner successfully completed, after his or her most

recent arrest for DUI, a High Risk treatment program provided by an individual or agency licensed by DASA.

2) Out-of-state Petitioners. If the petitioner is a resident of another state at the time he or she files a petition for reinstatement of Illinois driving privileges and is, therefore, applying as an out-of-state resident pursuant to Section 1001.100(b~~a~~), he/she may submit an evaluation, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress from the state in which he/she resides or from any other state, so long as the agency or individual therapist that provides these services has been appropriately accredited by the state in which it operates.

3) Choice of Programs. The choice of these programs is within the discretion of the petitioner. The evidence submitted must be printed~~typewritten~~, although the evaluator may testify at any hearing.

4) Evaluation Standards. The alcohol and drug evaluation (Uniform Report)~~(uniform report)~~, as defined in Section 1001.410, must conform to all current standards for an evaluation set by DASA, where applicable, and/or to all current Secretary of State requirements set forth in this Subpart D. (See 77 Ill. Adm. Code 2060.503.) The evaluation must be signed and dated by both petitioner and evaluator. The evaluation must include a recitation of: the petitioner's alcohol/drug use history, from first use to present use; all DUI dispositions, as defined in Section 1001.410, including any out-of-state DUI disposition, regardless of whether the offense has been recorded to the offender's Illinois driving record; any arrests or implied consent suspensions for boating or snowmobiling under the influence that occurred within the last 5 years (as of the date of the hearing); a referral to early intervention or treatment, or a referral to a treatment provider for the purpose of conducting a Treatment Needs Assessment (see Section 1001.440(b)(7)); and the petitioner's alcohol/drug-related criminal convictions~~record~~, as defined in Section 1001.410. The alcohol/drug use history must be recited in either the body of the evaluation or in an attachment to the evaluation. The attachment must include the evaluator's signature, the date it was composed, and the name of the agency or program that is providing the evaluation.

5) Driver Risk Education Course. The alcohol and drug-related driver risk education course must, at a minimum, conform to the standards for alcohol/drug driver risk education courses set by DASA. (See 77 Ill. Adm. Code 2060.505.) Any alcohol or drug related driver risk education course required by this Part must be completed after the date of the most recent arrest for DUI, BUI or SUI.

6) Evaluation Must Be Current. The alcohol and drug evaluation must be current, which is defined as having been completed within 6 months prior to the date of the hearing.

A) Update~~Updated~~ Evaluation. An update~~updated~~ evaluation shall be conducted only by means of an in-person interview and only by the same program that conducted the original evaluation. Exceptions to the latter requirement will be allowed under the following circumstances:

i~~1~~) Transfer of File. If the petitioner's evaluation or treatment file or copies of all evaluation or treatment file material are transferred to another evaluation or treatment program that prepares the update. The program that conducts the update~~updated~~ evaluation should explain, either in a separate cover letter or in the body of the update~~updated~~ evaluation, how, when and why the petitioner's file was transferred to it. The transfer will be considered acceptable only if the original evaluating program can no longer provide evaluation services for reasons such as a suspended or revoked license or voluntarily terminating evaluation business operations, or if an individual service provider leaves the program that conducted the original Uniform Report and the petitioner wishes to continue receiving services from that individual, or if the petitioner relocates to another part of the state. In the latter case, the petitioner carries the burden of proving that he or she relocated at least 50 miles from the original service provider's nearest location. When transferring a file, the sending program shall not allow it to be delivered by the petitioner to the receiving agency. If an update cannot be obtained by reviewing the original case file information, another

original evaluation must be submitted.

ii~~2~~) Treatment Provider Who Can Perform Update Evaluations. If the petitioner completes primary treatment recommended as a result of the most recent alcohol and drug evaluation, the program providing the treatment may prepare any subsequent update~~updated~~ evaluation from its own case file information without obtaining the information from the evaluating program that made the treatment recommendation. Furthermore, a chronological alcohol/drug use history may be prepared by the program that provided the treatment, when one is requested by the petitioner, the Secretary or a hearing officer in a decision entered as a result of a formal or informal hearing, to be submitted as part of the petitioner's evidence at his/her next hearing. A treatment provider may not conduct the update evaluation if the only service it provided was early intervention or if it waives treatment, unless the petitioner's case file has been transferred to it.

B) Update~~Updated~~ Evaluation – Content. An Illinois and out-of-state update~~updated~~ evaluation shall report~~contain~~, at a minimum and when applicable, the following: a description of alcohol/drug use and/or abuse covering the time since the last evaluation or update; the facts of any arrest or citation for a traffic or criminal offense that is, in any way, alcohol/drug-related; any impairment of significant life areas, any symptoms of alcohol/drug abuse or alcohol/drug-related problems since the last evaluation or update; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any early intervention or treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; any significant life style changes since the previous evaluation; the petitioner's current peer group and most important recreational activities; the petitioner's intent regarding future of alcohol/drug use; if the petitioner is classified as High Risk-Dependent, identification of the petitioner's support group and the evaluator's assessment of its effectiveness and sufficiency; a

response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; the evaluator's previous and current alcohol/drug-use classification of the petitioner; any current recommendations and the rationale for those~~such~~ recommendations; and an indication of whether the petitioner has completed all prior recommendations. If the petitioner's Uniform Report did not include the alcohol/drug use history required by subsection (a)(4), then it may be provided in an update~~updated~~ evaluation. The update~~updated~~ evaluation must be corroborated by an interview with a family member or significant other. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The update~~updated~~ evaluation must be printed~~typewritten~~, on a form provided by the Department, and verified by the evaluator. (See subsection (a)(1) of this Section.)

i~~1~~) Any update~~updated~~ evaluation that reclassifies a petitioner to or within a Moderate, Significant or High Risk classification shall include a referral to a treatment provider for the purpose of determining the need, if any, for additional rehabilitative activity. Any waiver of additional rehabilitative activity by the treatment provider must be in writing and include the rationale for the waiver. Any recommendation for additional rehabilitative activity must be complied with before relief will be granted.

ii~~2~~) A petitioner may not submit an update~~updated~~ evaluation if the Uniform Report~~uniform report evaluation~~ being updated does not discuss the most recent DUI disposition. In such case the petitioner must submit a Uniform Report~~uniform report evaluation~~.

iii~~3~~) An update~~updated~~ evaluation may not reclassify a petitioner from a previous classification unless the evaluator believes that the previous classification was improper or in error and justifies and explains in detail why the previous classification was improper or in error and why the new classification is proper and appropriate.

C) Out-of-state Evaluation − Content Requirement. An out-of-state alcohol and drug evaluation shall report~~contain~~, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a detailed discussion of the petitioner's most recent arrest for DUI; a history of any alcohol and drug-related offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been recorded to the offender's Illinois driving record); a current alcohol/drug use classification of the petitioner and the rationale for that classification; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be verified by the evaluator. The individual or agency that completes the evaluation must be properly accredited or licensed in the state in which the individual or agency operates.

D) Investigative Evaluation − Content. An Illinois and Out-of-State investigative alcohol and drug evaluation shall report~~contain~~, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment

for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; a history of alcohol and drug-related driving, boating, snowmobiling, and criminal offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been recorded to the offender's Illinois driving record); a clinical impression of what the evaluation data indicates and the rationale for that conclusion; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be printed~~typewritten~~, on a form provided by the Department, and verified by the evaluator. The program that completes the evaluation must meet the same standards as programs qualified to prepare Uniform Reports.~~uniform report evaluations~~ (See subsection (a)(1).)

E) Circumstances When an Update of an Investigative Evaluation is Required. If the evaluator recommends any rehabilitative activity after conducting an Investigative Evaluation, the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. If the evaluator concludes that the petitioner does not need any rehabilitative activity (i.e., a driver risk education course, early intervention, or treatment for alcohol/drug abuse), and the Secretary accepts this conclusion, then the petitioner is not required to submit an update~~updated~~ evaluation at future hearings (assuming that there are no intervening alcohol/drug-related arrests or incidents that might cause the Secretary to question this conclusion).~~ However, if the evaluator recommends any rehabilitative activity, then the petitioner must submit an updated evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated.~~

F) Circumstances When an Update~~Updated~~ Evaluation is Not Required. Petitioners classified at High Risk Dependent who have driven successfully on a restricted driving permit for at least 3 years after submitting an original evaluation are not required to provide an update~~updated~~ evaluation if:

i) the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing during the term of the current RDP; or

ii) the current RDP is expired for no more than 30 days at the time the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing. All other documentation required by this Subpart D must be submitted.

b) Burden of Proof. Before any driving relief will be granted, the petitioner must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that he/she has complied with all other standards as specified in this Subpart D. If the evidence establishes that the petitioner has had an alcohol/drug problem, the petitioner must also prove that the problem has been resolved.

1) Minimal Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Minimal Risk must document successful completion of a 10 hour alcohol/drug driver risk education course by submission of a document that reflects the completion of the requirements contained in 77 Ill. Adm. Code 2060.505. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C).

2) Moderate ~~and Significant~~ Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Moderate Risk~~Moderate or Significant Risk~~ must document successful completion of an alcohol/drug driver risk education course as specified in subsection (b)(1) and the early intervention and any additional treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator.

The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The early intervention and/or treatment must be provided by an individual or agency licensed to provide those~~such~~ services~~treatment~~ by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.

3) Significant Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Significant Risk must document successful completion of an alcohol/drug driver risk education course as specified in subsection (b)(1) and the treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The treatment must be provided by an individual or agency licensed to provide those treatments by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.

4~~3~~) High Risk Dependent. Petitioners classified under this Section as High Risk Dependent must document abstinence as required in subsection (e); the completion of treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; the establishment of an ongoing support/recovery program; and compliance with any additional recommendations of his/her evaluator or treatment provider.

5~~4~~) High Risk Nondependent. Petitioners classified under this Section as High Risk Nondependent must document: non-problematic use as provided in subsection (f); treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois

Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; compliance with any additional recommendations of his/her evaluator or treatment provider, including abstinence; and a detailed explanation by the treatment provider as to why dependency was ruled out. The failure of a petitioner to submit the "detailed explanation" is sufficient grounds, in and of itself, to deny the petition for driving relief. The explanation should focus on the most recent offense.

65) Investigative Evaluation. Petitioners who obtain an investigative alcohol/drug evaluation must document the completion of any recommended intervention or treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates. If found to be chemically dependent, then the petitioner must prove abstinence as required in subsection (e) and the establishment of an ongoing support/recovery program, and compliance with any additional recommendations of his/her evaluator or treatment provider. Furthermore, if rehabilitative activity (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) is recommended, then the petitioner must submit an updateupdated evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated.

76) Treatment Waiver Required – Documentation of Most Recent Treatment. In the event that a treatment provider does not require an individual classified Moderate, Significant or High Risk to complete at least the minimum amount and type of early intervention or treatment specified by DASA, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). In the course of assessing whether to waive early intervention or treatment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment if: the treatment provider contends that the petitioner's alcohol/drug use classification should be changed to a lower

risk classification, or the documentation states that the petitioner's prognosis at the time of discharge was guarded. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available. The Secretary reserves the discretion to reject a waiver of treatment if the hearing officer is able to articulate specific reasons to doubt its validity.

8~~7~~) Treatment Needs Assessment Required; Documentation of Most Recent Treatment. Whenever a service provider conducts and composes a Uniform Report, it is required to refer the petitioner to a treatment provider for an assessment of whether intervention or treatment for alcohol/drug abuse is warranted, pursuant to DASA rules at 77 Ill. Adm. Code Section 2060.503(h). The petitioner must provide a Treatment Needs Assessment whenever another Uniform Report is composed, regardless of whether the petitioner successfully completed intervention or treatment after the previous Uniform Report, in order to inform the Secretary whether additional intervention or treatment is warranted as a result of the information obtained during the course of the subsequent Uniform Report. The Treatment Needs Assessment shall be composed on the treatment provider's letterhead stationery or incorporated into the "Treatment Verification" form composed, published and distributed by the Department. If composed on stationery, then the Treatment Needs Assessment must be signed and dated by the counselor responsible for the assessment.

A) The Treatment Needs Assessment must be provided by a licensed treatment provider regardless of whether the petitioner has committed any traffic or criminal offense that mandates the composition of a Uniform Report.

B) In the course of conducting the Treatment Needs Assessment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment, along with the petitioner's conduct since that treatment experience, in the provider's findings and conclusions. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available.

~~B) The reasons for which a subsequent Uniform Report may be composed include, but are not limited to: at the request of a petitioner or petitioner's legal counsel (to, for example, start the rehabilitative process over); to obtain a second opinion on the nature and extent of a petitioner's alcohol/drug use; because the previous Uniform Report is several years old; because the program that composed the previous Uniform Report has ceased operations without transferring the petitioner's file to another program; because evidence at a previous hearing indicates the need for additional treatment or raises questions as to the adequacy of the treatment received; or because the petitioner has lost his/her copy of the Uniform Report and is not able to verify its authenticity or correctness.~~

c) Rebuttable Presumption. The presence of more than one DUI disposition on a petitioner's abstract shall create a rebuttable presumption that the petitioner suffers from a current alcohol/drug problem and should, therefore, be classified at least Significant Risk.

d) Evidence Considered. Evidence which shall be considered in determining whether the petitioner has met his/her burden of proof and has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:

1) The factors enumerated in Section 1001.430(c);

2) The similarity of circumstances between alcohol or drug-related arrests;

3) Any property damage or personal injury caused by the petitioner while driving under the influence;

4) Changes in life style and alcohol/drug use patterns following alcohol/drug-related arrest, and the reasons for the change;

5) The chronological relationship of alcohol/drug-related arrests;

6) Length of alcohol/drug abuse pattern;

7) Degree of self-acceptance of alcohol/drug problem;

8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following alcohol/drug related arrests and in a support/recovery program;

9) Prior relapses from attempted abstinence;

10) Identification, treatment and resolution of the cause of the high risk behavior of any petitioner classified High Risk Nondependent;

11) The problems, pressures and/or external forces alleged to have precipitated the petitioner's abuse of alcohol or other drugs on the occasion of each alcohol/drug-related arrest, and the present status of the same, particularly whether they have been satisfactorily resolved;

12) The petitioner's explanation for his/her multiple arrests and/or convictions for offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;

13) In out-of-state petitions, the evaluator's rationale for classifying a petitioner with multiple DUI dispositions as a Minimal or Moderate Risk. In these cases it is particularly important that the evaluator's classification be based on complete and accurate information;

14) The petitioner's criminal history, particularly drug offenses or offenses that in any way involved alcohol/drugs;

15) The petitioner's chemical test results of the petitioner's blood, breath or urine from all previous arrests or all previous alcohol/drug-related offenses (not just traffic offenses) in addition to the chemical test results of the most recent arrest;

16) The extent to which, in terms of completeness and thoroughness, a petitioner and his/her service providers have addressed every issue raised by the hearing officers in previous hearings;

17) It is particularly important that the evaluator's classification be based on complete, accurate and consistent information, especially all of the

petitioner's DUI arrests and BAC test results. The probative value of evaluations that deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon the degree to which the evaluation deviates from this standard and the standards imposed by DASA;

18) The petitioner's record of performance while driving with an interlock device and his/her record of compliance with the terms and conditions of the breath alcohol ignition interlock device program or the monitoring device driving permit program. An isolated BAIID violation may not be the sole basis for denying driving relief, unless the petitioner is classified as High Risk-Dependent, and the violation occurred less than 6 months before the date of the hearing;

19) Written or verbal statements from members of the public, including crime victims as defined in the Code of Criminal Procedure [725 ILCS 120/3] or family members of victims of offenses committed by a petitioner, so long as the statement is relevant to the issues at the hearing;

20) The service provider's clinical rationale or justification for changing the classification of a petitioner's alcohol/drug use, or for giving a classification that is different than that given in other evaluation or treatment documents or by other service providers;~~.~~

21) The treatment provider's explanation for failing to obtain, when requested, documentation of the petitioner's most recent treatment;

22) Whether the petitioner has been incarcerated and was recently released after an extended period of incarceration and whether the petitioner participated in any rehabilitative activity during his or her incarceration.

e) Documentation of Abstinence

1) Petitioners classified as High Risk Dependent, or any other petitioner with a recommendation of abstinence by a DASA licensed evaluator or treatment provider, must have a minimum of 12 consecutive months of documented abstinence, except as provided in subsections (e)(3) and (4), in regard to opiate substitution and medical cannabis programs. This means that the petitioner must be abstinent from alcohol and all controlled

substances, legal and illegal, unless the drug is prescribed by a physician, and regardless of whether alcohol or another drug was the petitioner's drug of choice when using. Abstinence that occurs during a period of extended incarceration is not favored, unless petitioner took proactive steps to rehabilitate himself or herself while incarcerated, as it occurs in a controlled environment. Documentation of abstinence must be received from at least 3 independent sources. The sources should not be fellow members of a support group unless those members have regular and frequent contact with the petitioner outside the group meetings. The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters or witness testimony establishing abstinence should contain, at a minimum, the following:

A) The person's relationship to petitioner (friend, family member, fellow employee, etc.).

B) How long the person has known the petitioner.

C) How often the person sees the petitioner (daily, weekly, monthly, etc.).

D) How long the person knows the petitioner has abstained.

E) Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The petitioner's failure to maintain strict compliance with these requirements shall not be the sole basis for withdrawing from a hearing or denying relief.

2) Waivers of the rule requiring 12 months of abstinence are discretionary when considering an RDP but shall not be granted unless the petitioner proves at least 6 months continuous abstinence at the time of the hearing.

3) Opiate Substitution Programs. Petitioners who are able to document that they are involved in a long-term opiate substitution program, such as methadone maintenance, are not required to prove abstinence from the substitute drug that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program for at least one year. Their documentation must include a letter from their primary counselor and their attending physician that describes the nature of the program, the petitioner's progress and status in the program, the petitioner's prognosis for success and how much longer the petitioner will remain in the program and on the prescribed substitute drug. The petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.

4) Use of Medical Cannabis. Petitioners who are able to document that they have been prescribed what is defined and authorized as "medical cannabis" in the Compassionate Use of Medical Cannabis Pilot Program Act are not required to prove abstinence from the cannabis that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program for at least one year. Their documentation must include a letter from their primary counselors and their attending physician that describes the condition or illness for which the cannabis is used, the petitioner's progress and status in the program, the petitioner's prognosis and how long the physician anticipates that the petitioner will remain in the program and on the prescribed cannabis. The petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.

5) Consumption of "Near-Alcoholic" Beverages. The consumption of "near-alcoholic" beverages does not violate the rule requiring abstinence. However, this conduct is a valid subject to be considered in determining the ultimate issue of whether the petitioner has met his/her burden of proving that he or she will be a safe and responsible driver. The Secretary will consider the petitioner's motivation for consuming near-alcoholic beverages, the circumstances under which they are consumed (when, where, why, with whom and how often), the strength of his or her support system, the petitioner's degree of acceptance of his or her alcoholism/chemical dependency, and whether near-alcoholic beverages

were ever used in the past (and whether this use occurred before or after the commission of a DUI). The petitioner carries the burden of proving that the use of near-alcoholic beverages is not a matter of concern.

f) Documentation of Non-Problematic Use

1) Petitioners classified as High Risk Nondependent must demonstrate at least 12 consecutive months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. This evidence must be submitted from at least 3 independent sources and generally comply with the standards set forth in subsection (e).

2) Waivers are discretionary when considering an RDP, but shall not be granted unless the petitioner demonstrates at least 6 months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs.

g) Documentation of Support/Recovery Program

1) If the petitioner has been attending a support/recovery program, the petitioner must present at least 3 dated and signed letters or witness testimony from fellow support/recovery program members documenting at a minimum the following:

A) How long the person has known the petitioner;

B) How long the person knows that the petitioner has attended the program;

C) How often the petitioner attends the program.

2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The

petitioner's failure to maintain strict compliance with these requirements shall not be the sole basis for withdrawing from a hearing or denying relief.

h) Internet Support/Recovery Programs. A petitioner's participation in internet Alcoholics Anonymous, Narcotics Anonymous or other support/recovery program "chat rooms" or any other support/recovery program services available over the internet may be an acceptable substitute for the regular attendance of meetings in person. The factors to be considered by the hearing officer and the Secretary in evaluating the effectiveness and probative value of this form of support include, but are not limited to, the following: the petitioner's reasons for not attending meetings in person; the petitioner's alcohol/drug use history and history of relapse; the length of the petitioner's abstinence at the time of the hearing; the proximity of A.A. and N.A. meetings to the petitioner's residence and workplace; the petitioner's physical/medical condition, as it affects his/her ability to travel; the availability of public and private transportation to meetings; whether the petitioner has attended meetings in person in the past, and the length of that attendance; whether the petitioner's evaluator and treatment provider are aware and approve of the petitioner's participation in this form of support; the extent of the petitioner's knowledge of, commitment to, and involvement in the program; the extent of the petitioner's knowledge of the disease process of alcoholism/chemical dependence; the extent of the petitioner's acceptance of his/her alcoholism/chemical dependence. The participation in internet support/recovery program chat rooms is not favored by the Secretary of State. Therefore, substantial documentation and testimony regarding this method of support is required in order for the petitioner to carry his/her burden of proof on this issue, including identification of the specific websites that the petitioner uses and verification of the petitioner's participation by chat room members.

i) Non-Traditional Support/Recovery Programs

1) If the petitioner's support/recovery program does not involve a structured, organized, recognized program such as A.A. or N.A., the petitioner is required to identify what that program is and explain how it works and keeps petitioner abstinent. The petitioner is required to present either witness testimony or written verification of the program from at least three independent sources involved in the program. If the verification is in the form of letters, those letters should be signed and dated. All such evidence must contain, at a minimum, the following:

A) The person's relationship to the petitioner (friend, family member, fellow employee, etc.);

B) How long the person has known the petitioner;

C) How often the person sees the petitioner (daily, weekly, monthly, etc.);

D) How the person is involved in the petitioner's recovery program and what role the person plays in helping the petitioner abstain from alcohol/drugs;

E) What changes the person has seen in the petitioner since petitioner's abstinence.

2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.

j) Support/Recovery Program Sponsor. If the petitioner has a support/recovery program sponsor, a letter should be obtained (or the testimony submitted) from his/her sponsor documenting the data in subsection (g)(1). The purpose of a letter or the testimony of an A.A. sponsor is to provide the Secretary with substantial detail regarding the petitioner's progress and development in the A.A. program. However, this letter or testimony can also be used to satisfy the requirements of subsection (g). The submission of a letter from a petitioner's sponsor is not mandatory, but is strongly recommended. A petitioner's failure to submit a letter from his/her sponsor is not, by itself, a sufficient basis upon which to deny driving relief.

k) RDP for Support/Recovery Program − Information Required. In cases in which~~where~~ a petitioner seeks an RDP~~a restricted driving permit~~ to allow him/her to drive to support/recovery program meetings, he/she must provide specific

information identifying, at a minimum, the following:

1) The locations of the meetings he/she wishes to attend;

2) The days of the week when meetings are held at these locations;

3) The hours of the day when these meetings are held.

l) Early Intervention − Information Required. If the petitioner has undergone early intervention (Moderate Risk classification), he/she must provide a narrative summary that includes, at a minimum, the following:

1) The name, address~~,~~ and telephone number of the licensed service provider;

2) The dates the petitioner began and completed early intervention, as well as the number of days or hours he/she was involved in the intervention process;

3) A summary discussion of the intervention provided and its outcome, specifically, those issues that were addressed or explored and the provider's perception of what the petitioner gained from the experience and his/her ability to avoid future development of alcohol problems;

4) The rationale for any modification in the early intervention requirements specified by DASA;

5) The dated signature of the professional staff person providing the early intervention information;~~.~~

6) The narrative summary shall be composed on the treatment provider's letterhead stationery;

m) Treatment − Information Required. If the petitioner has had alcohol or drug related treatment, he/she must provide the ~~following~~ information listed in this subsection (m). A petitioner is required only to submit proof of his/her most recent primary treatment experience.~~:~~

1) A narrative summary that includes, at a minimum:

A) The name, address~~,~~ and telephone number of treatment center;

B) The date the petitioner entered primary treatment and the date the petitioner was discharged from treatment; the number of days or hours the petitioner was involved in treatment; the admitting and discharge diagnosis;

C) The type of treatment received (e.g., outpatient, intensive outpatient~~,~~ or inpatient treatment; individual or group therapy);

D) A clinical impression or prognosis of either a Moderate or Significant Risk petitioner's ability to maintain a non-problematic pattern, or a High Risk petitioner's ability to maintain a stable recovery where applicable. Specifically, the treatment provider's perception of what the petitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems;

E) Any recommendations for continuing care or follow-up support, and an indication of the petitioner's participation, if applicable;

F) The rationale for any modification in the treatment requirements specified by DASA;

G) The dated signature of the professional staff person providing the treatment information.

2) Copies of the following documents required by DASA:

A) Individualized Treatment Plan. (See 77 Ill. Adm. Code 2060.421.)

B) Discharge Summary and Continuing Care Plan. (See 77 Ill. Adm. Code 2060.427.)

3) A current status report regarding the petitioner's involvement in continuing care. The Continuing Care Status Report~~This report~~ must discuss the petitioner's level of progress in completing follow-up activities outlined in the Continuing Care Plan. It may be composed by either the evaluator or

the treatment provider, and shall be composed on the letterhead stationery of the agency or individual who authored the report. If continuing care has been completed, a final summary report must be provided that discusses the petitioner's progress throughout the course of completing all follow-up activities detailed in the Continuing Care Plan. If continuing care has been determined to be unnecessary, a report must be provided that discusses the clinical rationale for that decision. This waiver may be composed only by the treatment provider.

4) The Department reserves the discretion to require a petitioner to submit a Treatment Needs Assessment or a waiver of treatment as a consequence of a petitioner being unable to provide documentation of treatment. If the petitioner and his/her evaluator or treatment provider are~~is~~ unable to provide the required information or treatment documents, they~~he/she~~ must provide documentary evidence of their~~his/her~~ attempts to obtain the information and the reason for its unavailability.

5) The information required in subsection (m)(1) should be provided in the "Treatment Verification" form composed, published~~,~~ and distributed to treatment providers as a courtesy by the Department. However, a petitioner's failure to submit a Treatment Verification form is not a sufficient basis, in and of itself, to deny driving relief, so long as the information required in subsection (m)(1) is submitted in some other format or in the other documents required to be submitted.

n) Evaluation Written for Court. If a petitioner presents an alcohol/drug evaluation that was obtained for the purpose of being sentenced on~~as a condition precedent to either obtaining a JDP or the disposition of~~ a DUI charge or some other traffic or criminal offense, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.

o) Out-of-state Petitioners − Evaluation Not Required. An out-of-state petitioner~~Out-of-state petitioners~~ whose last DUI disposition~~arrest for driving under the influence~~ occurred more than 15~~10~~ years prior to the filing ~~from the~~ date of the current petition ~~application~~ for driving relief may be excused from the requirement of an evaluation if the petitioner is able to satisfy the requirements of Section 1001.430(l).~~other evidence required of the petitioner, as set out in this subsection, indicates that the petitioner does not have a current problem with alcohol or other drugs; that, if the petitioner has had an alcohol problem, it has~~

~~been resolved; that the petitioner is now a low or minimum risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that the petitioner can now be considered a safe and responsible driver. The rationale for this subsection is that the length of time since the petitioner's last DUI arrest indicates he/she is no longer a dangerous driver, and that Illinois' interest in a driver who no longer resides in this State is less than in one who resides in Illinois. Therefore, this exception does not apply to petitioners who reside within 30 miles of the Illinois border.~~

~~1) Petitioner must submit, at a minimum, the following evidence:~~

~~A) An affidavit regarding his/her alcohol/drug use, on a form provided by the Secretary of State;~~

~~B) At least 3 letters of reference that, at a minimum, verify the frequency and amount of the petitioner's alcohol/drug use for at least the last 12 months prior to the hearing. The letters should also discuss the petitioner's character and ability to be a safe and responsible driver. The author must state how long he/she has known the petitioner, how often he/she sees, speaks to, or otherwise has contact with the petitioner, the nature of the contact, and the nature of their relationship;~~

~~C) If the petitioner was required to participate in an alcohol/drug evaluation after his/her last arrest for driving under the influence, then the petitioner must submit a copy of that evaluation;~~

~~D) If the petitioner has received treatment for alcohol/drug abuse, then he/she must submit a copy of the discharge summary of that treatment (written by the agency that provided the treatment);~~

~~E) Petitioners who have been identified as or believe themselves to be alcoholic/chemically dependent must fulfill the requirements of subsection (b)(3) pertaining to abstinence and the establishment of an ongoing support/recovery program;~~

~~F) Credible evidence of his/her driving record in the current state of residence. The Secretary of State may also obtain this evidence;~~

~~G) Any other relevant evidence the petitioner desires to provide.~~

~~2) Upon receipt of this evidence, it shall be reviewed by the Director of the Department, or a duly appointed hearing officer designated by the Director, for the purpose of determining whether the requirement of an alcohol/drug evaluation should be waived and the out-of-state petition disposed of based upon the evidence listed in subsection (o)(1). The factors recited in subsection (d) shall be utilized and applied in making this determination.~~

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.442 BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider

a) Certification Required to Provide BAIID Services. No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than November~~December~~ 1 of each year.

b) Who May Provide BAIID Services. BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.

c) Information Required in Application for Certification. Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time. An application for certification or recertification as a BAIID provider shall include all of the following information:

1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;

2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;

3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;

4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. The proof may include a letter (composed on letterhead stationery), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;

5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit reports to the Secretary electronically within the time frames established by this Subpart D;

6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;

7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;

8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;

9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of $1 million per occurrence and $3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of $1 million per occurrence and $3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;

10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;

11) Examples of images taken by the BAIID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification.

d) The Secretary shall notify the applicant, in writing, of his or her decision regarding the application for certification or recertification as a BAIID provider.

e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial or the date of the final order of the hearing officer

upholding the denial if the decision is reviewed in a formal administrative hearing. Prior to denying an application based on de minimis errors, including but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.

f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs, whether the applicant's license or certification to manufacture, distribute, install or service BAIIDs has ever been suspended, revoked, denied, cancelled or withdrawn and whether the applicant has applied to operate as a BAIID provider in another state and was denied.

g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.

h) Services that Must be Provided. After certification or recertification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:

1) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the Secretary must be made within the time frames established by this Subpart D;

2) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;

3) Any BAIID provider that sells, rents and/or leases BAIIDs in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAIID permittee's name and

driver's license number, the installer, the installer's location, the make and serial number of the BAIID, and the make, model and VIN of the vehicle in which the BAIID is installed;

4) The BAIID provider shall provide a toll free customer service/ question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;

5) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID. Copies of all materials used in this course of training shall be provided to the Secretary;

6) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID is required to be installed in a motor vehicle;

7) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID and how the BAIID functions;

8) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;

9) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (h)(10), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is

brought in, an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely;

10) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary evidence of tampering or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;

11) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to records of calibrations, maintenance checks and usage records on BAIIDs placed in service in Illinois;

12) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;

13) The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID manufacturer or installer becomes unable to produce, supply, service, repair, maintain or monitor BAIIDs in compliance with this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;

14) With the exception of mobile installations authorized by Section 1001.442(n), the BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDS may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;

15) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined to be indigent by the Secretary who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary;

16) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in IVC Section 6-206.1~~ of the IVC~~ and Section 1001.444;

17) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;

18) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (m)(2);

19) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any BAIIDs and calibration equipment present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart

D. The Secretary shall notify, in writing, and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary, in writing, of any corrective action taken;

20) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes;

21) Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days, including those BAIIDS that are read remotely;

22) Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;

23) BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.

i) Criteria for Certification of BAIIDs. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders. Certification of a BAIID shall be based on the following criteria:

1) A review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by the International Standards Organization (ISO). The evaluation and test results must affirm the BAIID's ability to meet the Model Safety and Utility Specifications for

Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 78 Fed. Reg. 89, May 8, 2013, except for:

A) 1.4.S, Power, if the BAIID is not designed to be operated from the battery;

B) 1.5.2.S, Extreme Operating Range, if the BAIID is not designed to be operated below -20° C and above +70° C;

C) 2.3.S, Warm Up, if the BAIID is not designed to be operated below -20° C;

D) 2.5.S, Temperature Package, if the BAIID is not designed to be operated below -20° C and above +70° C;

2) The BAIID provider must certify that the BAIID:

A) Does not impede the safe operation of a vehicle;

B) Minimizes opportunities to bypass the BAIID;

C) Performs accurately and reliably under normal conditions;

D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC, i.e., $P \geq 0.025$;

E) Satisfies the requirements for certification set forth in this Section;

F) Has a camera that takes clear and accurate images of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID;

G) Provides calibration stability for a period of no less than 67 days.

3) No BAIID shall be certified if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (i)(1);

4) Any BAIID to be certified shall be designed and constructed with an alcohol setpoint of 0.025;

5) Any BAIID to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;

6) Any BAIID to be certified shall be designed and constructed to immediately begin blowing the horn if:

A) The running retest is not performed;

B) The BrAC reading of the running retest is 0.05 or more; or

C) Tampering or circumvention attempts are detected;

7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.

A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:

i) Every instance in which the BAIID registers 3 BrAC readings of .05 or more within a 30 minute period;

ii) Any attempted tampering or circumvention;

iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;

iv) Every 60 days after the initial monitor report;

v) For MDDP offenders, 5 violations within the 60 day monitoring period;

vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;

B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;

C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;

8) The BAIID shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;

9) Certification of a BAIID may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the BAIID's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;

10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each BAIID to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, tampering, and testing for all specifications listed in this Subpart D;

11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:

A) A detailed description of the BAIID, including complete instructions for installation, operation, service, repair and removal of the BAIID;

B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording, tamper and circumvention detection, imaging and environmental features;

12) Any BAIID that is not certified may be re-tested at the request of the BAIID provider but not more often than once in a calendar year;

13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;

14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive or positive>negative air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (i), these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers. In addition to these anti-circumvention methods, all BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015, shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the

driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor while the BAIID is installed in the vehicle and for 3 years after removal and shall be made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;

15) After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).

j) BAIID Installers

1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;

2) All service centers and mobile installation units shall have all tools, test equipment and manuals needed to install BAIIDs and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;

3) The installer shall provide adequate security measures to prevent access to the BAIIDs (tamper seals or installation instructions);

4) The installer shall appropriately install BAIIDs on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID

permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;

5) The installer shall not install BAIIDs in a manner that could adversely affect the performance of the BAIID or impede the safe operation of the motor vehicle;

6) After the BAIID has been installed in the motor vehicle, the installer shall verify that the BAIID is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure that he or she is familiar with the operation of the BAIID. At that same time, the installer shall verify that the camera is operational and that a reference image of the BAIID permittee or MDDP offender has been taken;

7) The installer shall restore a motor vehicle to its original condition when a BAIID is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;

8) When the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate portion of the BAIID to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;

9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.

k) Suspension and Decertification of BAIID Providers. The Secretary may suspend or decertify a BAIID provider from providing BAIID services in Illinois. The

Secretary shall provide written notification to the BAIID provider regarding any violation of this Section that may lead to suspension or decertification. ~~decertifying action.~~ The BAIID provider will be given a 30 day opportunity to come into compliance. The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action. If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the violations that led to the notice~~same decertifying action~~ following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months. The following are considered actions warranting suspension or decertification:

1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID to the BAIID provider, or sent the appropriate portion of the BAIID to the BAIID provider for a monitor report in a timely manner, a request for the monitor report shall be sent to the BAIID provider. If the information is not received within 30 days, the BAIID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification;

2) Failure to maintain liability insurance as required;

3) Failure to install certified BAIIDs within the time requirements of this Subpart D;

4) Failure to comply with all of the duties and obligations contained in this Subpart D;

5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;

6) Failure to submit a required surcharge to the Secretary for deposit in the Indigent BAIID Fund as required in IVC Section 6-206.1~~ of the IVC~~ and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be decertified unless the BAIID provider submits, within the 30 day period, a written

request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary;

7) Failure to work with BAIID permittees or MDDP offenders in a professional manner. Complaints from BAIID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;

8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;

9) Installing BAIIDs not certified by the Secretary;

10) Failure to report installations and deinstallations to the Secretary within 7 days;

11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;

12) Failure to provide services to indigent MDDP offenders;

13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);

14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;

15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;

16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;

17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;

18) Failing to use or make secure or appropriate wiring connections as specified in this Section;

19) Installing a BAIID in a vehicle that does not have an operable horn;

20) Failing to maintain the calibration equipment and solutions as specified in this Section;

21) Invalidation of an installer's Illinois driver's license;

22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes.

l) Notification of Decertification or Decision Not to Recertify. Upon a decision not to recertify a BAIID provider, or upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders. The notification shall be sent not less than 30 days after the decision or, if the BAIID provider requests a formal administrative hearing within that 30 day period to review the decision, notification shall not be sent until the entry of a final order of the hearing officer upholding the decision~~of the decertification of the BAIID or the decertification of or the cessation of the operation of a BAIID provider~~.

m) Designation of Installation Sites

1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in subsection ~~Section 1001.442~~(n);

2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID

provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (m)(2).

n) Mobile Installation Sites

1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.

2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.

3) At the installation location, the installer must have a copy of the permittee's/offender's request to have a BAIID installed and show it to the permittee/offender upon request.

4) A provider may, but is not required to, provide an identification card for mobile installers that includes, but is not limited to, the name of the installer and the provider for which the installer works. The identification card may also contain a photo of the installer.

5) Providers shall provide the Secretary with a schedule of mobile installs 24 hours before the install occurs. The schedule shall contain the name and address of the permittee/offender and the location where the install will occur. The Secretary reserves the right to attend and inspect mobile installations.

o) An applicant whose application for certification or recertification as a BAIID provider has been denied, or a BAIID provider who has been suspended or decertified, shall have the right to have that decision reviewed at a formal administrative hearing. In the case of a decision not to recertify or to suspend or decertify, that decision shall not be implemented until at least 30 days after the notice of the decision has been sent to the applicant or provider or, if the applicant or provider requests a hearing within that 30 day period, until the entry of a final order of the hearing officer upholding the decision. The hearings held under this Subpart D shall be conducted in accordance with all of the rights, privileges, and

procedures set forth in Subpart A. A request for a hearing to contest a decision to deny certification or recertification or to decertify must be in writing and must be sent to one of the following locations:

1) Office of the Secretary of State, Department of Administrative Hearings, 17 North State Street, Suite 1200, Chicago, Illinois 60602, 312/793-3722;

2) Office of the Secretary of State, Department of Administrative Hearings, Michael J. Howlett Building, Room 207, Springfield, Illinois 62756, 217/524-0124.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.460 Requests for Modification of Revocations and Suspensions

a) No Rescission. Revocations and suspensions will not be rescinded, except as provided by law or rule. Mandatory revocations and suspensions cannot be reduced or modified in any way, except as provided in subsections (e) and (g).

b) Modification Limited. Suspension periods are set by Department of Driver Services rule (see 92 Ill. Adm. Code 1040) to apply equally to all persons.

c) Modification Defined; Disqualifying Factors. For purposes of this Section, modification means that a discretionary revocation may be reduced to a 12 month suspension, a reduction in the length of a suspension, or the termination of a suspension on or by a specific date, or as soon as the termination can be processed by the Secretary of State. The following factors disqualify a petitioner from being considered for modification:

1) Prior fatal or Type A injury collisions with a disposition (either court supervision or conviction) for a citation issued in conjunction with or as a result of the collisions, within 2 years prior to the date of the hearing. For purposes of this subsection (c)(1), a "Type A Injury" is as defined in IVC Section 11-501.6(g);

2) A prior suspension under the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7] within 2 years prior to the date of the hearing;

3) A disposition for any moving violations within 6 months prior to the date of the hearing;

4) A revocation or suspension of driving privileges for any moving violations within 5 years prior to the date of the hearing;

5) The record of the proceeding contains credible evidence that the petitioner's conduct, for which his or her driving privileges are suspended or revoked, resulted in the petitioner being charged with a felony.

d~~b~~) Factors Considered in Petitions for Modification of Discretionary Revocations and Suspensions.~~Early Termination of Suspensions.~~ Modification may be granted for good cause shown. "Good cause" means that the petitioner has the burden of showing why an exception should be made to serving the full term of a revocation or suspension. If the petitioner shows good cause, then consideration ~~Consideration~~ for modification~~early termination of suspension~~ may be given to a petitioner under the ~~following~~ conditions listed in this subsection, but the petitioner also is allowed to submit other considerations for modification.~~:~~

~~1) No serious accidents on past record, as defined by Sections 6-205(a) and (b) and 6-206(a) of the Code.~~

~~2) No violations for at least 6 months, and no prior revocations or suspensions on the petitioner's driving record.~~

1)~~3)~~ Extent of Petitioner's Culpability~~petitioner's culpability~~. The Secretary will consider the petitioner's intent, knowledge, conduct and role in the facts of the event that resulted in the revocation or suspension of his or her driving privileges, and the attitude exhibited by the petitioner prior to and/or at the hearing.

A) In regard to a suspension entered pursuant to IVC Section 6-206(a)9, this means that the petitioner is able to present credible evidence that he or she did not have a specific intent to provide false information on an application for a driver's license or driving permit.

B) In regard to a suspension entered pursuant to IVC Section 6-206(a)10, this means that the petitioner is able to provide credible

evidence that he or she did not use alcohol or other drugs and that there was no reasonable potential for the petitioner to use alcohol or other drugs while in the possession of a driver's license or identification card issued to another person. Furthermore, the petitioner must be able to show a credible and legitimate reason for being in possession of someone else's driver's license or identification card.

C) In regard to a suspension entered pursuant to IVC Section 6-206(a)14, this means that the petitioner is able to present credible evidence that he or she has cooperated with law enforcement authorities in the investigation, apprehension and/or prosecution of persons for violations of the Illinois Vehicle Code, particularly those related to underaged drinking or the possession, display, use, attempted use, distribution or manufacture of fraudulent or fictitious driver's licenses, permits or identification cards not issued to the petitioner.

2) The seriousness of the offense and the petitioner's attitude (acceptance of responsibility, expressions of genuine remorse, etc.).

3) The petitioner must be able to demonstrate, by clear and convincing evidence, that he or she is at low risk of repeating his or her behavior in the future. The Secretary reserves the discretion to require the petitioner to satisfy the requirements of this Subpart D if there is evidence that the petitioner may be a user of alcohol or any other drugs to a degree that renders the petitioner incapable of safely driving a motor vehicle, as a condition of modifying the suspension or averting a cancellation of the petitioner's driving privileges;

4) The early termination of a suspension will be considered when, in addition to satisfying the other conditions of this subsection (d), the petitioner also provides a compelling justification or mitigating circumstances that warrant the early termination.

~~4) The extent to which a petitioner is able to present credible evidence that he/she has cooperated with law enforcement authorities in the investigation, apprehension, and prosecution of persons for violations of the Illinois Vehicle Code, particularly those related to: underaged~~

~~drinking; the possession, display, use, attempted use, distribution or manufacture of fraudulent or fictitious driver's licenses, permits, or identification cards; and the possession, display, fraudulent use, attempted fraudulent use, or distribution of driver's licenses, permits, or identification cards not issued to the petitioner.~~

e) Rescission, Termination or Modification of Revocations Entered Pursuant to IVC Section 6-205(a)16.

1) Petitions to rescind, terminate or modify a revocation entered pursuant to IVC Section 6-205(a)16 are considered at a formal hearing (see 625 ILCS 5/2-118);

2) In order for a revocation to be rescinded, the petitioner must prove that his or her conduct was not the proximate cause of the death;

3) The Secretary will apply the criteria in subsections (c) and (d) in deciding whether to modify or terminate a revocation;

4) Modification or termination will not be granted unless the petitioner presents a certificate of completion of any driver remedial or rehabilitative program.

~~c) No Reduction or Modification. Mandatory revocations and suspensions cannot be reduced or modified in any way.~~

f~~d~~) Limitations on the Terms of Modification of Discretionary Revocations and Discretionary Suspensions. A discretionary revocation may only be reduced to a 12 month suspension. ~~The period of a discretionary suspension may be reduced for good cause shown.~~ However, a discretionary revocation shall not be reduced to a 12 month suspension and then the suspension reduced. A discretionary suspension may be reduced by no more than 6 months, unless it is terminated. A discretionary suspension shall be terminated only under the most compelling circumstances and in the interest of fairness and justice, except as provided in subsection (g).~~Factors to consider include prior revocations or suspensions (suspensions under the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7] and Sections 6-306.3 and 13A-112 of the Code not withstanding), and the seriousness of the offenses. The petitioner must demonstrate that he/she is a low risk for~~

~~repeating his/her behavior in the future. Other factors may be considered by the hearing officer.~~

~~g~~e) Credit for Out-of-State or~~Out-of-state and~~ Military Offenses. Credit may be given to Illinois licensed drivers if they commit an offense or engage in conduct outside the State of Illinois or on a military base that results in revocation or suspension of their out-of-state or military base driver's license and driving privileges and that is entered prior to their Illinois driver's license being suspended or revoked pursuant to IVC Section 6-206(a)(6) or (a)(24) for the same or a substantially similar offense. In order to be eligible to receive credit for the time spent suspended or revoked out-of-state or on a military base prior to being suspended or revoked in Illinois, the petitioner must demonstrate either that the prior suspension or revocation created a previous undue hardship as it pertains to hardships recognized under this Part or that the petitioner resided temporarily in the other state or military base prior to his/her Illinois driver's license being suspended or revoked in Illinois~~petitioners whose Illinois driving privileges have been suspended or revoked pursuant to Sections 6-203.1, 6-206(a)6, or 6-514 of the Code for an out-of-state implied consent suspension, conviction, or disqualification for an offense that, if committed in Illinois, would be grounds for suspension or revocation, and whose driving privileges were suspended or revoked in that state or, if the petitioner is a member of the armed forces at the time of the offense and his/her Illinois driving privileges have been suspended or revoked pursuant to Sections 6-206(a)6 or (a)24 of the Code, if the petitioner's military installation driving privileges were suspended or revoked as a result of his/her arrest or conviction for such an offense. The petitioner must also demonstrate that the suspension or revocation created an undue hardship affecting his/her ability to go to work and perform daily tasks, in that state~~. The~~Such~~ credit shall be given against the Illinois suspension or revocation for the same length of time actually served on the out-of-state or military suspension or revocation prior to the effective date of the Illinois suspension or revocation. A discretionary revocation will be modified to a suspension and terminated early, or the date of eligibility for ~~full~~ reinstatement of Illinois driving privileges shall be advanced.

~~f) Modifications Limited. Suspension periods are set by rule (see 92 Ill. Adm. Code 1040) of the Department of Driver Services to apply equally to all persons. Modifications in any way should be granted in only limited cases. This procedure should be used rarely and the reasons should be fully documented on the record.~~

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.465 Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing

a) 14 Day Notice of Cancellation or Denial. The Secretary of State reserves the discretion to enter an order cancelling or denying the driving privileges of any person or petitioner, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner presents an imminent threat to the public safety and welfare or is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see Section 6-103.4), or is otherwise not in compliance with the rules of the Secretary. The cancellation or denial will be effective 14 days after a letter of notification and the Order of Cancellation or Denial is sent to the petitioner or person whose driving privileges are being cancelled. The Order of Cancellation or Denial will state the grounds for the cancellation and inform the petitioner or person of his or her right to contest the Order.

1) If a petition to contest is received or postmarked prior to the effective date of the Order of Cancellation or Denial, the cancellation shall be stayed pending the outcome of the hearing to contest.

2) If a petition is received and filed within 60 days after the effective date of the Order of Cancellation or Denial, the cancellation shall remain in effect pending the outcome of the hearing.

3) If a petition to contest is received more than 60 days after the effective date of the Order of Cancellation or Denial, then the Order of Cancellation or Denial shall remain in effect and a hearing to contest shall not be granted.

b) Show Cause Hearing. The Secretary of State reserves the discretion to require any person or petitioner to show cause why his or her driving privileges should not be cancelled or denied, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner may present an imminent threat to the public safety and welfare or may be a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see

IVC Section 6-103.4), or might otherwise not be in compliance with the rules of the Secretary.

1) The person or petitioner will be issued a Notice to Show Cause, at his or her last known address, in the manner provided by statute and the rules of the Secretary of State. The Notice will specify the time, date and location of the hearing at which the person or petitioner will be required to show cause.

2) The failure of the person or petitioner to respond to the Notice to Show Cause will be processed as a default and will result in the entry of an Order of Cancellation.

c) Alcohol/Drug Related Cases. If the proposed cancellation or denial is based upon evidence that the person or petitioner may be a user of alcohol or any other drug to a degree that renders that person or petitioner incapable of safely driving a motor vehicle, he or she must satisfy the requirements of this Subpart D in order for the cancellation to be terminated or to be issued any further driving relief (see IVC Section 6-103.4);

d) All hearings conducted pursuant to this Section shall be conducted as formal hearings under IVC Section 2-118.

(Source: Added at 40 Ill. Reg. 834, effective December 31, 2015)

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

Section 1001.660 Alcohol and Drug Education and Awareness Program

a) Prior to consideration of the issuance of an RDP, any one whose driving privileges and driver's license are suspended under IVC Section 11-501.8 ~~of the Code~~ must complete the Secretary of State alcohol/drug education awareness program (program), and successfully complete a questionnaire prepared by the Secretary of State.

b) The program content will be set out in a Secretary of State publication (publication) which shall include, but not be limited to, information regarding the

following areas:

1) The Zero Tolerance law and its effect upon driving privileges;

2) The DUI law and its effect upon driving privileges;

3) Other laws relating to the use/possession of alcohol by those under the age of ~~twenty-one (~~21~~)~~;

4) Alcohol as a drug;

5) Effects of alcohol and drugs on drivers, with emphasis on the youthful driver;

6) Social processes that influence drinking;

7) Physiological and pharmacological effects of alcohol and other drugs including their residual impairment on normal levels of driving performance;

8) Statistics regarding crashes involving alcohol/drugs;

9) Prevention of alcohol/drug related problems;

10) Other areas deemed appropriate.

c) The publication may be obtained from the Secretary of State website or~~only~~ by contacting the Secretary of State, Department of Administrative Hearings, in advance of the hearing. The publication will be sent to the petitioner, who must review it prior to any hearing for an RDP.

d) Prior to the hearing for an RDP, the petitioner will be required to complete a questionnaire. It will contain questions regarding information contained in the publication, and any other information deemed appropriate by the Secretary. The questions forming the questionnaire will be selected from a pool of questions, and will be changed from time to time. The petitioner must answer ~~seventy-five percent (~~75%~~)~~ of the questions correctly in order to successfully complete the questionnaire.

e) Driving relief will not be granted until the petitioner successfully completes the questionnaire. If the petitioner does not successfully complete it, the petitioner must review the publication and may retake the questionnaire no sooner than the following day.

f) Once the petitioner successfully completes the questionnaire, the hearing for the RDP will proceed as in any other hearing for an RDP.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

Section 1001.670 Petitions for Restricted Driving Permits

a) Investigative Evaluation Required. Notwithstanding other provisions of this Part, petitionersPetitioners who apply for an RDPa restricted driving permit pursuant to IVC Section 11-501.8(e) of the Code must submit to an investigative alcohol/drug evaluation, as defined in Section 1001.410 of this Part, as part of the Secretary's investigative process, when the evidence shows that:

1) the petitioner, on any occasion, submitted to a chemical test or preliminary breath test and registered an alcohol concentration between 0.04 and 0.08, or failed a test for the presence of other drugs; or

2) the petitioner may be a user of alcohol or any other drug to a degree which renders him/her incapable of safely driving a motor vehicle (see IVC Section 6-103.4 of the Code); or.

3) the petitioner has multiple zero tolerance suspensions on his or her driving record (regardless of whether the petitioner took or refused the tests); or

4) the petitioner has a previous DUI disposition on his or her driving record, including one reported by the PDPS.

b) Uniform Report Required. Petitioners who apply for an RDPa restricted driving permit pursuant to of IVC Section 11-501.8(e) of the Code must submit to an alcohol/drug evaluation uniform report, as defined in Section 1001.410 of this Part, as part of the Secretary's investigative process, when the evidence shows that:

1) the petitioner, on any occasion, submitted to a chemical test or preliminary breath test and registered an alcohol concentration of 0.08 or more, or failed a test for the presence of other drugs; or

2) the petitioner's driving record reflects a DUI disposition, as defined in Section 1001.400 ~~of this Part~~; or~~.~~

3) the petitioner has multiple zero tolerance suspensions on his or her driving record (regardless of whether the petitioner took or refused the tests); or

4) the petitioner has a previous DUI disposition on his or her driving record, including one reported by the PDPS.

c) Rehabilitative Activity Required; Waiver. The petitioner is required to complete any recommended and/or required rehabilitative activity that pertains to the evaluation's classification of his/her use/abuse of alcohol/drugs or provide a written waiver thereof, prior to the issuance of any restricted driving permit.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 725

3)

Section Numbers:	Emergency Actions:
725.100	Amendment
725.101	Amendment
725.200	Repealed
725.205	Repealed
725.210	Repealed
725.215	Repealed
725.220	Repealed
725.300	Repealed
725.305	Repealed
725.310	Repealed
725.400	Repealed
725.402	New Section
725.405	Amendment
725.410	Amendment
725.412	New Section
725.415	Repealed
725.500	Repealed
725.505	Repealed
725.510	Repealed
725.515	Repealed
725.520	Amendment
725.525	Repealed
725.600	Repealed
725.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750]

5) Effective Date of Rules: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Upon adoption of the proposed permanent rulemaking

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

7) Date Filed with the Index Department: December 30, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: Effective January 1, 2016, PA 99-6 transfers overall responsibility for the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce Commission to the Department of State Police. Commission rules governing 9-1-1 service in effect on that date are also transferred to the Department. The Commission, however, will retain jurisdiction over the telecommunications carriers and 9-1-1 service providers that provide 9-1-1 network and database services in the state. It is important to keep rules governing the conduct of these entities in place, as the Commission is the only regulatory body with jurisdiction over them. The provision of continuous, reliable, and uninterrupted 9-1-1 service is unquestionably vital to the health, safety, and well-being of the people of Illinois. Accordingly, the Commission believes that adoption of these amendments on an emergency basis is warranted.

10) A Complete Description of the Subjects and Issues Involved: PA 99-6 was signed into law on June 29, 2015. Many of the provisions in the legislation take effect on January 1, 2016, including those that transfer overall responsibility for the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce to the Department of State Police. Under the new legislation, the Commission will retain jurisdiction over the telecommunications carriers and 9-1-1 service providers that provide 9-1-1 network and database services in the state. The emergency amendments that are the subject of this rulemaking will effectively continue the Commission's oversight of those functions, and the changes made in the amendments will ensure consistency with the new provisions of the legislation.

11) Are there any other proposed rulemakings pending on this Part? A permanent rulemaking incorporating the present emergency amendments is also being pursued.

12) Statement of Statewide Policy Objective: The emergency rules neither create nor expand any State mandate on units of local government, school districts or community college districts.

13) Information and questions regarding these emergency rules shall be directed to:

Brian W. Allen

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

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NOTICE OF EMERGENCY AMENDMENTS

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SUBCHAPTER f: TELEPHONE UTILITIES

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ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted at 4 Ill. Reg. 2, p. 163, effective December 31, 1979; amended at 5 Ill. Reg. 888, effective January 9, 1981; codified at 8 Ill. Reg. 12188; Part repealed, new Part adopted at 20 Ill. Reg. 5335, effective April 1, 1996; amended at 28 Ill. Reg. 15742, effective December 1, 2004; old Part repealed at 37 Ill. Reg. 10098, and new Part adopted at 37 Ill. Reg. 10100, effective July 1, 2013; emergency amendment at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 725.100 Application of Part
EMERGENCY

This Part shall apply to all ~~public agencies, public safety agencies, public safety answering points, 9-1-1 authorities,~~ 9-1-1 system providers and telecommunications carriers in the State of Illinois except to the extent of any exemptions conferred by law. ~~This Part also pertains to 9-1-1 service regardless of the technology provisioned by the 9-1-1 system provider and 9-1-1 authority for the delivery of 9-1-1 service.~~ This Part does not apply to a cellular or other mobile communication carrier as defined in Section 10 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/10].

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.101 Definitions
EMERGENCY

In the interpretation of this Part, the following definitions shall be used.

"9-1-1 authority" − The ETSB, Joint ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers as are prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 network" – the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by this Part, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 system" − The geographic area that has been granted an order of authority by the Administrator~~Commission~~ to use "9-1-1" as the primary emergency telephone number. ~~[50 ILCS 750/2.19]~~

"9-1-1 system provider" − Any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of Section 2~~2.18~~ of the ETSA by contracting to provide 9-1-1 network and database services and who has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"9-1-1 telecommunications network" or "9-1-1 traditional legacy service" − An arrangement of channels, such as loops, trunks and associated switching facilities to exchange voice and data.

"Access line" − The connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service.

"Act" or "ETSA" – The Emergency Telephone System Act [50 ILCS 750].

~~"Adjacent agencies" – Any public or private safety agencies (police, firefighting, emergency medical and ambulance services or other emergency services) whose jurisdiction is outside the 9-1-1 system jurisdiction, but that is adjacent to or touches that 9-1-1 system's boundary.~~

Administrator – the Statewide 9-1-1 Administrator.

"Aggregation point" – A point at which network monitoring data for a 9-1-1 system is collected and routed to a network operation center (NOC) or other location for monitoring and analyzing network status and performance.

~~"Aid Outside Normal Jurisdiction Boundaries Agreement" − A written cooperative agreement entered into by all participating and adjacent agencies and~~

~~public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.~~

~~"Audible signal" − A buzzer, bell or tone device used to alert an individual that appropriate action is required.~~

"Automatic alarm" or *"automatic alerting device" − Any device that will access the 9-1-1 system for emergency services upon activation*. [50 ILCS 750/2.14]

"Automatic Location Identification" or "ALI"~~ or "automatic location identification"~~ − In an E9-1-1 system, the automatic display at the ~~public safety answering point (~~PSAP~~)~~ of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.

"Automatic Number Identification" or "ANI"~~ or "automatic number identification"~~ − The automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Backup PSAP" − A public safety answering point that serves as an alternate to the ~~primary~~ PSAP for enhanced systems and is at a different location and operates independently from the ~~primary~~ PSAP. A backup PSAP may accept overflow calls from the ~~primary~~ PSAP or be activated in the event that the ~~primary~~ PSAP is disabled.

"Busy day" − A consecutive 24 hour period during which the greatest volume of traffic is handled in the central office.

"Busy hour" − The two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Busy tone" − An audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

~~"Call box" − A device that is normally mounted to an outside wall of the serving telecommunications carrier central office and designed to provide emergency on-site answering by authorized personnel at the central office location in the event a central office is isolated from the 9-1-1 network.~~

~~"Call referral" − A 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.~~

~~"Call relay" − A 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.~~

~~"Call transfer" − A 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.~~

"Central office" − The site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

"Circuit" – The physical connection (or path) of channels, conductors and equipment between two given points through which an electronic or optical signal may be established.

"Commission" − The Illinois Commerce Commission.

"Customer Premises Equipment" or "CPE" ~~or "customer premises equipment"~~ − Communications or terminal equipment located in the customer's facilities/terminal equipment at a PSAP.

"Default routing" − A feature that allows emergency calls to be routed to a designated default PSAP if the incoming emergency call cannot be selectively routed due to ANI failure, garbled digits or other causes that prevent selective routing.

"Department" – The Department of State Police.

~~"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PSAP telecommunicator of the appropriate unit upon receipt of an emergency call and the decision as to the proper action to be taken.~~

"Diverse routing" – The practice of routing circuits along different physical or electrical paths in order to prevent total loss of 9-1-1 service in the event of a facility or hardware failure.

"E9-1-1 selective router" − A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for emergency calls from other local offices in the 9-1-1 service area.

"Emergency call" − Any type of request for emergency assistance through a 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way real-time media, and involves a human making a request for help.~~An emergency request for assistance made to a 9-1-1 system that requires immediate action to save a life, to report a fire, to stop a crime and/or to address any other situation as determined locally.~~

"Emergency service number" or "ESN" − Sometimes known as emergency service zone (ESZ). An ESN is a three to five digit number representing a unique combination of public safety agencies (police, fire and emergency medical service) designated to serve a specific range of addresses within a particular geographical area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs in a traditional legacy 9-1-1 system.

"Emergency Telephone System Board" or "ETSB" − A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"English Language Translation" or "ELT"~~ or "English language translation"~~ − A database table that provides the names of the public safety agencies (or services)

associated with an ESN/ESZ number that is displayed on the ALI screen at the PSAP.

"Enhanced 9-1-1" or "E9-1-1" − An emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Error ratio" − The percentage of database records that are not Master Street Address Guide valid for a specific 9-1-1 traditional legacy service system.

"Exchange" − A unit established by a telecommunications carrier and approved by the Commission for the administration of telecommunications service in a specified geographical area. It may consist of one or more central offices together with associated plant used in furnishing telecommunications services in that area. Exchanges are identified on exchange boundary maps on file with the Commission.

~~"Exempt lines" − Lines other than those for which a 9-1-1 surcharge may be imposed under the criteria set forth in ETSA Section 15. Exempt lines include, but are not limited to, telecommunications carrier official lines and federal government lines.~~

~~"Fixed or non-nomadic interconnected" − An interconnected voice over Internet protocol service intended to be used at a fixed service location via a fixed broadband connection.~~

"Forced disconnect" − A feature that allows the PSAP to release a telephone connection, even though the calling party has not yet disconnected, to avoid caller jamming of the incoming trunks.

~~"GIS" or~~ "Geographical Information System" or "GIS" − A system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

"Geospatial Data" − Accurately references to a precise location on the earth's surface using latitude, longitude, elevation and datum that identifies the coordinate system used.

"Grade of Service" – Shall mean P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected VoIP provider" – has the meaning given to that term under Section 13-235 of the Public Utilities Act.
~~*"Interconnected voice over Internet protocol provider" or "Interconnected VoIP Provider" –*~~

~~*Every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected Voice over Internet Protocol Service VoIP service;* or~~

~~*The meaning prescribed in 47 CFR 9.3* [220 ILCS 5/13-234 and 13-235].~~

~~It is a service that:~~

~~Enables real-time, two-way voice communications;~~

~~Requires a broadband connection from the user's location;~~

~~Requires Internet protocol-compatible customer premises equipment; and~~

~~Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.~~

~~"IP" – Internet Protocol.~~

"Joint Emergency Telephone System Board" or "Joint ETSB" – A board established by intergovernmental agreement of two or more municipalities or counties or a combination thereof to provide for the management and operation of a 9-1-1 system.

"Legacy network~~IP~~ gateway" – A signaling and media interconnection point between callers in legacy wireline/wireless originating networks and the i3 architecture, so that i3 PSAPs are able to receive emergency calls from legacy networks.~~The point at which a circuit-switched call is encoded and repackaged~~

~~into IP packets. Equipment that provides interconnection between two networks with different communications protocols.~~

"Local loop" − A channel between a customer's network interface and its serving central office. The most common form of loop, a pair of wires, is also called a line.

~~"Logging recorder" − A machine that records both sides of telephone and radio transmissions.~~

"Master Street Address Guide" or "MSAG" − The computerized geographical file that either consists of all street and address data or its functional equivalent (i.e., geospatial data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

~~*"Mechanical dialer" − A device that either manually or remotely triggers a dialing device to access the 9-1-1 system.* [50 ILCS 750/2.15]~~

~~"NENA" or~~ "National Emergency Number Association" or "NENA" − The international not-for-profit organization whose purpose is to lead, assist and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

"Network connection" − A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's inter-premises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or if no system exists at the time a surcharge is imposed under Section 15.3 of ETSA, *would be capable of providing access through the public switched network to the local 9-1-1 system if one existed.* [50 ILCS 750/2~~.12(a)~~]

"Network diagram" − A schematic flow chart that shows the actual network pieces and flow of activities in a picture.

"Next Generation 9-1-1 Service" or "NG9-1-1" ~~or "next generation 9-1-1 service"~~ − A system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

~~"On-line date" − A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.~~

"On-site database" − A copy of the database that resides with the local 9-1-1 authority.

"Operator services" − Any of a variety of telephone services that need the assistance of an operator or an automated "operator" (i.e., using interactive voice response technology and speech recognition). These services include collect calls, third party billed calls, and person-to-person calls.

~~"Order of authority" − A formal order of the Commission that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.~~

"Originating Service Provider or "OSP" ~~or "originating service provider"~~ − A communications provider that allows its users or subscribers to originate 9-1-1 voice or non-voice messages from the public to the 9-1-1 authority.

~~"Outbound Notification Systems" − A community outreach tool that automatically disperses information to the public and is not considered a function or part of a 9-1-1 system (see "System").~~

"Overflow" − A call or position used when a call is blocked or rerouted due to excessive traffic.

"P.01" – The probability (P), expressed as a decimal fraction, of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that are sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

~~"P.01 grade of service" – The probability (P), expressed as a decimal fraction, of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour will be blocked. P.01 is the minimum recommended grade of service for 9-1-1 trunk groups.~~

"Primary point of contact" or "9-1-1 contact person" − The individual designated by the 9-1-1 authority as the contact point for the participating telecommunications carriers and 9-1-1 system providers.

"Private Branch Exchange" or "PBX" ~~or "Private branch exchange"~~ − A private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

~~*"Public agency" – The State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services or has authority to do so.* [50 ILCS 750/2.01].~~

"Public safety agency" − A functional division of a public agency that provides police, firefighting, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" − The initial answering location of an emergency call.

"Public Utilities Act" – 220 ILCS 5.

"Rate center" − A geographically specified area used for determining mileage and/or usage dependent rates in the public switched network.

~~"Secondary PSAP" – A location where an emergency call is transferred for dispatching purposes.~~

"Selective routing" − A system that automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Service address" − The location of the primary use of the network connection or connections.

"Split exchange" − An exchange shared with more than one 9-1-1 system.

~~"Subscriptions" − A count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service (or services) that allow more than one interconnected VoIP call (excluding in-call features such as call waiting and three way calling) to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer who purchases a service (or services) pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreements with that business customer.~~

"Surcharge" − A monthly surcharge~~An~~ amount imposed,~~levied by the corporate authorities of any municipality or county on billed subscribers of network connections~~ pursuant to Section 20 of the Act, on all customers of telecommunication carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an Enhanced 9-1-1 or NG9-1-1 system, with the exception of a municipality with a population of 500,000 or greater [50 ILCS 750/20].

"System" − The communications equipment required to produce a response by the appropriate emergency public safety agency as a result of an emergency call being placed to 9-1-1. [50 ILCS 750/2~~.06a~~]

~~"System participants" − Any public or private safety agency (police, firefighting, emergency medical and ambulance services or other emergency services, pursuant to ETSA Section 4) whose jurisdiction is located within the 9-1-1 system boundaries.~~

~~"TDD" − A telecommunications device for the deaf. See "TTY."~~

"Telecommunications carrier" − Shall have the same meaning as specified in Section 13-202 of the Public Utilities Act, including those carriers acting as resellers of telecommunications services. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns. A telecommunications carrier under the Public Utilities Act may provide

competitive or noncompetitive local exchange telecommunications services or any combination of the two as defined in Section 13-204 of the Public Utilities Act.

"Telecommunications service" − Shall have the same meaning as specified in Section 13-203 of the Public Utilities Act.

~~"Telecommunicator" − A person who is trained and employed in public safety telecommunications. The term applies to complaint telephone operators, radio operators, data terminal operators or any combination of these functions in a PSAP.~~

"Terminal equipment" − Telephone station apparatus.

"Transfer" − A feature that allows the PSAP telecommunicator to transfer emergency calls to a specific location or secondary PSAP.

"Trunk" − A transmission path between switching units, switching centers and/or toll centers.

~~"TTY" or "teletypewriter" − A telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.~~

~~"Uninterruptible power supply" − An emergency power source that can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.~~

"Virtual Answering Point" or "VAP" – A temporary or non-permanent location that is capable of receiving an emergency call, contains a fully functional worksite that is not bound to a specific location but rather is portable and scalable connecting emergency call takers or dispatchers to the work process, and is capable of completing the call dispatching process.

"Virtual PSAP" – A fully functional worksite that is not bound to a specific location but is portable and scalable, connecting employees to the work process in the most advantageous setting, rather than employees having to come to a centralized work location to connect to the work process.

ILLINOIS COMMERCE COMMISSION

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(Source: Amended by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

Section 725.200 General Requirements (Repealed)
EMERGENCY

~~a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary 10 digit emergency backup number for at least six months after the 9-1-1 system is in operation and shall at all times maintain a separate number for non-emergency telephone calls.~~

~~b) 9-1-1 service is a terminating only service that connects a person who has dialed the universal emergency service code 9-1-1 to the appropriate PSAP.~~

~~c) Outbound notification systems used to notify the general public of a particular incident are not considered a part of a 9-1-1 "system" as defined in this Part.~~

~~d) *The Emergency Telephone System Board in counties passing referendums and the Chairman of the County Board in counties implementing a 9-1-1 system shall be responsible to insure that all areas of the county are served.* [50 ILCS 750/10.2]~~

~~e) Tentative, final and modified plans for 9-1-1 systems shall be filed in compliance with this Part and ETSA.~~

~~f) Tentative plans shall be submitted to the Manager of the Commission's 9-1-1 Program or his or her designee for review as detailed in Section 725.205.~~

~~g) Final plans shall be formally submitted to the Commission for approval as detailed in Section 725.205 and 83 Ill. Adm. Code 200 (Rules of Practice).~~

~~h) A 9-1-1 system shall not become operational without an order of authority from the Commission.~~

~~i) The following modifications to a 9-1-1 authority's existing 9-1-1 plan shall be formally submitted to the Commission for approval. These submissions shall include a modified plan, consisting of the revised application narrative and/or~~

~~revised exhibits, as prescribed in Section 725.205. Modifications requiring Commission approval shall include:~~

~~1) Changing boundaries that require an intergovernmental agreement between local governmental entities to exclude or include residents within the 9-1-1 jurisdiction;~~

~~2) Consolidating or regionalizing two or more 9-1-1 systems by intergovernmental agreement into a joint 9-1-1 system;~~

~~3) Contracting for dispatch services;~~

~~4) Use of new technology (i.e., NG9-1-1);~~

~~5) Changing or adding a 9-1-1 system provider;~~

~~6) Changes in network configuration;~~

~~7) Additions or changes of primary PSAPs; and~~

~~8) Change of backup arrangement.~~

~~j) The following modifications to a 9-1-1 authority's existing 9-1-1 plan need not be formally submitted to the Commission for approval. While Commission approval is not necessary for these modifications, the 9-1-1 authority must provide written notification and provide any new agreements to the 9-1-1 Program 10 business days prior to making the following changes:~~

~~1) Reductions/additions of secondary PSAPs;~~

~~2) Reductions of primary PSAPs;~~

~~3) Permanent relocation of a primary or backup PSAP facility;~~

~~4) Reductions/additions of system participants or adjacent agencies.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

Section 725.205 Tentative, Final or Modified Plans (Repealed)
EMERGENCY

~~a) Tentative and final plans shall be filed in accordance to ETSA Section 11 and must conform to minimum standards as established pursuant to ETSA Section 10.~~

~~b) When a 9-1-1 system is initially established, a copy of the tentative plan for the system shall be submitted to the Manager of the Commission's 9-1-1 Program (or his or her designee) at least six months prior to the proposed on-line date. A copy of the tentative plan shall also be provided to the contracted 9-1-1 system providers. The Commission's 9-1-1 Program shall review each tentative plan and provide an opinion to the originating agency within 60 days after receipt.~~

~~c) Once the tentative plan has been reviewed, a final plan shall be formally submitted to the Commission for approval no later than three months prior to the planned on-line date. A copy should also be provided to the 9-1-1 system providers.~~

~~d) If any changes are made to an existing final plan, a modified plan must be formally submitted to the Commission for approval prior to any changes being allowed pursuant to an order of authority from the Commission.~~

~~e) A tentative, final or modified plan must include a narrative of the proposed system's operation and design and a completed "Application to Illinois Commerce Commission for the Provision of 9-1-1 Service", consisting of the following exhibits:~~

~~1) Exhibit 1: A map showing the boundaries of the proposed system;~~

~~2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;~~

~~3) Exhibit 3: A list of system participants showing the land area in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;~~

~~4)~~ ~~Exhibit 4: A list of the public agencies or public safety agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;~~

~~5)~~ ~~Exhibit 5: A list of the telecommunications carriers and Interconnected VoIP providers who are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;~~

~~6)~~ ~~Exhibit 6: Identification of financial arrangements, including revenues available for funding the 9-1-1 system;~~

~~7)~~ ~~Exhibit 7: A summary of the anticipated implementation costs and annual operating costs of the proposed system that are directly associated with the emergency call handling process.~~

~~8)~~ ~~Exhibit 8: Call Handling Agreements: Copies of the proposed agreements between the PSAP and the public agencies and/or public safety agencies in a single system and copies of the proposed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties within their respective jurisdictions and shall include direct dispatch, call referral, call relay or call transfer;~~

~~9)~~ ~~Exhibit 9: Aid Outside Normal Jurisdictional Boundaries: A copy of the proposed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and those in different systems whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay or call transfer, this unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed;~~

~~10)~~ ~~Exhibit 10: A network diagram and a test plan pursuant to Section 725.500(a) (completed to the extent possible in consideration of the tentative plan); and~~

~~11) Exhibit 11:~~

~~A) Contracts for dispatching services, intergovernmental agreements with the primary, back-up or secondary PSAPs for 9-1-1 services; and intergovernmental agreements for additional 9-1-1 services/and/or for the establishment of a Joint ETSB.~~

~~B) Contracts for service with 9-1-1 system providers. Parties to the contract may deem all or a portion of the contract to be proprietary and confidential.~~

~~f) The advancement of modern communication technology used by consumers to access 9-1-1, as well as the creation of new and emerging 9-1-1 technology by new entrants serving as 9-1-1 system providers, has encouraged the development of a more advanced E9-1-1 system called NG9-1-1. Implementation of an NG9-1-1 system into the design of the 9-1-1 system will require the 9-1-1 authority to submit a final or modified plan to the Commission for approval. The following additional items must be included in the narrative of a NG9-1-1 final or modified plan:~~

~~1) Identify the 9-1-1 system providers. If multiple providers are being used, provide a detailed description of each provider's role;~~

~~2) Explain the new system configuration and technological architecture (i.e., network and routing);~~

~~3) Explain what national standards, protocols and/or operating measures will be followed;~~

~~4) Explain what measures have been taken to create a robust, reliable and diverse/redundant network;~~

~~5) Explain what functional elements and external interfaces will be needed for the NG9-1-1 system to supply data and assistance in processing an emergency call;~~

~~6) Explain how the existing 9-1-1 traditional legacy wireline and wireless databases will interface and/or be transitioned into the NG9-1-1 system;~~

~~7) Explain how these databases will be maintained and how address errors will be corrected and updated on a continuing basis. In addition, explain who will be responsible for updating and maintaining the data at a minimum on a daily basis Monday-Friday;~~

~~8) Explain what quality of service standards will be followed to ensure the same level of quality for voice, 9-1-1 call setup time and ALI delivery for the proposed 9-1-1 system as compared to the 9-1-1 traditional legacy service;~~

~~9) Explain how new technology in the 9-1-1 system will co-exist with the 9-1-1 traditional legacy service;~~

~~10) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it;~~

~~11) Provide a detailed transition plan for the newly designed system;~~

~~12) Provide a disaster recovery plan for system failures and outages;~~

~~13) Provide a contingency plan in the event that the new system fails or the 9-1-1 system provider does not fulfill its obligation;~~

~~14) Describe the financial and technical resources that the 9-1-1 authority needs in order to sustain such a system; and~~

~~15) If migrating to a new technology, file a test plan that may vary from the existing testing requirements addressed in Section 725.500(a) given the technical differences in the service offering. The test plan must thoroughly explain how the operation of the network, routing and database accuracy will be verified.~~

~~g) Unless either a hearing waiver is requested pursuant to subsection (h) or Staff of the Commission recommends approval of the Petition and there are no objections, the Commission shall hold hearings to review the final plan and shall either approve or deny the plan.~~

~~h) The petitioner may request a hearing waiver. The hearing can be waived if requested by the petitioner and if neither Commission Staff nor any other party objects to the hearing waiver. The following procedures must be taken to request a waiver of the Commission's hearing process:~~

~~1) The waiver request shall be stated in the cover letter to the Chief Clerk and in the petition. Replacement language to be inserted as Item 1 in the petition shall be: "Review the final or modified plan based on the information submitted in the application and allow the parties involved to waive a hearing on the matter."~~

~~2) Publish a notice in local newspapers of general circulation at least 10 days prior to filing the application with the Commission. The notice shall appear in newspapers whose circulation covers all municipalities within the proposed system and those adjacent to the proposed system. A proof of publication from the newspapers shall be enclosed with the application.~~

~~3) Notify all system participants and adjacent agencies of the intent to file a plan with the Commission for a 9-1-1 emergency telephone system at least 10 days prior to filing the application with the Commission. This letter shall state petitioner's address and telephone number and the Commission's 9-1-1 Program address and telephone number for purposes of requesting additional information or submitting objections to the plan. Copies of these letters shall be attached to the submitted plan.~~

~~4) An affidavit from the serving 9-1-1 system provider that all information contained in the application is correct. The affidavit must be signed and notarized and submitted with the petition.~~

~~i) The Commission shall approve a final or modified plan when the petitioner has complied with the requirements of this Part and applicable laws.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.210 Order of Authority (Repealed)
EMERGENCY

~~a) The 9-1-1 authority of a proposed 9-1-1 system shall file a petition for an order of authority to operate a 9-1-1 system as detailed and described in its final or modified plan. The final or modified plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200). The Commission will issue an order of authority authorizing the 9-1-1 authority to operate under the terms of its final or modified plan.~~

~~b) Pursuant to ETSA, the Commission is authorized to set technical standards for the provisioning of 9-1-1 services throughout the State of Illinois. 9-1-1 authorities may only accept emergency calls routed to them through their 9-1-1 system providers who have been authorized by the Commission pursuant to Section 13.900 of the Public Utilities Act.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.215 Records and Reports (Repealed)
EMERGENCY

~~a) The 9-1-1 authority shall maintain those records it considers necessary to document its operations and satisfy the requirements of interagency agreements. As a minimum, those records shall include:~~

~~1) a log of major system operations;~~

~~2) critical CPE or network outages; and~~

~~3) records of telecommunications carrier database queries by the 9-1-1 authority.~~

~~b) The records specified in subsection (a) shall be preserved for a minimum of one year.~~

~~c) The 9-1-1 authority shall be required to file annually with the Commission's 9-1-1 Program, the Commission's Chief Clerk's Office and the Illinois Attorney General by January 31 the following items:~~

~~1) the current 9-1-1 contact person for the 9-1-1 system;~~

~~2) the current error ratio for the E9-1-1 traditional legacy service database as provided by the 9-1-1 system providers pursuant to Section 725.405(i)(6);~~

~~3) the current surcharge rate being collected;~~

~~4) the current makeup of the Emergency Telephone System Board and each board member's capacity (i.e., current public safety representative, public member, county board member, or elected official), as provided in Section 15.4 of the ETSA;~~

~~5) a current network diagram for the 9-1-1 system as provided by the 9-1-1 system providers pursuant to Section 725.405(i)(7);~~

~~6) copies of the annual certified notification of continuing agreement for all system participants and adjacent agencies;~~

~~7) current list of all system participants and adjacent agencies;~~

~~8) names and locations of primary, secondary and backup PSAPs; and~~

~~9) for the time period of January 1 through December 31 for the previous year, provide the following (if the 9-1-1 system is not capable of providing the data in this exact format due to the limitations of its statistical system, it must identify the problem in the report. When the system is upgraded, the upgrade must include the capability of providing the required data):~~

~~A) Total number of wireline and wireless 9-1-1 calls received annually; report separately if possible;~~

~~B) Total annual wireline surcharge received;~~

~~C) Total annual wireless surcharge received;~~

~~D) Total annual VoIP provider surcharge received;~~

~~E) Total annual 9-1-1 expenditures, including, but not limited to, PSAP equipment, network, database, switches, gateways, servers,~~

~~maintenance, supplies, mapping, CAD, radio, building and personnel cost.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.220 Testing for Compliance with Technical and Operational Standards (Repealed)
EMERGENCY

~~The Commission shall have the authority to test 9-1-1 systems to verify compliance with technical and operational standards set forth in the Act and in this Part.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

SUBPART C: MANAGEMENT

Section 725.300 Management Systems (Repealed)
EMERGENCY

~~The form of management a system will use shall be determined by the 9-1-1 authority. There may be joint powers, contractual, or a combination of management forms.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.305 Commission Liaison (Repealed)
EMERGENCY

~~Each 9-1-1 system shall designate an individual as the Commission liaison for the system. The Commission's 9-1-1 Program shall be notified of any change in the name of this liaison and of any change in the telephone number or address within 10 days after this change.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.310 ETSB, Joint ETSB and Qualified Governmental Entities (Repealed)
EMERGENCY

~~a)~~ ~~*The corporate authorities of any county or municipality that imposes a surcharge shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the board, provided that the board shall consist of not fewer than 5 members, one of whom* shall *be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least three of whom shall be representatives of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies and appointed on the basis of their ability and experience. Elected officials including members of a county board are also eligible to serve on the board.* [50 ILCS 750/15.4(a)]~~

~~b)~~ ~~*Any two or more municipalities, counties, or combination thereof that impose a surcharge may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board. The manner of appointment of such a joint board shall be prescribed in the agreement.* The intergovernmental agreement must be consistent with subsection (a). *The powers and duties of a joint board shall be defined by ordinance of the municipality or county or by intergovernmental agreement in the case of a joint board.* [50 ILCS 750/15.4]~~

~~c)~~ ~~*Qualified governmental entity means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act* when *no Emergency Telephone System Board exists.* [50 ILCS 750/2.23]~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

SUBPART D: STANDARDS OF SERVICE

Section 725.400 9-1-1 Authority (Repealed)
EMERGENCY

~~The 9-1-1 Authority:~~

~~a)~~ ~~Shall obtain Commission authorization pursuant to Section 725.210, prior to operating a 9-1-1 system;~~

~~b)~~ ~~Shall provide notification to Commission Staff within a minimum of 14 calendar days prior to 9-1-1 system activation;~~

~~c)~~ ~~Shall provide continual review using recognized administrative, engineering, database and security procedures to assure adequate service to the general public in accordance with the Act and this Part;~~

~~d)~~ ~~Shall comply with the provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;~~

~~e)~~ ~~Shall provide the overall management for the 9-1-1 system and all of its PSAPs and work in conjunction with the 9-1-1 system providers on the initial installation, continued maintenance, and any future modifications to the system;~~

~~f)~~ ~~Shall enter into a service contract with one or more 9-1-1 system providers that have been authorized to operate in the State of Illinois pursuant to Section 13-900 of the Public Utilities Act to provide 9-1-1 database, call routing and other 9-1-1 duties and services associated with the 9-1-1 system that clearly delineates the responsibilities of the 9-1-1 system provider and 9-1-1 authority. A copy of this contract shall be filed with the final or modified plan to be approved by the Commission pursuant to Section 725.205. Parties to the contract may deem all or a portion of the contract as proprietary and confidential;~~

~~g)~~ ~~Shall ensure that contracts with multiple 9-1-1 system providers clearly define the role of each 9-1-1 system provider as it relates to its responsibility for providing database, routing of emergency calls and the building of the 9-1-1 network. The 9-1-1 authority shall coordinate the tasks between 9-1-1 system providers;~~

~~h)~~ ~~Must maintain data in the MSAG or its functional equivalent for those 9-1-1 systems employing new and emerging technology;~~

~~i)~~ ~~Shall develop and utilize written 9-1-1 Standard Operating Procedures (SOPs) of its operations for use by its telecommunicators and supervisory personnel (i.e., call trace for basic systems, service restoration/equipment failure, and disaster procedures in the event that critical functions of the PSAP are partially or totally~~

~~disabled). Each PSAP shall be given a copy of the 9-1-1 SOPs that shall be kept on file at each PSAP;~~

~~j)~~ ~~Shall ensure that civic 9-1-1 locatable addresses, with U.S. Postal Service approval, are assigned to all subscribers with a static address and provided to the 9-1-1 system provider;~~

~~k)~~ ~~Shall coordinate with the appropriate authorities to ensure that road or street signs that are essential to the implementation of an enhanced 9-1-1 system will be installed prior to activating the system;~~

~~l)~~ ~~Shall accept all OSP end user emergency calls from its 9-1-1 system provider as long as it is technically feasible regardless of the technology employed in generating the emergency call. The 9-1-1 authorities may only accept emergency calls routed into their system from a certified 9-1-1 system provider; and~~

~~m)~~ ~~Shall ensure that emergency calls are not routed or transferred to an automated attendant or automated voice response system.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.402 Technical Review of 9-1-1 Plans
EMERGENCY

a) Upon receipt of notice from the Department that a consolidation plan pursuant to Part 1324 or an initial or modified plan pursuant to Part 1325 has been filed, Commission Staff will begin an informal review of each plan to ensure its technical compliance with Sections 405, 410 and 412. Notice will also be provided to the 9-1-1 system providers and carriers by the Department pursuant to Sections 1324.200(f) and 1325.210(c).

b) For each consolidation plan, initial plan and modified plan that involves the use of a 9-1-1 System provider which already provides service to a 9-1-1 Authority under a plan previously approved by the Commission or the Department, the following process shall apply:

1) Within 16 days of the notice date that a consolidation plan, initial plan or modified plan is filed pursuant to subsection (a), any interested party may file a request for a formal review of the plan by the Commission.

2) If after its informal review of any consolidation plan, initial plan or modified plan and no later than 20 days from the date of receipt from the Department, Commission Staff has either identified a matter of technical concern or received a request for a formal review pursuant to subsection (b), Commission Staff will notify the Department that the Commission will initiate a docketed proceeding to formally review the plan and request that the Department seek an extension with the filing entity or deny the plan pending the outcome of the Commission's formal technical review.

3) Once an order resolving the matter of technical concern or unresolved dispute has been rendered by the Commission, a copy will be provided to the Department.

4) If the Commission Staff does not provide the Department with notification as described in subsection (b)(2) within 20 days of receipt of the plan, the Commission will not undertake any separate proceedings regarding the plan without first conferring with the Department.

c) For each consolidation plan, initial plan or modified plan that involves the use of a 9-1-1 System Provider that does not already provide service to a 9-1-1 Authority under a plan approved by the Commission or the Department ("new 9-1-1 System Provider"), the following process shall apply:

1) Within 16 days of receipt of the plan, Commission Staff will notify the Department that the plan involves the use of a new 9-1-1 System Provider and that Commission Staff will follow the review process prescribed by this subsection (c) and request that the Department seek an extension with the filing entity or deny the plan pending the outcome of the informal technical review by Commission Staff.

2) Within 16 days of the receipt of the plan, Commission Staff will establish an informal process, to last no more than 90 days from the date of the receipt of the plan, for review of the plan with input from interested parties, including review of the plan's provisions for transitioning from

any existing 9-1-1 System Provider to a new 9-1-1 System Provider and proposed interconnection arrangements with impacted carriers.

3) If, at any time within 90 days after receipt of the plan, Commission Staff has completed its informal review and determined that there are no disputed issues regarding the plan, Commission Staff will immediately notify the Department of the completion of the informal technical review process under this subsection (c).

4) If, as a result of the informal technical review process, but no later than 90 days from the date of receipt of the plan, Commission Staff has either determined that there are issues regarding the plan that remain in dispute or received a request for a formal review, Commission Staff will notify the Department that the Commission will initiate a docketed proceeding to formally review the plan and request that the Department seek an extension with the filing entity or deny the plan pending the outcome of the Commission's formal technical review.

5) Once an order resolving any disputed issues has been rendered by the Commission, a copy will be provided to the Department.

6) If the Commission Staff has not provided the Department with the notification described in either subsections (c)(3) or (c)(4) within 90 days of receipt of the plan, the Commission will not undertake any separate proceedings regarding the plan without first conferring with the Department.

(Source: Added by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.405 9-1-1 System Provider
EMERGENCY

A 9-1-1 System Provider:

a) Shall be certified under Section 13-900 of the Public Utilities Act as a 9-1-1 system provider prior to entering into any contract with a 9-1-1 authority to provide 9-1-1 services;

b) Shall file tariffs under Sections 13-900.1 and 9-102 of the Public Utilities Act for 9-1-1 services prior to offering such services;

c) Shall enter into a service contract with each 9-1-1 authority for which it plans to provide 9-1-1 database, call routing and other 9-1-1 duties and services associated with the 9-1-1 system that clearly delineates the responsibilities of the 9-1-1 system provider and 9-1-1 authority;

d) Shall assume the lead role in coordinating the implementation of the 9-1-1 project. The 9-1-1 system provider is responsible for the initial implementation and mutually agreed upon changes/modifications, project timeline, milestone progress report/conference calls with Commission 9-1-1 Program Staff and all involved parties. If there are multiple 9-1-1 system providers, the 9-1-1 authority shall specify the role of each provider pursuant to Section 1325~~725~~.400(f~~g~~);

e) Shall comply with any provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;

f) Shall comply with back-up power requirements for 9-1-1 equipment and facilities as specified in 83 Ill. Adm. Code 730.325 or 83 Adm. Code 737.410;

g) Shall comply with physical security requirements for its facilities as specified in 83 Ill. Adm. Code 785.35;

h) Shall provision "9-1-1 Service" in one of the following types:

1) Basic 9-1-1 service is an emergency telephone system that automatically connects 9-1-1 callers to a designated answering point through either dedicated direct trunking and/or tandem trunking from the central office to the PSAP. Basic 9-1-1 does not typically support ANI and ALI. The features associated with basic service shall be according to the following format types:

A) Type #1 – This is the most basic configuration available and provides:

i) no per-call charge;

ii) loop-type ringdown signaling toward PSAP;

iii) ringback tone to caller; and

iv) transmission path for communication between the caller and the PSAP;

B) Type #2 – This configuration provides all the features of the Type #1 circuit with the following options:

i) called party hold;

ii) forced disconnect;

iii) idle circuit tone application; and

iv) originating switchhook status indication contingent on the installation of appropriate terminal equipment at the PSAP;

C) Type #3 – This configuration provides all the features of the Type #1 and Type #2 circuits with the addition of ringback of the calling party on a held line;

D) Type #4 – This configuration provides for optional features beyond those described in the configuration of Type #2 or Type #3. This type of Basic 9-1-1 also requires trunks capable of carrying ANI.

2) E9-1-1 service is a system that includes a dedicated network, selective routing, and a database that interfaces with a PSAP CPE capable of receiving and providing ANI and ALI. It can be provisioned through either a 9-1-1 telecommunications network that is commonly referred to as "9-1-1 traditional legacy service" or a 9-1-1 IP network which is commonly referred to as "NG9-1-1 service":

A) 9-1-1 traditional legacy service: Provides the capability to serve several PSAPs existing within the 9-1-1 service area with tandem trunking through the E9-1-1 selective router. The main features of E9-1-1 service is the capability of the E9-1-1 selective router to selectively route an emergency call originating from any station in

the 9-1-1 service area to the correct ~~primary~~ PSAP. The features associated with tandem trunking in an E9-1-1 system may include the following:

i) Selective routing;

ii) Default routing;

iii) Alternate routing;

iv) Transfer capabilities;

v) Forced disconnect;

vi) No per call charge;

vii) ANI; and

viii) ALI.

B) NG9-1-1 service provides the capability to serve ~~several~~ PSAPs ~~existing within the 9-1-1 service area~~ through an IP network. The main feature of NG9-1-1 service is the capability to route an emergency call originating from multiple types of technology capable of calling 9-1-1. The capabilities and features associated with NG9-1-1 may include but are not limited to the following:

i) Legacy network~~IP~~ gateway;

ii) Geospatial routing;

iii) Default routing;

iv) Alternate routing;

v) Transfer capabilities;

vi) ANI;

vii) ALI; ~~and~~

viii) Transmit data and/or text and/or video with the emergency call when feasible and/or available; and

ix) Emergency Services IP networks (ESInets).

C) Any combination of subsections (h)(2)(A) and (B).

i) The 9-1-1 system provider shall meet the following technical requirements for the provisioning of 9-1-1 service:

1) Utilizing mutually acceptable and agreed upon standards for database record exchange as prescribed, at a minimum, by the National Emergency Number Association in "NENA, Standard Data Formats For ALI Data Exchange, MSAG & GIS Mapping" (NENA 02-010, v9, 3/28/2011; this incorporation includes no later amendments or editions).

2) Obtaining, maintaining and updating end user subscriber information provided by all participating OSPs in order to maintain the 9-1-1 database to meet the requirements set forth in ETSA Section 15.4(d).

3) Creating, maintaining and updating the MSAG and database, GIS database, or functional equivalent in conjunction with the 9-1-1 authority and all OSPs.

4) Updating the ALI database on a daily basis during normal business days.

5) Providing notification of errors to the appropriate entities within 24 hours for corrective action.

6) Providing the error ratio to the 9-1-1 authority no later than December 31 of each year. 9-1-1 authorities may request the percentage on a more frequent basis, but not more than once a month.

7) Providing a network diagram to the 9-1-1 authority, annually within the 4th quarter of each year, no later than December 31. Additionally, updated diagrams must be provided to the 9-1-1 authority when a modification is required to be filed with the Commission.

8) Coordinating the development and the maintenance of the 9-1-1 database with all participating OSPs and the 9-1-1 authority and ensure that all required information for routing tables, i.e., NPA/NXX, ESN, default ESN, PANIs and any other items that may become necessary for the functionality of maintaining an accurate database and/or routing tables, is obtained.

9) Coordinating the installation of all network components with all participating OSPs and/or third party provider who may connect its network and transport 9-1-1 traffic to the appropriate 9-1-1 system provider on behalf of an OSP. In these cases, the OSP, the 9-1-1 system provider, and the third party telecommunications carrier shall work cooperatively with the 9-1-1 authority to ensure that appropriate default routes are chosen and proper network congestion control measures are maintained. The network design must adhere to the default routing and acceptable engineering practices as specified in subsections (h)(11) and (22).

10) Routing all emergency calls from any OSP without discrimination where technically feasible.

11) Provisioning all 9-1-1 facilities over dedicated redundant facilities. This should be considered to be the standard method of providing all incoming 9-1-1 facilities and, where possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all emergency calls during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, where available, in order to increase the survivability of the 9-1-1 network. Additionally the Commission 9-1-1 Program Staff and or 9-1-1 authority may on an annual basis or in the event of a problem request traffic studies be performed or other documentation be provided to verify that the standard is being met.

12) Provisioning 9-1-1 facilities for one way incoming only service to the PSAP. Origination of outbound dialing on 9-1-1 circuits without a caller or active 9-1-1 call on the circuit is prohibited.

13) Provisioning the transmission grade of service for 9-1-1 facilities using inter-exchange facilities equivalent to those specified in 83 Ill. Adm. Code 730.520 or 83 Adm. Code 737.440.

14) Provisioning the transmission grade of service for the intra-exchange loop portion of any 9-1-1 facilities equivalent to those specified in 83 Ill. Adm. Code 730.525 or 83 Adm. Code 737.630.

15) Notifying the 9-1-1 authority a minimum of 48 hours prior to performing any planned activities that could adversely affect 9-1-1 service.

16) Adopting practices to minimize the possibility of service disruption on all facilities associated with 9-1-1 service to a PSAP prior to 9-1-1 going on line.

17) Maintaining a contact number for notifying the appropriate 9-1-1 authority in the event of an outage or failure of a 9-1-1 system.

18) Notifying a primary point of contact within a 9-1-1 system within 15 minutes after detecting a confirmed outage within the system and advising the primary point of contact as to the magnitude of the outage once fully known. In addition, the 9-1-1 system provider must notify the Commission's 24 hour emergency number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 or 83 Adm. Code 737.430.

19) Notifying a primary point of contact of a 9-1-1 system and the Commission's 24 hour emergency number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 or 83 Adm. Code 737.734 within 30~~15~~ minutes after the confirmed restoration of 9-1-1 services.

20) Delivering 9-1-1 service elements for the provisioning and ongoing maintenance of the 9-1-1 systems as follows:

A) Provide database coordination with all participating OSPs when applicable.

B) Provide network coordination with all participating OSPs when applicable.

C) Provide maintenance and repair procedures, service and repair center contact information, a restoration plan and call trace procedures to the 9-1-1 authority.

21) Adopting practices and implementing procedures to reduce or minimize the conditions that cause default routed calls.

22) Default routing, at a minimum, by county. Where an exchange boundary/rate center crosses county boundaries, the 9-1-1 system provider may establish a single default with the approval of the 9-1-1 authority for those affected 9-1-1 systems.

23) Adopting practices to provide the appropriate services to Private Business Switch and Private Residential Switch subscribers for the purposes of complying with ETSA Sections 15.5 and 15.6 and 83 Ill. Adm. Code 1326~~726~~.

24) Providing the 9-1-1 authority with the information, reports or other documents required, to enable the 9-1-1 authority to complete its annual filings to the Commission.

25) Cooperating with other 9-1-1 system providers to hand off split exchange subscribers to another 9-1-1 system provider in a mutually acceptable manner and in accordance with good engineering design and standards.

26) Cooperating with other 9-1-1 system providers in the installation of a new 9-1-1 system or migration of a system from another 9-1-1 system provider.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.410 Telecommunications Carriers
EMERGENCY

a) Each telecommunications carrier shall file tariffs under Section 13-900.1 of the Public Utilities Act for 9-1-1 telecommunications service to be applied to all services specific to 9-1-1 installations on the carrier's network side of the customer demarcation point.

b) Dedicated redundant facilities should be considered to be the standard method of providing all incoming 9-1-1 facilities and, when possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all requests for emergency services during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, when available, in order to increase the survivability of the 9-1-1 network. Additionally, the Commission 9-1-1 Program Staff and/or 9-1-1 authority may, on an annual basis or in the event of a problem, request traffic studies or other documentation to verify that the standard is being met.

c) Coin-free dialing of the digits 9-1-1 shall be provided from all coin telephones within an exchange with 9-1-1 service.

d) The transmission grade of service on 9-1-1 facilities using inter-exchange facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.520 or 83 Adm. Code 737.440 dealing with interoffice transmission objectives.

e) The transmission grade of service for the intra-exchange loop portion of any 9-1-1 facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.525 or 83 Adm. Code 737.630 dealing with local loop transmission objectives.

f) When all 9-1-1 facilities are busy in the originating central office, the switching facility, when equipped to provide the function, shall route the caller to an announcement or busy tone. When an all trunks busy situation occurs in an intermediate switching facility, that switch shall, when equipped, route the caller to an appropriate backup or alternate answering location, announcement, or busy tone.

g) All telecommunications carriers shall arrange for each of their switching offices to accept the 9-1-1 code.

h) Telecommunications carrier's personnel shall notify the 9-1-1 authority a minimum of 48 hours prior to performing any planned action that could adversely affect 9-1-1 service.

i) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all facilities associated with 9-1-1 service to a 9-1-1 system. These practices will provide for facility guarding at all terminations with protective devices that will minimize accidental worker caused service interruption. These practices shall also contain procedures for physical identification of all 9-1-1 facilities with special warning tags and/or labels and identification of circuits in company records.

j) Each telecommunications carrier shall deliver 9-1-1 service elements for the provisioning and ongoing maintenance of the 9-1-1 systems as follows:

~~1) Collect and remit the appropriate 9-1-1 surcharge for each 9-1-1 authority mandated by statute and local referendum, excluding the 3% collection fee.~~

1~~2~~) Provide database downloads and updates to the appropriate 9-1-1 system provider for each 9-1-1 system in which it has subscribers.

2~~3~~) Adhere to acceptable and agreed upon standards for database record exchange as prescribed, at a minimum, by NENA Standard Data Formats For ALI Data Exchange, MSAG & GIS.

3~~4~~) Process error corrections within 2 business days after receipt of an error report from the 9-1-1 system provider and/or 9-1-1 authority.

4~~5~~) Provision and connect its network to the appropriate 9-1-1 system provider. Nothing in this Section prohibits a telecommunications carrier from contracting with a third party provider who may connect its network to the appropriate 9-1-1 system provider for the transport of 9-1-1 traffic. The network design must adhere to the engineering practices and default routing requirements specified in Section 725.405(i)(11) and (22).

5~~6~~) Not deliver emergency calls to operator services.

6~~7~~) Provide maintenance and repair procedures, service and repair center contact information, maintain a restoration plan and perform call trace procedures to the 9-1-1 authority.

7~~8~~) Comply and arrange for default routing requirements with the 9-1-1 system provider and the 9-1-1 authority.

8~~9~~) Maintain a list of contact numbers for notifying the appropriate 9-1-1 system in the event of an outage or failure of a 9-1-1 system.

9~~10~~) Notify a primary point of contact for the 9-1-1 authority within 15 minutes after a confirmed outage within the system and also advise the primary point of contact as to the magnitude of the outage. In addition, the telecommunications carrier must notify the Commission's 24 hour emergency outage number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 or 83 Adm. Code 737.430.

10~~11~~) Shall notify a primary point of contact with the 9-1-1 authority and the Commission's 24 hour emergency outage number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 or 83 Adm. Code 737.734 within 30~~15~~ minutes after the confirmed restoration of 9-1-1 services.

11~~12~~) Cooperate with 9-1-1 system providers to assist in terminating split exchange traffic between 9-1-1 systems.

12~~13~~) Cooperate with 9-1-1 system providers in the installation of a new 9-1-1 system or migration of an existing 9-1-1 system to another 9-1-1 system provider.

k) Each telecommunications carrier and interconnected VoIP provider shall adopt practices and procedures to deliver emergency calls to the appropriate 9-1-1 system provider.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.412 Next Generation 9-1-1 System Provider
EMERGENCY

Each Next Generation 9-1-1 System Provider shall:

a) Provide redundant legacy network gateways so that the originating wireline, wireless, and VoIP networks can deliver emergency calls in a manner that IP

capable PSAPs can receive until such time that conversions of legacy network for IP is no longer necessary.

b) Provide redundant geographic locations for the legacy network gateways within the State of Illinois that is both technologically feasible and cost effective;

c) Provide network monitoring;

d) A next generation 9-1-1 system provider which has deployed a 9-1-1 network prior to December 31, 2015 with a service offering which does not meet the requirements of this section, shall not be required to comply with this section until such time that the 9-1-1 system provider or a 9-1-1 authority requests to make a change to the network. Such next generation 9-1-1 system provider shall not expand the current service until its service offering in both its existing and expanded service area is provisioned to meet the requirements of this section.

(Source: Added by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.415 Public Safety Answering Point (Repealed)
EMERGENCY

~~a) All 9-1-1 CPE used by a PSAP must be compatible with the 9-1-1 system provider's equipment and transport arrangements.~~

~~b) Each PSAP, after consultation with the 9-1-1 system provider, shall designate an area of adequate size to be used by the 9-1-1 system provider for termination of the company's lines and equipment.~~

~~c) The CPE shall indicate incoming calls by both audible and visible signals for each 9-1-1 circuit. Each outgoing circuit shall have a visual display of its status.~~

~~d) Each 9-1-1 answering position shall have access to all incoming 9-1-1 circuits and outgoing circuits.~~

~~e) The CPE shall be designed to achieve transfers with at least 99.9% completion. This may require the use of dedicated facilities between the PSAPs. When the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may~~

~~manually release himself/herself from the emergency call, provided that the CPE is so designed. A 9-1-1 system should be designed so that an emergency call will never be transferred more than once; however, there could be circumstances beyond the PSAP's control that might warrant more than one transfer.~~

~~f)~~ ~~Each answering position shall have direct access to an operational teletypewriter or its equivalent, and all PSAP telecommunicators shall be trained in its use at least every six months. The 9-1-1 authority will ensure that TTY equipment or its equivalent is available to continue service in the event of emergency, malfunction or power failure.~~

~~g)~~ ~~At a minimum each PSAP shall have at least two fully equipped answering positions. The staffing levels and the number of positions beyond this requirement shall be determined by the 9-1-1 authority based on call volume and average length of calls (i.e., if PSAP is responsible for EMD, call processing could take longer and require additional telecommunicators). Overflow emergency calls shall be routed to a backup PSAP as provided for in subsection (i).~~

~~h)~~ ~~The 9-1-1 authority is responsible for ensuring that its primary, back-up and secondary PSAPs provide continuous and uninterrupted operation 24 hours per day, 7 days a week.~~

~~i)~~ ~~Backup PSAP~~

~~1)~~ ~~Each 9-1-1 system shall have a backup PSAP that must operate independently from the primary PSAP. The backup PSAP must have the capability to dispatch (by either direct, transfer or call relay methods) the appropriate public safety agencies for that 9-1-1 system. A backup PSAP shall meet the same standards as the primary PSAP, except as provided for in subsection (i)(2).~~

~~2)~~ ~~In a 9-1-1 system with a population of less than 10,000, when the system has demonstrated that the requirements of subsections (h) and (i) would place an undue financial burden upon the system, the 9-1-1 authority can ask the Commission for an exemption from having a full feature manned backup PSAP. A 9-1-1 system operating under this exemption should, as funds become available, upgrade its backup PSAP capability to meet those standards specified in subsections (g), (h) and (i)(1). If the system ever~~

~~exceeds 5,000 billable access lines for a period of one year, it shall upgrade to meet the standards specified in subsections (g), (h) and (i)(1). For those systems operating under this exemption, some alternative form of back-up shall be required. The backup PSAP requirement may be met by one of the following:~~

~~A) An unattended PSAP shall have:~~

~~i) the capability to provide 9-1-1 service;~~

~~ii) the communication equipment necessary to dispatch emergency services;~~

~~iii) a backup power supply;~~

~~iv) the ability to communicate via TTY; and~~

~~v) the capability to be immediately activated with authorized and trained personnel.~~

~~B) Some other method that the 9-1-1 authority must be able to demonstrate, in its request for an exemption, would meet the public safety needs of its community by being able to take 9-1-1 calls and dispatch them successfully on a temporary basis in an emergency situation.~~

~~j) The use of virtual PSAPs may be acceptable; however, this must be included as a part of the 9-1-1 system final or modified plan authorized by the Commission.~~

~~k) PSAP telecommunicators shall be trained in emergency dispatch procedures and 9-1-1 SOPs as specified by the 9-1-1 authority to fulfill the responsibilities of their position, with the following requirements:~~

~~1) Newly hired telecommunicators must receive, at a minimum, an 80-hour training curriculum approved by the 9-1-1 authority prior to handling emergency calls.~~

~~2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional~~

~~training must be completed in accordance to the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515 in addition to the 80-hour minimum.~~

~~3) Continuing education for existing telecommunicators is required in all aspects of emergency call handling and will be specified by the 9-1-1 authority.~~

~~l) The 9-1-1 authority shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming emergency call and any radio transmissions relating to the emergency call and its disposition for each PSAP (primary, backup and secondary PSAPs). These recordings shall have the time of each event noted. The 9-1-1 authority may elect to record on a circuit-by-circuit basis or by way of the telecommunicator's position.~~

~~m) The 9-1-1 authority shall ensure that each PSAP (primary, backup and secondary) maintains an archive of the storage media for a minimum of 90 days without recirculation of any media.~~

~~n) Where CPE is implemented and is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's operation, an uninterruptible power supply shall be installed at all PSAP locations (primary, backup and secondary) for continuous operation.~~

~~o) All PSAP locations (primary, backup and secondary), must be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PSAP, without interruption, for longer outage times frames. It shall provide a minimum of four hours of power. The back-up power source shall be tested for reliability on a monthly basis.~~

~~p) Each PSAP shall have at least one 24 hour staffed telephone number to be provided to telecommunications carrier operators, adjacent PSAPs and public safety agencies in order to communicate with that PSAP.~~

~~q) PSAP employees shall be instructed to be efficient and courteous in the handling of all emergency calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.~~

~~r) Each PSAP shall insure that all emergency calls are answered and handled without preference to the location of the caller.~~

~~s) Each PSAP should answer 90% of all emergency calls within 10 seconds.~~

~~t) All calls of an administrative or non-emergency nature shall be referred to the appropriate agency's published telephone number.~~

~~u) A current copy of the 9-1-1 authority's SOPs shall be on file in every PSAP.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

SUBPART E: OPERATIONS

Section 725.500 Testing Procedures (Repealed)
EMERGENCY

~~a) The 9-1-1 authority will prepare a written test plan that will be submitted as Exhibit 10 in the final plan pursuant to Section 725.205 to be filed with the Commission. The test plan will explain how the 9-1-1 authority plans to perform its testing in conjunction with the 9-1-1 system providers and telecommunications carriers.~~

~~b) The 9-1-1 authority shall ensure that proper field testing has been performed on a minimum of 40% of all access lines in the 9-1-1 service area. It shall include each NXX for every telecommunications carrier and for every ESN within each service area prior to the 9-1-1 system being able to announce its availability to the public.~~

~~c) Each 9-1-1 system provider and telecommunications carrier will work with the 9-1-1 authority to ensure that call through testing and data verification of over 40% of subscribers from all areas, prefixes, carriers and types of services in their system are completed before allowing the 9-1-1 service to go live or to transition from one 9-1-1 system provider to another.~~

~~d) The 9-1-1 system provider may not cut the 9-1-1 system live until the 9-1-1 traditional legacy service database is at a 1% or less error ratio pursuant to ETSA~~

~~Section 15.4(d). Errors found during testing shall be corrected prior to cutting the system live.~~

~~e) The 9-1-1 authority is responsible for ongoing testing once the 9-1-1 system is on-line and shall, at a minimum, include the following:~~

~~1) The 9-1-1 authority shall conduct testing, including, but not limited to, the 9-1-1 database, networking, system overflow, system backup, default routing, and call transfer on a continuing basis to ensure system integrity. The testing shall be coordinated in advance and in conjunction with the 9-1-1 system provider and telecommunications carriers.~~

~~2) The 9-1-1 authority and 9-1-1 system providers shall participate in coordinated testing with the telecommunications carriers when any of the following occur:~~

~~A) New central office switching installations;~~

~~B) E9-1-1 selective router or functional equivalent installations, upgrades or rehomes;~~

~~C) NPA (Numbering Plan Area) additions;~~

~~D) Migration from one 9-1-1 system provider to another; and~~

~~E) Any other event that affects 9-1-1.~~

~~3) Upon request, after notification of implementation, the 9-1-1 authority shall perform coordinated testing with the private residential or business switch operators.~~

~~4) The 9-1-1 authority in conjunction with the telecommunications carriers shall test all call boxes annually at a minimum and keep a running log of the testing.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.505 Call Handling Procedures (Repealed)

EMERGENCY

~~a) The 9-1-1 authority shall insure that the disposition of each emergency call is handled according to the agreements it has negotiated with its system participants and adjacent agencies in Exhibit 3 and Exhibit 4 of its final plan (see Section 725.205).~~

~~b) Certified notification of the continuing agreements shall be made among the involved parties on an annual basis pursuant to ETSA Section 15.~~

~~c) In instances in which a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to determine the appropriate responding agency and complete the disposition of the call.~~

~~d) *The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, such unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries*. [50 ILCS 750/14]~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.510 Electronic Communication Devices (Repealed)
EMERGENCY

~~Except for the purpose specifically indicated and authorized by law, the installation of or connection to the 9-1-1 system network of an automatic alarm, automatic alerting device, or mechanical dialer that causes the number 9-1-1 to be dialed is prohibited in a 9-1-1 system (e.g., elevator one button phones, security pole one button phones, or burglar alarms).~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.515 Physical Security (Repealed)
EMERGENCY

~~a) The 9-1-1 authority must ensure that critical areas of a PSAP, backup PSAP and secondary PSAP shall have adequate physical security to prevent malicious~~

~~disruption of service and shall be protected against damage due to vandalism, terrorism and civil disturbances. These critical areas shall, at a minimum, include all communications equipment, PSAP personnel, electronic equipment rooms, and mechanical equipment rooms that are vital to the operation of the PSAP.~~

~~b)~~ ~~The PSAP and PSAP personnel shall be isolated from direct public contact.~~

~~c)~~ ~~Entry to the PSAP shall be restricted to authorized persons only. Additionally, doors that lead directly from the exterior into the PSAP or from within a building into the PSAP shall be secured at all times.~~

~~d)~~ ~~Access to the communications and electronic equipment rooms shall be restricted within the building by means of secured doors.~~

~~e)~~ ~~Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utilities' nearest serving distribution point. Protective measures shall be taken against vandalism and natural or manmade hazards at each PSAP.~~

~~f)~~ ~~The PSAP shall be equipped with a fire extinguisher. Personnel shall be instructed in proper use of these extinguishers.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.520 9-1-1 Traditional Legacy Service Database
EMERGENCY

a) 9-1-1 database queries will only be allowed by PSAPs for purposes of dispatching or responding to an emergency call or for database integrity verification as set forth in subsection (c).

b) Prior to an initial database integrity verification, the 9-1-1 authority shall obtain a court order detailing the information that is to be disclosed and the reason for disclosure.

c) The 9-1-1 database shall have the capability of allowing database verification queries, provided that the following procedures are adhered to:

1) The 9-1-1 authority shall be responsible for providing a level of security and confidentiality to the database that will prohibit random inquiries;

2) Direct access to 9-1-1 database information will be under strict control and, when technically feasible, a password will be assigned for access by authorized persons only;

3) Database verification queries shall be by subscriber number only and as necessary for purposes of database integrity. Queries in excess of 10 per 24-hour period will only be done with 2 or more days advance notice to the respective 9-1-1 system provider for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc., and for verifying that database update information provided to the 9-1-1 system provider has indeed been posted and is correct. On-site 9-1-1 databases are exempt from 9-1-1 system provider advance notification requirements of this Section;

4) Information retrieved will be used exclusively for the maintenance, update and verification of the 9-1-1 database except as otherwise specified in subsection (a). Any other use is expressly prohibited. The information is subject to strict non-disclosure agreements between the various OSPs, 9-1-1 system providers and 9-1-1 authority. All personnel associated in any way with the 9-1-1 authority and the 9-1-1 systems are bound by these agreements.

5) Trunks/facilities that are not used to transport 9-1-1 emergency calls into the PSAP are prohibited from being connected to the 9-1-1 CPE in any way to allow for queries of the 9-1-1 database.

6) Database queries for the purpose of database verification shall be limited to off-peak times.

7) Database queries shall not be made if there is any known outage or impairment in the database system, including a database data link outage. In the event of an outage, the 9-1-1 system provider shall treat outage notification of the 9-1-1 authority regarding database query suspension as a priority. When practicable, this notification shall be made not later than

15 minutes after a confirmed incident that will cause database queries to be suspended.

d) Each telecommunication carrier shall provide updates to the appropriate 9-1-1 system provider for the 9-1-1 database on a daily basis or more frequently when technology supports it, Monday through Friday during business hours.

e) A 9-1-1 authority using an on-site database is restricted from making any changes to the 9-1-1 data that has been downloaded for its use. Only the 9-1-1 system provider has the authority to correct errors or provide updates to the database. The 9-1-1 authority must adhere to the proper error resolution procedures as specified in subsection (g)(l).

f) 9-1-1 authorities, 9-1-1 system providers and telecommunications carriers shall utilize mutually acceptable and agreed upon standards as prescribed, at a minimum, by the NENA Standards for 9-1-1 databases.

1) Data Formats for ALI, MSAG and GIS (02-010, v9);

2) 9-1-1 Data Management (02-011, v7); and

3) Provisioning and Maintenance of MSAG Files to VDBs and EKDBS (02-013, v3).

g) It shall be the joint responsibility of the 9-1-1 authority, the 9-1-1 system provider and telecommunications carriers to ensure that the error ratio of each 9-1-1 system's database shall not, at any time, exceed 1%.

h) The 9-1-1 authority or 9-1-1 system provider shall forward all error reports within two business days after finding the error to the 9-1-1 Authority,~~its~~ 9-1-1 system provider, or carrier to take appropriate action to resolve the error.

i) If the error is a record of the 9-1-1 system provider, it must be corrected and updated within two business days after receipt of the error. If the error is for a participating telecommunications carrier, the 9-1-1 system provider shall forward the error to the appropriate telecommunications carrier or 9-1-1 Authority for resolution.

j) Any telecommunications carrier receiving an error record from the 9-1-1 system provider has two business days upon receipt of the error to work with the 9-1-1 Authority and process the corrections and forward the appropriate updates to the 9-1-1 system provider. If the error is for an OSP, the 9-1-1 authority will forward those on to the appropriate company for review.

k) The 9-1-1 authority shall retest and/or validate that all errors have been corrected (e.g., no record found, misroutes).

l) The 9-1-1 authority shall, on a continuing basis, maintain the MSAG (or GIS database or functional equivalent), the ELT for each ESN and the associated telephone numbers for the ELTs.

m) Upon a written request of the 9-1-1 authority, the 9-1-1 system provider shall submit, within 14 working days, a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the 9-1-1 authority, the 9-1-1 authority shall enter into non-disclosure agreements with telecommunication carriers and interconnected VoIP providers to protect proprietary network and customer-related information from public disclosure consistent with the Illinois Freedom of Information Act (FOIA [50 ILCS 140/7(1)] and other applicable federal or state law~~obtain a court order allowing the 9-1-1 system provider to release the information. A single court order may be used to comply with this subsection and subsection (e)~~.

1) This report shall include the following information when available in the 9-1-1 database:

A) telephone number − area code, prefix and number in separate fields;

B) pilot number − single telephone number used to tie multiple numbers within a system together;

C) service (civic) address − including street name, house number or equivalent, suffix, directional, community name, state, zip code and location and/or descriptive information, including intersection if MSAG indicates an intersection, in separate fields;

D) billing address − if different than the service address, in separate fields, to be provided on a telephone number only basis pursuant to procedures defined by the telecommunications carrier and the 9-1-1 authority. Billing address information shall be subject to non-disclosure agreements;

E) name − first, last and middle names or initials, in separate fields;

F) date service was initiated − the month, day and year that service was initiated, in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;

G) type of service − residential, business, coin, etc.;

H) PBX/Centrex Extensions/Station Numbers − identify those numbers that are part of a PBX/Centrex system when this information is available;

I) surcharge status − when this information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields;

J) Emergency Service Number (ESN) − appropriate ESN, if assigned, is to be made available only from the primary telecommunications carrier providing database development and routing services.

2) This report may be requested by the 9-1-1 authority in writing, at a maximum, on a monthly basis. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the 9-1-1 database. This report will be delivered in an electronic format. It will not be delivered in paper format. There will be a charge for this report that will be a tariffed item by each 9-1-1 system provider.

n) A 9-1-1 authority that has or is in the process of transitioning to an NG9-1-1 system when the 9-1-1 traditional legacy service database will be used in

conjunction with, or eventually be replaced with, dynamic data must provide a detailed explanation of the initial development and ongoing maintenance of necessary databases in the NG9-1-1 final plan or modification, pursuant to Section 137~~7~~25.205~~(f)~~.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

Section 725.525 Call Boxes (Repealed)
EMERGENCY

~~a)~~ ~~Except as otherwise provided in this Part, call boxes shall be a part of a 9-1-1 system that offers 9-1-1 traditional legacy service. Call boxes shall be provisioned to adequately serve a system in the event the central office is isolated from the 9-1-1 system provider's selective router or its functional equivalent. Call boxes shall only be provisioned to central offices and to those remote central offices that have the capability to stand alone and function when severed from the host central office. A high priority of attention shall be given to all trouble reports and requested restorations. Call boxes shall be designed to meet the following requirements:~~

~~1)~~ ~~Call boxes shall have a minimum of two lines, with additional lines as agreed to by the 9-1-1 authority and the telecommunications carriers;~~

~~2)~~ ~~The type of vault used to house the call box circuitry shall be weather resistant and have a locking capability;~~

~~3)~~ ~~When technically feasible, the call boxes shall be provisioned with a transfer switch for use by authorized personnel to route emergency calls from the network to the call box jacks;~~

~~4)~~ ~~The call boxes shall be provisioned with the lines busied out until the transfer switch is thrown to prevent calls from ringing into an unattended call box;~~

~~5)~~ ~~The call boxes shall be equipped with an intrusion alarm at an additional cost to be assessed to the 9-1-1 authority through a tariff filed pursuant to Section 9-201 of the Public Utilities Act;~~

~~6) Call boxes shall be located, installed and maintained so that 9-1-1 system personnel have unrestricted access to the call box 24 hours per day, 7 days per week. If the call box is to be located within any secured area, the telecommunications carrier shall provide the 9-1-1 authority immediate, unrestricted access to the secured area; and~~

~~7) Calls boxes shall be tested by the 9-1-1 authority in conjunction with the telecommunications carrier annually, at a minimum.~~

~~b) All telecommunications carriers shall coordinate call box procedures or alternative call box procedures with the 9-1-1 authority. When call boxes are not a viable solution for a telecommunications carrier, the following options are available:~~

~~1) Diverse routing is required of telecommunications carriers if used in lieu of a call box and shall be provisioned to meet the P.01 grade of service by the telecommunications carrier and shall meet the following requirements:~~

~~A) A minimum of two facility paths that are in physically separate cable routes between the central office and the 9-1-1 selective router or functional equivalent; and~~

~~B) Trunks divided as equally as possible in the two facility paths between the central office and the 9-1-1 selective router or functional equivalent. Trunking shall be provisioned as stated in subsection (c).~~

~~2) Other viable solutions as technology permits may be utilized with prior approval of the Commission.~~

~~c) The 9-1-1 authority shall develop call box procedures to ensure the following:~~

~~1) When call box operation is necessary, appropriately trained personnel shall respond to the call boxes in accordance with the 9-1-1 authorities call box procedures;~~

~~2) That procedures are developed between 9-1-1 authorities involved in a split exchange situation to determine who will respond to the call box in the instance of outages or disaster;~~

~~3) Once the 9-1-1 authority has been notified of an outage occurring in the 9-1-1 system, it must make notification to any other PSAPs in the 9-1-1 system that are affected by the outage.~~

~~4) The 9-1-1 authority may also meet the call box requirement by provisioning call forwarding to a local answering point in the same local exchange or rate center as the central office. The call box transfer switch must be manually activated at the central office and then calls can be forwarded to a predetermined location where the emergency calls can be taken and handled appropriately.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

SUBPART F: SURCHARGE

Section 725.600 Surcharge Administration and Monthly Report to the Emergency Telephone System Board (Repealed)
EMERGENCY

~~a) Telecommunications carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Each is responsible for collecting the 9-1-1 surcharge from its subscribers for the appropriate jurisdiction and shall remit it to the proper 9-1-1 authority pursuant to the ETSA.~~

~~b) Additionally, a VoIP provider service in Illinois that is required to register with the Illinois Commerce Commission, pursuant to Section 13-401.1 of the Public Utilities Act shall charge and collect from its end-user customers, and remit to the appropriate local authority, 9-1-1 surcharges in the same manner as are charged and collected upon end-user customers of local exchange telecommunications services and remitted by the local exchange telecommunications carriers for local enhanced 9-1-1 service.~~

~~c) In addition, each entity collecting and remitting surcharges shall provide to the 9-1-1 authority a detailed monthly listing of the actual number of network connections, including the number of residential, business, payphone, Centrex,~~

~~PBX and exempt lines, and the number of residential and business subscriptions. See Appendix A.~~

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

Section 725.APPENDIX A Monthly Surcharge Report to the 9-1-1 Authority (Repealed) EMERGENCY

~~Company Name:~~ _____

~~Remittance for (Month/Year):~~ _____

~~Total Number of Access Lines:~~ _____

	~~Number~~	~~Rate~~	~~Revenues~~
~~Residential Lines~~	_____	_____	_____
~~Residential VoIP Subscriptions~~	_____	_____	_____
~~Business Lines~~	_____	_____	_____
~~Business VoIP Subscriptions~~	_____	_____	_____
~~Pay Phone Lines~~	_____	_____	_____
~~Centrex Lines~~	_____	_____	_____
~~PBX Lines~~	~~(____)~~		
~~Exempt Lines~~	~~(_____)~~		
~~TOTALS~~	_____		_____

_____
~~Date Prepared~~

_____
~~Preparer~~

_____
~~Telephone Number~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

(Source: Repealed by emergency rulemaking at 40 Ill. Reg. 961, effective January 1, 2016, for a maximum of 150 days)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act

2) Code Citation: 83 Ill. Adm. Code 726

3)

Section Numbers:	Emergency Actions:
726.100	Repealed
726.105	Repealed
726.200	Repealed
726.205	Repealed
726.300	Repealed
726.305	Repealed
726.400	Repealed
726.500	Repealed
726.505	Repealed
726.510	Repealed

4) Statutory Authority: Implementing and authorized by the Emergency Telephone System Act [50 ILCS 750]

5) Effective Date: December 31, 2015

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.

7) Date filed with the Index Department: December 30, 2015

8) A copy of the emergency repealer, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for emergency: PA 99-6 transfers overall responsibility for the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce Commission to the Department of State Police effective January 1, 2016. Under the new legislation, the Commission will no longer have authority over the subject matter of this Part.

10) A Complete Description of the Subjects and Issues Involved: PA 99-6 makes significant changes to the provision of 9-1-1 services in Illinois. Among other things, the legislation

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

transfer functions relating to the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce Commission to the Department of State Police, and the Commission will no longer have authority over the subject matter of this Part. The new legislation confers rulemaking authority on the Department to promulgate appropriate rules.

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

12) Statement of Statewide Policy Objective: The emergency rules neither create nor expand any State mandate on units of local government, school districts or community college districts.

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

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387
fax: 217/524-8928

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 726
REQUIREMENTS FOR BUSINESSES WITH PRIVATE BUSINESS SWITCH SERVICE TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
726.100 Application of Part
EMERGENCY
726.105 Definitions
EMERGENCY

SUBPART B: STANDARDS OF SERVICE

Section
726.200 General Standards and Requirements
EMERGENCY
726.205 Business Compliance
EMERGENCY

SUBPART C: AUTHORIZATION TO OPERATE

Section
726.300 Order of Authority/Application Process
EMERGENCY
726.305 Tentative/Final Plans
EMERGENCY

SUBPART D: ENGINEERING

Section
726.400 Private Emergency Answering Point
EMERGENCY

SUBPART E: OPERATIONS

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section
726.500 System Review and Reporting
EMERGENCY
726.505 Written Operating Procedures
EMERGENCY
726.510 Call Handling Procedures
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 131, effective December 23, 1999, for a maximum of 150 days; emergency expired May 20, 2000; adopted at 24 Ill. Reg. 10159, effective July 1, 2000; repealed by emergency rulemaking at 40 Ill. Reg. 1021, effective December 31, 2015, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 726.100 Application of Part
EMERGENCY

This Part shall apply to any private business switch operator that is also a business in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 726.205(b) of this Part.

Section 726.105 Definitions
EMERGENCY

"Automatic Location Identification" or "ALI" – A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Business" includes every trade, occupation, profession, and other lawful purpose carried on primarily for profit, regardless of whether the business is organized as a corporation, limited liability company, partnership, sole proprietorship, joint venture, or in any other manner whatever.

"Call referral" – A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" – A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call transfer" – A 9-1-1 service in which the PEAP operator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" – A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carriers' facilities.

"Commission" – The Illinois Commerce Commission.

"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DID" – The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" – An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" – A telephone request for emergency services that requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" – Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular business that handles its internal emergency calls.

"Enhanced 9-1-1" or "E9-1-1" – An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" – The street address of the workspace.

"Master Street Address Guide" or "MSAG" – The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Private business switch service" – A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" – A place within a business where the business operators answer and dispatch emergency calls. A business must obtain certification to handle internal emergency calls from its internal switch.

"Public agency" – *The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services.* [50 ILCS 750/2.01]

"Public area" – An area within a building where the general public and/or the business entity customers have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies and waiting rooms.

"Public safety agency" – *A functional division of a public agency that provides firefighting, police, medical, or other emergency services.* [50 ILCS 750/2.02]

"Public safety answering point" or "PSAP" – The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also known as a "Center".

"Text telephone" or "TT" – A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" – The physical building area where work is normally performed. This is a net square footage measurement that includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 726.200 General Standards and Requirements
EMERGENCY

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 726.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1).

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section 726.205 Business Compliance
EMERGENCY

a) *After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that such a system* in a business *is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification (ANI) and automatic location identification (ALI).*

1) ANI shall be provided based on the following criteria, which are minimum standards:

A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;

C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and

D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.

2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812). This incorporation does not include any later amendments or

editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:

A) *For buildings having their own street address and containing workspace of 40,000 square feet or less,* one ALI shall be transmitted to the 9-1-1 system and will *include the building's street address.*

B) *For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace*. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

E) *Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address.* [50 ILCS 750/15.6(a)]

3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.

b) Exemptions to subsection (a) of this Section.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

1) *Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements* in subsections (a)(2)(B) and (a)(2)(E) of this Section *if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.*

A) Businesses that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.

B) Businesses that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

D) A business seeking exemption under this subsection (b)(1) shall provide notice that it seeks such exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.

2) *Health care facilities are presumed to meet the requirements of* subsection (b)(1) *if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building address.*

3) *Buildings containing workspace of more than 40,000 square feet* or sites that contain multiple buildings sharing the same address or businesses that occupy multiple buildings in close proximity with different addresses *that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the business' emergency phone system. Certification by the Commission is necessary prior to a business answering and dispatching its own internal emergency calls*. Entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

A) A business seeking to obtain an exemption under this subsection (b)(3) must file a petition with the Commission pursuant to 83 Ill. Adm. Code 200 requesting such exemption. Such petition shall contain a showing that the business seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the business seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.

B) The Commission Staff shall review all such petitions for exemption and shall make a recommendation to the Commission that the Commission grant the exemption, with such conditions as are reasonably necessary to ensure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to ensure the public safety, or deny the exemption.

4) *Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.* [50 ILCS 750/15.6(b)]

SUBPART C: AUTHORIZATION TO OPERATE

Section 726.300 Order of Authority/Application Process
EMERGENCY

a) Any business that qualifies for exemption under Section 726.205(b)(3) to operate an emergency answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the business shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 726.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.

b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.

c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal emergency calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.

d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

e) Modification to an approved application or system shall be submitted to the Commission in writing no later than 10 days after the change.

Section 726.305 Tentative/Final Plans
EMERGENCY

a) Each business shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.

b) Tentative and final plans shall consist of a narrative that provides an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:

1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. The explanation shall include emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this

exhibit shall indicate how each emergency responder will be dispatched within the facility.

2) Exhibit 2: Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate action shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.

3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 726.510(c).

4) Exhibit 4: Back-up PEAP agreement pursuant to Section 726.400(d).

5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 726.505.

6) Exhibit 6: Network Diagram – a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 726.400.

SUBPART D: ENGINEERING

Section 726.400 Private Emergency Answering Point
EMERGENCY

A business that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

a) The business applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the business shall program its system to respond to 9-1-1 in addition to its current dialing code.

b) The PEAP shall be operational 24 hours a day, 7 days a week, except in cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.

c) Each PEAP shall have an operational TT if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.

d) There must be at least one back-up location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote back-up location, a written agreement may be established with the existing 9-1-1 system to be the remote back-up/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.

e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.

f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.

g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:

1) A secondary back-up location remotely located from the primary answering point that is staffed 24 hours a day with trained personnel; or

2) An alternative method of communication available that will transmit an emergency request and result in the dispatch of emergency services.

h) Access to phone switch equipment will be restricted to those who have need to service the equipment.

i) No emergency calls shall be placed on hold.

j) 90% of all emergency calls must be answered within 10 seconds.

k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 726.500 System Review and Reporting
EMERGENCY

Each business certified by the Commission to handle its internal emergency calls shall provide an annual update to the Commission's 9-1-1 Emergency Telephone Section by January 1 of each year. The business shall provide the following information:

a) The business' name and street address;

b) The name and telephone number of a contact person;

c) The recertification of all agreements.

Section 726.505 Written Operating Procedures
EMERGENCY

Each certified business shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for the use by its personnel who will be handling the emergency calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 726.510 Call Handling Procedures
EMERGENCY

a) Each business shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.

b) Each business shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs that would require additional emergency resources.

c) Each business shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the business shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the business will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.

d) Each business may choose from the following methods of dispatch:

1) Direct Dispatch;

2) Call Relay;

3) Call Referral; or

4) Call Transfer.

e) Each business shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.

f) Each business shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act

2) Code Citation: 83 Ill. Adm. Code 727

3)

Section Numbers:	Emergency Actions:
727.100	Repealed
727.105	Repealed
727.200	Repealed
727.205	Repealed
727.300	Repealed
727.305	Repealed
727.400	Repealed
727.500	Repealed
727.505	Repealed
727.510	Repealed

4) Statutory Authority: Implementing and authorized by the Emergency Telephone System Act [50 ILCS 750]

5) Effective Date: December 31, 2015

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.

7) Date filed with the Index Department: December 30, 2015

8) A copy of the emergency repealer, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: PA 99-6 transfers overall responsibility for the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce Commission to the Department of State Police effective January 1, 2016. Under the new legislation, the Commission will no longer have authority over the subject matter of this Part.

10) A Complete Description of the Subjects and Issues Involved: PA 99-6 makes significant changes to the provision of 9-1-1 services in Illinois. Among other things, the legislation

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

transfer functions relating to the administration of the Emergency Telephone System Act, 50 ILCS 750, from the Illinois Commerce Commission to the Department of State Police, and the Commission will no longer have authority over the subject matter of this Part. The new legislation confers rulemaking authority on the Department to promulgate appropriate rules.

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

12) Statement of Statewide Policy Objective: The emergency rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

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

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387
fax: 217/524-8928

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 727
REQUIREMENTS FOR NON-BUSINESS ENTITIES WITH PRIVATE BUSINESS SWITCH SERVICE TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
727.100 Application of Part
EMERGENCY
727.105 Definitions
EMERGENCY

SUBPART B: STANDARDS OF SERVICE

Section
727.200 General Standards and Requirements
EMERGENCY
727.205 Non-business Entity Compliance
EMERGENCY

SUBPART C: AUTHORIZATION TO OPERATE

Section
726.300 Order of Authority/Application Process
EMERGENCY
727.305 Tentative/Final Plans
EMERGENCY

SUBPART D: ENGINEERING

Section
727.400 Private Emergency Answering Point
EMERGENCY

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

SUBPART E: OPERATIONS

Section
727.500 System Review and Reporting
EMERGENCY
727.505 Written Operating Procedures
EMERGENCY
727.510 Call Handling Procedures
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 8635, effective June 13, 2000, for a maximum of 150 days; emergency rule suspended at 24 Ill. Reg. 8650, effective June 13, 2000; emergency expired May 7, 2001; adopted at 25 Ill. Reg. 9606, effective July 15, 2001; expedited correction at 25 Ill. Reg. 15001, effective July 15, 2001; repealed by emergency rulemaking at 40 Ill. Reg. 1037, effective December 31, 2015.

SUBPART A: GENERAL PROVISIONS

Section 727.100 Application of Part
EMERGENCY

This Part shall apply to any private business switch operator that is also a non-business entity in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 727.205(b) of this Part.

Section 727.105 Definitions
EMERGENCY

"Automatic Location Identification" or "ALI" – A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call referral" – A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" – A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call transfer" – A 9-1-1 service in which the PEAP operator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" – A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carrier's facilities.

"Commission" – The Illinois Commerce Commission.

"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DID" – The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" – An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" – A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" – Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular non-business entity that handles its internal 9-1-1 calls.

"Enhanced 9-1-1" or "E9-1-1" – An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" – The street address of the workspace.

"Master Street Address Guide" or "MSAG" – The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Non-business entity" means any entity not a business, as "business" is defined in 83 Ill. Adm. Code 726.105. "Non-business entity" shall include, but not necessarily be limited to, any municipality or unit of local government as defined in Article 7, Section 1 of the Illinois Constitution of 1970; any entity that is also a school operated by authority of the School Code [105 ILCS 5]; or any entity that is a not for profit organization that qualifies for tax exempt status under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (26 USC 501).

"Private business switch service" – A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" – A place within a non-business entity where the operators answer and dispatch 9-1-1 calls from within the facility. A non-business entity must obtain certification to handle internal 9-1-1 calls from its internal switch.

"Public agency" – *The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.* [50 ILCS 750/2.01]

"Public area" – An area within a building where the general public and/or the non-business entity patrons have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies, and waiting rooms.

"Public safety agency" – *A functional division of a public agency that provides firefighting, police, medical, or other emergency services.* [50 ILCS 750/2.02]

"Public safety answering point" or "PSAP" – The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also know as a "Center."

"Text telephone" or "TT" – A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" – The physical building area where work is normally performed. This is a net square footage measurement which includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 727.200 General Standards and Requirements
EMERGENCY

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced

9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 727.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1).

Section 727.205 Non-business Entity Compliance
EMERGENCY

a) *After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to non-business entities shall assure that such a system in the non-business entity is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification (ANI) and automatic location identification (ALI).* [50 ILCS 750/15.6(a)]

1) ANI shall be provided based on the following criteria, which are minimum standards:

A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;

C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and

D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.

2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for

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Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton, OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:

A) *For buildings having their own street address and containing workspace of 40,000 square feet or less,* one ALI shall be transmitted to the 9-1-1 system and will *include the building's street address.*

B) *For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace.* ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

E) *Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address.* [50 ILCS 750/15.6(a)]

3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.

b) Exemptions to subsection (a) of this Section.

1) *Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements* in subsections(a)(2)(B) and (E) of this Section *if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.*

A) Non-business entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.

B) Non-business entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

D) A non-business entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks such exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.

2) *Health care facilities are presumed to meet the requirements* of subsection (b)(1) *if the facilities are staffed with medical or nursing personnel 24*

hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building's address.

3) *Buildings containing workspace of more than 40,000 square feet* or sites that contain multiple buildings sharing the same address or non-business entities that occupy multiple buildings in close proximity with different addresses that maintain, *at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the non-business entity's emergency phone system. Certification by the Commission is necessary prior to a non-business entity answering and dispatching its own internal 9-1-1 calls.* Non-business entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

A) A non-business entity seeking to obtain an exemption under this subsection (b)(3) must file with the Commission a petition pursuant to 83 Ill. Adm. Code 200 requesting such exemption. Such petition shall contain a showing that the non-business entity seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the non-business entity seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.

B) The Commission Staff shall review all such petitions for exemption and shall make a recommendation to the Commission that the Commission grant the exemption, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption.

4) *Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.* [50 ILCS 750/15.6(b)]

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Section 727.300 Order of Authority/Application Process
EMERGENCY

a) Any non-business entity that qualifies for exemption under Section 727.205(c)(3) to operate a 9-1-1 answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the non-business entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 727.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.

b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.

c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal 9-1-1 calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.

d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

e) Modification to an approved application or system should be submitted to the Commission in writing no later than 10 days after the change.

Section 727.305 Tentative/Final Plans
EMERGENCY

a) Each non-business entity shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.

b) Tentative and final plans shall consist of a narrative which provides an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:

1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. Explain what these emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.

2) Exhibit 2: Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate actions shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.

3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 727.510(c).

4) Exhibit 4: Back-up PEAP agreement pursuant to Section 727.400(d).

5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 727.505.

6) Exhibit 6: Network Diagram – a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 727.400.

SUBPART D: ENGINEERING

Section 727.400 Private Emergency Answering Point
EMERGENCY

A non-business entity that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

a) The non-business entity applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the non-business entity shall program its system to respond to 9-1-1 in addition to its current dialing code.

b) The PEAP shall be operational 24 hours a day, 7 days a week, except in cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.

c) Each PEAP shall have an operational TT if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.

d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 system to be the remote backup/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.

e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.

f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.

g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:

1) A secondary back-up location remotely located from the primary answering point which is staffed 24 hours a day with trained personnel; or

2) An alternative method of communication available which will transmit an emergency request and result in the dispatch of emergency services.

h) Access to phone switch equipment will be restricted to those who have need to service the equipment.

i) No emergency calls shall be placed on hold.

j) 90% of all emergency calls must be answered within 10 seconds.

k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 727.500 System Review and Reporting
EMERGENCY

Each non-business entity certified by the Commission to handle its internal 9-1-1 calls shall provide an annual update to the ICC 9-1-1 Emergency Telephone Section by January 1 of each year. The non-business entity shall provide the following information:

a) The non-business entity's name and street address;

b) The name and telephone number of a contact person;

c) The recertification of all agreements.

Section 727.505 Written Operating Procedures
EMERGENCY

Each certified non-business entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for the use by its personnel who will be handling the emergency calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 727.510 Call Handling Procedures
EMERGENCY

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a) Each non-business entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.

b) Each non-business entity shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the non-business entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs which would require additional emergency resources.

c) Each non-business entity shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the non-business entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the non-business entity will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.

d) Each non-business entity may choose from the following methods of dispatch:

1) Direct Dispatch;

2) Call Relay;

3) Call Referral; or

4) Call Transfer.

e) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.

f) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

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1) Heading of the Part: Standards of Service Applicable to Wireless 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 728

3)

Section Numbers:	Emergency Actions:
728.100	Repealed
728.105	Repealed
728.200	Repealed
728.205	Repealed
728.210	Repealed
728.300	Repealed
728.305	Repealed
728.310	Repealed

4) Statutory Authority: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15]

5) Effective Date: December 31, 2015

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.

7) Date filed with the Index Department: December 30, 2015

8) A copy of the emergency repealer, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: PA 99-6 repeals the Wireless Emergency Telephone Safety Act, 50 ILCS 751, effective December 31, 2015, and the Commission will no longer have authority over the subject matter of this Part after that date.

10) A Complete Description of the Subjects and Issues Involved: PA 99-6 makes a number of significant changes to the provision of 9-1-1 services in Illinois, including the repeal of the Wireless Emergency Telephone Safety Act, 50 ILCS 751, effective December 31, 2015. Under the new legislation, the Commission will no longer have authority over the subject matter of this Part.

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

12) Statement of Statewide Policy Objective: The emergency rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

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

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387
fax: 217/524-8928

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 728
STANDARDS OF SERVICE APPLICABLE TO WIRELESS 9-1-1 EMERGENCY SYSTEMS
(REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
728.100 Application of Part
EMERGENCY
728.105 Definitions
EMERGENCY

SUBPART B: AUTHORIZATION TO OPERATE

Section
728.200 General Requirements
EMERGENCY
728.205 Implementation of Wireless 9-1-1 Service
EMERGENCY
728.210 Authorization to Operate
EMERGENCY

SUBPART C: OPERATIONS

Section
728.300 Engineering
EMERGENCY
728.305 Wireless Telecommunications Carrier Testing
EMERGENCY
728.310 Authorized Wireless 9-1-1 Answering Point Testing
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15].

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SOURCE: Emergency rules adopted at 24 Ill. Reg. 16349, effective October 25, 2000, for a maximum of 150 days; emergency expired March 23, 2001; adopted at 25 Ill. Reg. 4853, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 12118, effective September 7, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1707, effective February 1, 2002; repealed by emergency rulemaking at 40 Ill. Reg. 1053, effective December 31, 2015, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 728.100 Application of Part
EMERGENCY

a) This Part shall apply to Emergency Telephone System Boards (ETSB), qualified governmental entities, public safety agencies, State of Illinois governmental entities, local exchange telecommunications carriers and wireless carriers in the State of Illinois except to the extent of any exemptions conferred by law.

b) Public safety agencies and wireless carriers are encouraged to cooperate to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing, and operating enhanced facilities, systems, and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission (FCC) and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

Section 728.105 Definitions
EMERGENCY

Terms used in this Part shall have the following meanings.

"Act" – The Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Alternate routing" – Alternate routing allows 9-1-1 calls to be alternatively rerouted to another Public Safety Answering Point (PSAP) location in the case of the overflow calls on the "B" link or PSAP failure.

"Authorized Wireless 9-1-1 Answering Point" – An emergency telephone system board or qualified governmental entity that has notified the Chief Clerk of the

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Illinois Commerce Commission (Commission) and the Department of State Police of its intent to be a wireless 9-1-1 answering point or in the case of the Department where it acts as the default provider in cases in which no wireline 9-1-1 exists or in which no notification of intent to provide service has been submitted.

"Authorized Wireless 9-1-1 System" – The geographic area that has been granted authorization from Commission Staff to use "9-1-1" as the primary wireless emergency telephone number.

"Automatic Location Identification" or "ALI" – In an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Basic 9-1-1" – A general term that refers to an emergency telephone system that automatically connects a person dialing the digits "9-1-1" to an established PSAP through normal telephone service facilities. This is a voice-only service in which there is no ANI or ALI information received.

"Call Associated Signaling" or "CAS" – A term that describes data transmission or signaling that occurs on the same channel as voice communication. In the 9-1-1 environment, CAS is associated with the transmission of the wireless caller's mobile directory number along the same channel as the caller's voice.

"CAMA trunks" – The term CAMA stands for Centralized Automatic Message Accounting which is a centralized point for the recording of switched message toll call information. The information is transmitted over trunk facilities to the recording location and contains the telephone number of the party originating the call, the start and end time of the call, and the destination of the call. CAMA trunks are engineered to provide the signaling interface to the CAMA system. For 9-1-1 systems, CAMA trunks are typically used in PBX and Electronic Key applications to provide for the forwarding of ALI information to the 9-1-1 system provider.

"Cell sector" – One face of a cell antenna (typically 3-sided) that operates

independently of the other sectors.

"Central office" – A switching office/facility in a telephone system that provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Control office" – The control office controls the switching of ANI and selective routing information to the appropriate PSAP. The control office serves as a tandem switch in the 9-1-1 network.

"Dedicated trunking" – An arrangement in which a telephone line connection has no intermediate switching points between the originating central office and PSAP location. The facilities utilized in this arrangement may be either intra– or inter-exchange.

"Default routing" – The capability to route a 9-1-1 call to a designated (default) PSAP when the incoming 9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" or "DSP" – The Department of State Police.

"Director" – the Director of the Department of State Police.

"Diverse routing" – The practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility failure.

"E9-1-1 selective router" – A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for 9-1-1 calls from other local offices in the 9-1-1 service area.

"Emergency call" – A telephone request for emergency services that requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property, and such other situations as are determined by local custom.

"Emergency service number" or "ESN" – An ESN is a three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographical area.

"Emergency Telephone System Board" or "ETSB" – A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750]. The corporate authorities shall provide for the manner of appointment provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" – A general term that refers to an emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing and that uses the master street address guide (MSAG) geographic files.

"Grade of service" – The probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of one hundred will be blocked.

"Local exchange carrier" or "LEC" – A telecommunications carrier under the Public Utilities Act that provides competitive or non-competitive local exchange telecommunications services or any combination of the two as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], except a telecommunications carrier that is owned or operated by one or more political subdivisions, public or private institutions of higher education or municipal corporations of this State.

"Local number portability" – The ability for a customer to change its telephone company while still keeping the same telephone number.

"Master street address guide" or "MSAG" – The computerized geographical database which consists of all street and address data within a 9-1-1 system.

"Mobile switching office" or "MSO" – The wireless equivalent of a central office that provides switching functions for wireless calls.

"Network" – The aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks, and associated switching facilities.

"Network connections" – A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without

the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's inter-premises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or, if no system exists at the time a surcharge is imposed under Section 15.3 of the Emergency Telephone System Act [50 ILCS 750/15.3], would be capable of providing access through the public switched network to the local 9-1-1 system if one existed.

"Network segment" – A portion of the network in which there are no intermediate switching points. "A" links and "B" links are network segments.

"9-1-1 database provider" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to provide database services for the purpose of storing and updating information required for the provisioning of E9-1-1 service. There shall be one database provider per 9-1-1 system.

"9-1-1 selective routing provider" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to provide selective routing for the purpose of coordinating E9-1-1 services. There will be one overall selective routing provider per system.

"9-1-1 service coordinator" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to coordinate 9-1-1 service delivery with the 9-1-1 database provider, 9-1-1 selective routing provider, and all participating telecommunications carriers for the provisioning and ongoing maintenance of 9-1-1 services.

"9-1-1 system" – A 9-1-1 service provided by a jurisdiction for a specific geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number.

"Non-call associated signaling" or "NCAS" – A term that describes transmission or signaling that occurs on a separate channel than that which transmits a voice communication. In the 9-1-1 environment, NCAS refers to a wireless solution set that employs a signal control point within a wireless carrier network. The NCAS solution set permits PSAPs to receive ANI and ALI information relating to a wireless voice call via separate data channels, thus permitting the continued use of CAMA lines.

"NPA" – Numbering plan area or area code.

"NXX" – The first three digits of a local seven digit telephone number that identifies the specific telephone company's central office serving that number.

"Number pooling" – Distributing numbers in one "NXX" code to more than one carrier and other strategies for optimizing the use of telephone numbers in the North American Numbering Plan (NANP) in the United States.

"On-line date" – A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.

"Order of Authority" – A formal order of the Commission that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating trunks" – Message trunks capable of providing ANI connecting the serving central office of the 9-1-1 calling party and the designated 9-1-1 tandem control office.

"PSAP" – Public Safety Answering Point, sometimes called a Center or 9-1-1 Center; the initial answering location of a 9-1-1 call.

"PSAP trunks" – The special service circuits between the 9-1-1 tandem control offices and the PSAP.

"Pseudo automatic number identification (pANI)" – A telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector or PSAP to which the call should be routed. Also known as routing number.

"Public safety agency" – A functional division of a public agency that provides fire fighting, police, medical, or other emergency services. For the purpose of providing wireless service to users of 9-1-1 emergency services, as expressly provided for in the Act, the Department of State Police may be considered a public safety agency.

"Qualified governmental entity" – A unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no ETSB exists.

"Secondary PSAP" – A location where a 9-1-1 call is transferred for dispatching purposes.

"Selective routing" – A switching system which automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Statewide Wireless Emergency 9-1-1 System" – All areas of the State where an ETSB or, in the absence of an ETSB, a qualified governmental entity has not declared its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. The operator of the statewide wireless emergency 9-1-1 system shall be the Department of State Police.

"System management" – The ETSB that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act. If no ETSB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"System provider" – An entity providing 9-1-1 network or selective routing or database services.

"Tandem trunking" – An arrangement whereby an E9-1-1 call is routed from a central office to the 9-1-1 selective router to the PSAP.

"Telecommunications carrier" – Shall have the same meaning as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202]. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns.

"Transfer" – A feature which allows the PSAP telecommunicator to transfer E9-1-1 calls to a specific location or secondary PSAP.

"Trunk" – A communications circuit between two switching nodes (e.g., central offices, PBXs, ANI/ALI controller equipment).

"Wireless carrier" – A provider of two-way cellular, broadband (personal communications service (PCS)), geographic area 800 MHz and 900 MHz Commercial Mobile Radio Service (CMRS), Wireless Communications Service

(WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

"Wireless Enhanced 9-1-1" – The ability to relay the telephone number of the originator of a 9-1-1 call, when the wireless phone has a valid call back number, and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point through the use of automatic number identification and pseudo-automatic number identification.

"Wireless originating trunks" – Trunks that connect the wireless carriers switching office (MSO) to the wireline carriers 9-1-1 selective router.

"Wireless Phase 0" – The delivery of a wireless 9-1-1 call in which there is no ANI or ALI information received (a voice-only call).

"Wireless Phase I" – The delivery of a wireless 9-1-1 call with call-back number, when the wireless phone has a valid call-back number, and identification of the cell-sector from which the call originated, as required by the FCC at 47 CFR 20.18.

"Wireless Phase II" – The delivery of a wireless 9-1-1 call with Phase I requirements plus location of the caller and selective routing based upon those coordinates as required by the FCC at 47 CFR 20.18.

"Wireless public safety answering point" – The functional division of an ETSB, qualified governmental entity, or the Department of State Police as the default accepting wireless 9-1-1 calls.

"Wireless subscriber" – An individual or entity to whom a wireless service account or number has been assigned by a wireless carrier.

SUBPART B: AUTHORIZATION TO OPERATE

Section 728.200 General Requirements

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

EMERGENCY

a) *The digits "9-1-1" shall be the designated emergency telephone number within the wireless system.*

b) *Authorized Wireless 9-1-1 Answering Points.*

1) *For the purpose of providing wireless 9-1-1 emergency services, an ETSB in operation on December 22, 1999, the effective date of the Act, that intended to serve as a primary wireless 9-1-1 answering point was to have notified the Chief Clerk of the Commission and the Director of DSP in writing of this intention by June 29, 2000.*

2) *An ETSB or, in the absence of an ETSB, a qualified governmental entity may declare its intention for one or more of its PSAPs to serve as a primary wireless 9-1-1 answering point for its jurisdiction by notifying the Chief Clerk of the Commission and the Director of DSP in writing within 6 months after receiving its authority to operate a 9-1-1 system under the Emergency Telephone System Act* (see 83 Ill. Adm. Code 725).

c) *Any ETSB or qualified governmental entity providing wireless 9-1-1 service prior to* December 22, 1999 *may continue to operate upon giving notification as prescribed in subsection (b) of this Section. However, the notification to the Commission and the Director of DSP must include the date upon which it commenced handling wireless 9-1-1 service* as well as file a wireless plan with the Commission pursuant to Section 728.210(c).

d) *Two or more ETSBs or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service.* The intergovernmental agreement must be submitted with the systems' wireless plan to the Commission pursuant to Section 728.210(c).

e) *DSP shall be the primary wireless 9-1-1 answering point for any jurisdiction that does not notify the Clerk of the Commission and the Director of its intention to provide wireless 9-1-1 service. However, DSP is not obligated to provide wireless enhanced 9-1-1 service.*

1) Commission 9-1-1 Staff shall coordinate with DSP to ensure that they are informed of the areas not being provided wireless 9-1-1 service by an

authorized wireless answering point.

2) DSP shall begin providing coverage in these areas by September 11, 2001.

3) *Upon a joint request from DSP and an ETSB or qualified governmental entity, the Commission may grant authority to an ETSB or qualified governmental entity to provide wireless 9-1-1 service in the areas for which the Department is currently providing wireless 9-1-1 services.*

4) DSP shall provide wireless 9-1-1 service as the default wireless PSAP in areas that do not currently have any wireline 9-1-1 service. In any of these areas where wireline 9-1-1 service does develop, the authorized 9-1-1 system has 6 months after receiving its authority to operate a 9-1-1 system from the Commission to send a letter of intent to handle wireless 9-1-1 calls pursuant to subsection (b). In this event, DSP and the ETSB or qualified governmental entity must follow the same procedures set forth in subsection (e)(3) in order for DSP to turn over the handling of wireless 9-1-1 calls for that particular area.

f) All wireless 9-1-1 calls shall be directed to authorized wireless 9-1-1 answering points only.

g) *The Commission shall maintain a current list of all authorized wireless 9-1-1 answering points providing wireless 9-1-1 service under the Act.* [50 ILCS 751/15]

Section 728.205 Implementation of Wireless 9-1-1 Service
EMERGENCY

a) ETSBs or qualified governmental entities applying to take wireless 9-1-1 calls shall begin providing the service within 6 months after receiving written notice from the Commission's 9-1-1 Program to function as an authorized wireless 9-1-1 answering point, or by September 11, 2001, whichever is later.

b) Private companies

1) A private company not receiving wireless 9-1-1 calls on September 1, 2001 shall not receive wireless 9-1-1 calls after September 11, 2001 except pursuant to a contract with an authorized wireless 9-1-1 answering

point to provide such service.

2) A private company receiving wireless 9-1-1 calls on September 1, 2001 may continue to receive wireless 9-1-1 calls after September 11, 2001 until such time as all wireless carriers contracting with such company to receive wireless 9-1-1 calls certify to the Commission that they are directing calls to the appropriate authorized wireless 9-1-1 answering points.

A) Beginning on January 1, 2002 and each month following, any wireless carrier contracting with a private company to receive wireless 9-1-1 calls shall file with the Chief Clerk of the Commission a verified report signed by the chief executive officer of the wireless carrier indicating:

i) The steps taken to date to comply with the requirements of this Part;

ii) A schedule for transferring the responsibilities to the appropriate authorized wireless 9-1-1 answering points.

B) Reports filed under subsection (b)(2)(A) shall be considered public documents and will not be afforded proprietary status by the Commission.

3) Private companies acting on behalf of an authorized wireless 9-1-1 answering point to provide 9-1-1 service shall comply with all standards set forth in this Part as well as the requirements set forth in 83 Ill. Adm. Code 725.

c) Any ETSB or qualified governmental entity that has submitted a letter of intent to receive wireless 9-1-1 calls shall:

1) contact all the wireless carriers operating in its jurisdiction as well as its 9-1-1 service provider before filing its plan with Commission's 9-1-1 Program in order to begin the implementation process of wireless 9-1-1 service.

2) file a plan with the Commission's 9-1-1 Program, as set forth in Section

728.210(c), within 3 months of filing a letter of intent with the Commission and the Director, or by November 30, 2000, whichever is later.

3) designate a project coordinator who will be responsible for the overall organization with all parties involved in the project as well as the on-going production and maintenance of the project.

Section 728.210 Authorization to Operate
EMERGENCY

a) ETSBs and qualified governmental entities that possess an order of authority to operate a 9-1-1 system in the State of Illinois and that have notified the Chief Clerk of the Commission and the Director regarding their intention of handling wireless 9-1-1 calls are the only entities that shall handle wireless 9-1-1 calls. These entities shall be known as authorized wireless 9-1-1 answering points.

b) DSP shall be the default 9-1-1 wireless answering point in areas where no notification of intention to handle wireless 9-1-1 has been given by an authorized ETSB, a qualified governmental entity, or a combination of qualified entities through intergovernmental agreements, or where no 9-1-1 exists.

c) Within 3 months after notifying the Commission of the ETSB's or qualified governmental entity's intent to take wireless 9-1-1 calls, or by November 30, 2000, whichever is later, the entity shall supply Commission 9-1-1 Program Staff with a plan that sets forth, at a minimum, the items contained in subsections (c)(1)-(6). In an effort to allow the various entities ample time to enter into the intergovernmental agreements required in Schedule E and devise a complete Network Diagram required in Schedule D by this subsection, Schedule E, and Schedule D may be omitted from the initial plan filing. However, Schedules E and D must be filed with 9-1-1 Program Staff no later than January 31, 2001. This must be marked as an addendum to the wireless plan if not filed with the initial plan on November 30, 2000. Nothing in this Section requires the Department to follow the filing requirements in this subsection.

1) Schedule A: A narrative statement setting forth:

A) The name of the ETSB or qualified governmental entity or combination of such, requesting to be a 9-1-1 wireless PSAP, and

the name, address and telephone number of a contact person for such ETSB or qualified governmental entity or combination;

B) A detailed explanation of the jurisdiction boundaries that will be covered, specifying whether such jurisdictional boundaries differ from the wireline 9-1-1 jurisdictional boundaries;

C) If the jurisdiction boundaries differ, an explanation of whether additional public safety agencies (fire, law enforcement, EMS) will be dispatched in response to wireless 9-1-1 calls, and how such additional public safety agencies will be dispatched, together with a list of such agencies. (see Schedule C);

D) The name of the 9-1-1 service provider and list of wireless carriers providing service in the specified jurisdiction;

E) The name, address and phone number of the project coordinator designated by 9-1-1 system management pursuant to Section 728.205(d)(3);

F) Phase of wireless 9-1-1 service being provided and wireless solutions (NCAS, CAS, etc.) with a time-line for implementation;

2) Schedule B: A list of PSAPs within the 9-1-1 system that will be answering 9-1-1 wireless calls and their addresses;

3) Schedule C: A list of additional public safety agencies that will need to be dispatched in response to wireless 9-1-1 calls and the associated call handling agreements as prescribed in 83 Ill. Adm. Code 725 in Exhibit 8 and 9. These agreements are subject to the annual rectification requirements in 83 Ill. Adm. Code 725.220(c)(6);

4) Schedule D: A Network diagram provided by the 9-1-1 service provider showing the overall system configuration. Changes made to a system that affect the ability of the system to route wireless 9-1-1 calls shall be reflected in annual filings required by 83 Ill. Adm. Code 725.220(c)(5);

5) Schedule E: Copies of any intergovernmental agreements entered into between ETSBs or qualified units of local governments for providing

wireless 9-1-1 service;

6) Schedule F: A Test Plan pursuant to Section 728.305(c).

d) The Commission's 9-1-1 Program Staff shall review the plan, and shall notify the entity in writing stating whether it has the authorization to operate or continue to operate as an authorized wireless 9-1-1 answering point for the jurisdiction indicated in the plan. Commission Staff shall provide copies of the written notification to the Illinois Department of Central Management Services (CMS) for its processing requirements.

e) The Commission's 9-1-1 Program Staff shall forward a copy of each authorized wireless 9-1-1 answering point's entire wireless plan to CMS for its processing.

f) In the event that an authorized wireless 9-1-1 answering point seeks to modify its existing plan on file with the Commission's 9-1-1 Program Staff, it shall file schedules describing such modification a minimum of 10 days in advance of any changes being made.

SUBPART C: OPERATIONS

Section 728.300 Engineering
EMERGENCY

a) 9-1-1 telecommunications service provides terminating only service that connects a person who has dialed the universal emergency service number 9-1-1 to a PSAP assigned to receive wireless 9-1-1 calls. Consistent with subsections (b) and (c) of this Section, 9-1-1 telecommunications service shall be provided through either dedicated direct trunking or tandem trunking.

b) Dedicated trunking

1) Dedicated Trunking shall be the standard method of providing originating 9-1-1 circuits. Originating trunks shall initially be designed assuming a minimum offered load of 1.00 CCS (expected traffic load) per 1000 wireless connections to be served or a minimum of two trunks, whichever is larger. Within one month of the on-line date of the provision of wireless 9-1-1 service, each trunk group shall be re-evaluated by the wireless carrier and maintained to assure that there is less than 1% blockage of

calls placed to 9-1-1 during the average busy hour of the average busy day. Each trunk group shall be sized to deliver calls to the selective routing switch being engineered in such a manner that will meet or exceed a P.01 grade of service or a minimum of 2 trunks. A wireless 9-1-1 originating trunk group may be designated to deliver traffic for a 9-1-1 system or multiple 9-1-1 systems depending on local call handling agreements or service requests.

2) Alternative incoming 9-1-1 trunking methods may be utilized if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the telephone network shall be engineered in accordance with 83 Ill. Adm. Code 725.500 for the interoffice and inter-toll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. System management shall not employ any such alternative incoming 9-1-1 trunking method without first obtaining the approval of the Commission's 9-1-1 Program.

c) Diverse routing shall be provided for all wireline trunking facilities used to transport and terminate the wireless 9-1-1 call where facilities are available.

d) Default routing shall be provided in the event that a wireless 9-1-1 call cannot be selectively routed. The level of default routing shall be negotiated between the 9-1-1 service provider, the wireless carrier and system management.

e) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all circuits associated with 9-1-1 service to a PSAP. Such practices shall provide for circuit guarding at all terminations with protective devices that will minimize accidental worker contact. Such practices shall also contain procedures for physical or virtual identification of all 9-1-1 circuit appearances with special warning tags and/or labels, and identification of circuits in company records.

f) Wireless carriers shall provide information to system management of changes that affect the identification and location information needed by an authorized wireless 9-1-1 answering point at least 10 business days prior to changes being made. The media used in providing this information shall be mutually agreed upon by the carrier and system management.

g) Prior to an authorized wireless 9-1-1 answering point going on-line, wireless and local exchange carriers shall obtain and retain a contact telephone number for each system management in the event of an outage or failure of the 9-1-1 system.

h) Wireless carriers shall adopt practices that enable notification of a primary point of contact with system management to begin within 15 minutes after a confirmed outage with the system, and also advise the primary point of contact as to the magnitude of the outage.

i) Wireless carriers shall adopt practices that provide for notification of a primary point of contact with system management to begin within 15 minutes after the confirmed restoration of 9-1-1 services.

j) When all 9-1-1 circuits are busy in the originating mobile switching office, the switching facility, where equipped to provide the function, shall route the caller to an announcement or busy tone or reorder tone. When an all-trunks busy condition occurs in an intermediate switching facility, that machine shall, where equipped, route the caller to an appropriate backup answering location, announcement, busy tone or reorder tone.

k) Wireless carriers shall provide to system management emergency phone numbers for contact on a 24 hours per day, 7 days per week basis for network and security.

Section 728.305 Wireless Telecommunications Carrier Testing
EMERGENCY

a) No circuits associated with an authorized wireless 9-1-1 answering point shall be opened, grounded, short circuited, or tested in any manner until maintenance personnel have obtained release of the affected circuits from the appropriate PSAP personnel. Wireless telecommunications carrier maintenance personnel shall advise system management regarding the length of time that will be required to perform any work involving circuits associated with an authorized wireless 9-1-1 answering point. Wireless telecommunications carrier personnel shall notify system management and the system provider a minimum of 48 hours prior to performing mobile office switching installations, NPA additions, NXX additions, or any other scheduled event that affects 9-1-1.

b) Each wireless telecommunications carrier shall adopt mutually agreed upon testing practices in conjunction with the system management to perform, at a

minimum, mobile office to PSAP 9-1-1 test calls when any of the following changes occur:

1) New mobile switching office installations;

2) NPA and NXX pANI additions;

3) Local number portability implementations;

4) Number pooling implementations; and

5) Any other event that affects 9-1-1.

c) Each wireless telecommunications carrier shall develop a testing plan in conjunction with the 9-1-1 system provider and system management for inclusion in the 9-1-1 systems' wireless plan that must be submitted to the Commission's 9-1-1 Program.

Section 728.310 Authorized Wireless 9-1-1 Answering Point Testing
EMERGENCY

Ongoing testing after the authorized wireless 9-1-1 answering point is on-line shall include the following:

a) Testing with all wireless telecommunication carriers, including but not limited to the 9-1-1 database, network trunking, system overflow, system backup, default routing, and call transfers on an annual basis. The mutually agreed upon testing shall be coordinated in advance by system management and the participating wireless telecommunications carriers.

b) Coordinated testing with the participating wireless telecommunications carriers when any of the following occurs:

1) New mobile switching office installations;

2) NPA and NXX pANI additions;

3) Local number portability implementations;

4) Number pooling implementations; and

5) Any other event that affects 9-1-1.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Administration of Funds Created by the Wireless Emergency Telephone Safety Act

2) Code Citation: 83 Ill. Adm. Code 729

3)

Section Numbers:	Emergency Actions:
729.100	Repealed
729.110	Repealed
729.120	Repealed
729.200	Repealed
729.210	Repealed
729.300	Repealed
729.310	Repealed
729.320	Repealed
729.330	Repealed
729.400	Repealed
729.410	Repealed
729.420	Repealed
729.500	Repealed
729.510	Repealed
729.520	Repealed
729.530	Repealed
729.600	Repealed
729.610	Repealed
729.700	Repealed
729.710	Repealed
729.720	Repealed
729.730	Repealed
729.740	Repealed
729.APPENDIX A	Repealed
729.APPENDIX B	Repealed
729.APPENDIX C	Repealed

4) Statutory Authority: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751]

5) Effective Date: December 31, 2015

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.

7) Date filed with the Index Department: December 30, 2015

8) A copy of the emergency repealer, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for emergency: PA 99-6 repeals the Wireless Emergency Telephone Safety Act, 50 ILCS 751, effective December 31, 2015, and the Commission will no longer have authority over the subject matter of this Part after that date.

10) A Complete Description of the Subjects and Issues Involved: PA 99-6 makes a number of significant changes to the provision of 9-1-1 services in Illinois, including the repeal of the Wireless Emergency Telephone Safety Act, 50 ILCS 751, effective December 31, 2015. Under the new legislation, the Commission will no longer have authority over the subject matter of this Part.

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

12) Statement of Statewide Policy Objective: The emergency rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

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

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387
fax: 217/524-8928

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 729
ADMINISTRATION OF FUNDS CREATED BY THE
WIRELESS EMERGENCY TELEPHONE SAFETY ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

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729.100 Scope
EMERGENCY
729.110 Definitions
EMERGENCY
729.120 Duties of the Commission
EMERGENCY

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

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729.200 Eligibility of Providers
EMERGENCY
729.210 Eligibility of Carriers
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SUBPART C: GENERAL ADMINISTRATION

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SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

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SUBPART F: DISPUTES

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ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

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729.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal
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729.APPENDIX B Format of Carrier Remittance Transmittal
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729.APPENDIX C Form of Sworn Statement
EMERGENCY

AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

SOURCE: Adopted at 29 Ill. Reg. 19153, effective December 1, 2005; amended by emergency rulemaking at 38 Ill. Reg. 19792, effective October 1, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 3640, effective February 25, 2015; repealed by emergency rulemaking at 40 Ill. Reg. 1074, effective December 31, 2015, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 729.100 Scope
EMERGENCY

This Part shall apply to all wireless carriers, Emergency Telephone System Boards, qualified governmental entities, and Wireless Public Safety Answering Points (W-PSAPs).

Section 729.110 Definitions
EMERGENCY

For purposes of this Part:

"Act" or " WETSA" means the Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Administrative costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Illinois Commerce Commission in performing its duties

and responsibilities under the Act and this Part, including legal and other professional and consulting fees and expenses.

"Carrier" means a wireless carrier.

"Commission" means the Illinois Commerce Commission.

"DSP" means the Illinois Department of State Police.

"FCC" means the Federal Communications Commission.

"Funds" means the Wireless Services Emergency Fund (WSEF) and the Wireless Carrier Reimbursement Fund (WCRF).

"Grant" means a distribution from the WSEF to a provider pursuant to Sections 20 and 25 of the Act [50 ILCS 751/20 and 25].

"Prepaid Act" means the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Provider" means an Emergency Telephone System Board or qualified governmental entity. DSP shall be considered a provider to the extent that it is acting as a Wireless Public Safety Answering Point.

"Reimbursement" means a distribution from the WCRF to a carrier for the purpose of reimbursing that carrier for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates pursuant to Sections 30 and 35 of the Act [50 ILCS 751/30 and 35].

"Subscriber" means a wireless subscriber.

"W-PSAP" means a Wireless Public Safety Answering Point.

Section 729.120 Duties of the Commission
EMERGENCY

The Commission has the following responsibilities under the Act:

a) To adopt rules governing grants and reimbursements;

b) To develop and maintain a database of providers eligible to receive grants and carriers eligible to receive reimbursements;

c) To the extent authorized by the State Treasurer, to collect and allocate surcharges remitted by carriers into the Funds;

d) To make monthly grants to eligible providers;

e) To review and process properly presented carrier requests for reimbursement in accordance with the Act;

f) To account for all surcharges collected and moneys disbursed;

g) To maintain auditable records of receipts, grants, and reimbursements and to provide an annual accounting of the Funds to the Auditor General as required by the Act; and

h) To resolve disputes as required by the Act.

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section 729.200 Eligibility of Providers
EMERGENCY

DSP shall be considered certified and eligible to receive grants without complying with this Section. To be eligible to receive a grant, any provider other than DSP must file a letter of intent and a wireless plan with the Commission's 9-1-1 Program pursuant to the 83 Ill. Adm. Code 728. The Commission's 9-1-1 Program will notify the entity in writing stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the provider has received its authorization letter, it must provide the following information to the Commission's Illinois WETSA Program.

a) A detailed explanation of the geographic area the Commission has granted it authority to cover, by five digit zip code. Including all zip codes in which the provider has sole authority from the Commission to handle wireless 9-1-1 calls.

b) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission to handle wireless 9-1-1 calls (in this

instance the provider may also define its geographic coverage area by nine digit zip code). If none are known, a statement to that effect should be made;

c) Copies of all agreements with other providers governing the manner in which grants relating to subscribers in overlapping geographic areas (defined by zip code) should be made (or, if no such agreements exist, a written statement to that effect).

Section 729.210 Eligibility of Carriers
EMERGENCY

To be eligible to receive a reimbursement, a carrier must:

a) Be certified by the FCC as a wireless carrier (or reseller) operating in the State of Illinois;

b) Have provided current subscriber information to the Commission as required by the Act and in Section 729.300; and

c) Comply with all provisions of this Part pertaining to requests for reimbursement.

SUBPART C: GENERAL ADMINISTRATION

Section 729.300 Transmission of Subscriber Information
EMERGENCY

With the first transmittal of surcharges collected under the Act, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber file is due no later than August 31), each carrier shall submit to the Commission its updated total number of subscribers per zip code (9 digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A of this Part, as a file attached to an email or a CD-ROM. The file shall be in text format, or EXCEL format, and be accompanied by a transmittal document or a proper label listing the carrier name and the billing month included on the submission. Transmittals shall be mailed to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue

Springfield IL 62701
Email ilwetsa@icc.illinois.gov

Noncompliance with this Section shall subject the carrier to the penalty provisions of Section 17(f) and (g) of the Act.

Section 729.310 Transmission of Surcharge Moneys
EMERGENCY

a) Surcharge moneys collected under the Act shall be remitted by check on a monthly basis. Each remittance check shall display the remitting carrier's name and a single Federal Employer Identification Number and a unique carrier check number on the face. The payee shall be designated as "State of Illinois, WETSA Funds".

b) Each remittance of fees under this Section shall be accompanied by a transmittal to the Commission, in substantially the form set forth in Appendix B.

c) The checks and remittance transmittal shall be mailed to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701

d) Funds are due to the Commission within 45 days after collection from the customer.

e) Noncompliance with this Section shall subject the carrier to the penalty provisions of Section 17(e) and (g) of the Act.

Section 729.320 Allocation of Surcharges
EMERGENCY

Of the surcharges remitted under this Subpart, 6.849315% shall be deposited into the WCRF and 93.150685% shall be deposited into the WSEF.

Section 729.330 Administrative Costs
EMERGENCY

a) Administrative costs shall be chargeable to the Funds.

b) *Of the amounts deposited into the Wireless Service Emergency Fund under* Section 729.320*, $0.01 per surcharge collected may be disbursed to the Commission to cover its administrative costs* [50 ILCS 751/17(b)]. The Commission may periodically submit a voucher for payment of this amount to it out of the WSEF.

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section 729.400 Distribution of Moneys
EMERGENCY

Subject to appropriation, moneys in the WSEF may be used only for grants to providers and to pay administrative costs.

a) Except as provided in this Section and in Section 729.610, the Commission, subject to appropriation, shall make monthly proportional grants to each provider eligible to receive a grant under Section 729.200 based on the number of monthly subscribers in the geographic area (defined by zip code) in which the provider is certified as a wireless 9-1-1 service provider by the Commission.

b) Funds collected under the Prepaid Act and deposited into the WSEF shall be distributed in the same proportion as in subsection (a).

c) Of the funds deposited into the WSEF under Section 729.320, $.02 per surcharge shall be distributed monthly in equal amounts to the governmental units that are in counties under 100,000 population and that are eligible to receive grants under both Section 17(b) of the Act and Section 729.200, except as provided in Section 729.610.

d) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate providers, except as reduced in subsections (f) and (g), and except as provided in Section 729.610.

e) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of an eligible provider and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated

to DSP. Funds allocated to the WSEF for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of an eligible provider and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible providers in the manner set forth in subsection (a).

f) Funds allocated to the WSEF for geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made by the Commission as provided in Section 729.600.

g) Estimated administrative expenses shall be withheld on a monthly basis, with at least an annual adjustment based upon actual costs.

Section 729.410 Grants for Subscribers in Overlapping Jurisdictions
EMERGENCY

Providers sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which grants in the shared areas shall be made. Providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days' notice, to submit documentation to the Commission outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 729.600.

Section 729.420 Overpayments and Underpayments
EMERGENCY

In the event of an underpayment or overpayment of grant funds, the Commission shall, at least annually, take one or more of the following corrective actions:

a) Instruct an overpaid provider by an email or mail to redirect funds with a check to the proper (underpaid) provider in applicable instances (in which case each affected provider shall furnish proof to the Commission that the redirection of funds has been completed as instructed);

b) Offset one or more future grant payments to an overpaid provider;

c) Increase one or more future grant payments to an underpaid provider; or

d) Release a grant payment to an underpaid provider on an interim basis during the month under the following conditions:

1) The underpaid provider has requested this remedy by mail or email due to fiscal constraints; and

2) There are sufficient funds in the Wireless Services Emergency Fund to avoid underpaying another provider on the next monthly distribution due to this interim release of funds.

SUBPART E: ADMINISTRATION OF THE
WIRELESS CARRIER REIMBURSEMENT FUND

Section 729.500 Permitted Reimbursements
EMERGENCY

Moneys in the WCRF may be used, subject to appropriation, only to reimburse carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates and to pay administrative costs. In no event shall any sworn invoice submitted to the Commission for reimbursement be approved for:

a) Costs not related to compliance with FCC Wireless Enhanced 9-1-1 mandates;

b) Costs with respect to any Wireless Enhanced 9-1-1 service that is not operable at the time the invoice is submitted;

c) Costs of providing Wireless Enhanced 9-1-1 services in an area when a unit of local government or Emergency Telephone System Board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998;

d) Any cost associated with a third party vendor that the carrier is not contractually obligated to pay;

e) Expenses not submitted within five years after the date the cost was incurred; or

f) Any carrier that has not remitted surcharges to the Commission within the year before it submitted its invoice.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section 729.510 Reimbursement for Approved Expenditures
EMERGENCY

a) Subject to the conditions in Section 729.500, invoices properly submitted to the Commission shall be reviewed and either approved in whole or in part or denied in whole or in part.

b) Sworn invoices shall contain a sufficiently detailed description of the goods/services for which reimbursement is sought for the Commission to be able to validate the claim for reimbursement. Sworn invoices submitted with insufficient detail to validate the claim shall either be returned to the carrier for resubmission with additional documentation or the Commission will request additional documentation in order to validate the claim.

c) Carriers seeking reimbursement shall submit a sworn statement along with each submission of invoices verifying that the charges are reimbursable under the Act and this Part. The sworn statement shall be submitted in substantially the form of the affidavit set forth in Appendix C. Carriers shall submit requests for reimbursement on carrier letterhead, along with the documentation set forth in subsection (b) and in Appendix C of this Part, to the following address:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701

Section 729.520 Priority of Distributions
EMERGENCY

If insufficient funds exist in the WCRF to satisfy all outstanding claims against the WCRF, all moneys in the WCRF shall be distributed as follows:

a) First, for reimbursement of outstanding administrative costs incurred by the Commission chargeable against the WCRF; and

b) Second, to make outstanding reimbursements on a pro-rata basis, including both current reimbursements and reimbursements due from prior months.

Section 729.530 Overpayments and Underpayments

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

EMERGENCY

a) In the event that the Commission determines that an overpayment to a carrier has been made, it shall immediately notify the carrier and shall:

1) Direct the carrier to immediately reimburse the overpayment to the State; or

2) Offset a subsequent reimbursement in an amount equal to the overpayment.

b) In the event that the Commission determines that an underpayment to a carrier has been made, it shall process a voucher corresponding to the underpaid amount, subject to fund availability.

SUBPART F: DISPUTES

Section 729.600 Resolution of Disputes
EMERGENCY

a) In the event that a provider files a petition pursuant to 83 Ill. Adm. Code 200 with the Commission alleging an area of overlapping 9-1-1 service jurisdiction in which the providers in that geographic area have not agreed to the manner in which grants in that area will be apportioned, the grants for that area shall be based on reference to an official Master Street Address Guide to the Emergency Telephone System Board or qualified governmental entity whose Public Safety Answering Point provides wireless 9-1-1 service in that area. The petitioning provider claiming the overlapping jurisdiction shall be responsible for providing at hearing a copy of the applicable Master Street Address Guide (see 83 Ill. Adm. Code 728.105). In the event no Master Street Address Guide is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, the Commission shall resolve the dispute based on the evidence in the hearing. Any funds allocated to the WSEF for the geographic region in question shall be held in escrow until a final order is entered.

b) In the event that the Commission matches a subscriber billing address to an incorrect jurisdiction, the recipient, upon notification from the Commission, shall redistribute the funds in question in the manner directed by the Commission, based on the procedures in Section 729.420.

c) In the event of a dispute between providers concerning a subscriber billing address, a provider may file a petition pursuant to 83 Ill. Adm. Code 200 seeking a determination of the billing address.

Section 729.610 Failure to File Financial Reports
EMERGENCY

a) This Section applies to an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund, and that fails to file the 9-1-1 system financial reports as required under Section 27 of the Act [50 ILCS 751/27(d)]. Such an emergency telephone system board or qualified governmental entity is referred to in the remainder of this Section as a "noncompliant provider".

b) The Staff of the Commission shall review the financial statements reported to the Commission under Section 27(b) of the Act to determine whether an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund has failed to file the 9-1-1 system financial reports as required under Section 27 of the Act, or has filed a report that is not *in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting* [50 ILCS 751/27(b)]. Staff shall present to the Commission a verified report concerning each allegedly noncompliant provider.

c) When the Commission receives a verified Staff Report concerning an allegedly noncompliant provider and determines that the Staff Report establishes a basis to proceed, it shall enter an Order on its own motion that initiates a formal show-cause proceeding. The Order shall also provide for the withholding of monthly grants as follows:

1) If the Staff Report establishes that the noncompliant provider has not filed a report at all, the Order shall direct that the monthly grants otherwise payable to the allegedly noncompliant provider under Section 25 of the Act be suspended and withheld until the Commission determines that the noncompliant provider is substantially in compliance with Section 27 of the Act and has filed the report in the form and manner prescribed by the Commission's Manager of Accounting, or until the grants have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (d); or

2) If the Staff Report states that the noncompliant provider has made an effort to file a report, but the report is not substantially in a form and manner as prescribed by the Commission's Manager of Accounting, the Order shall direct that the monthly grants otherwise payable to the allegedly noncompliant provider under Section 25 of the Act will be suspended beginning 30 days after the date of the Order, and withheld until the Commission determines that the noncompliant provider is substantially in compliance with Section 27 of the Act and has filed the report in the form and manner prescribed by the Commission's Manager of Accounting, or until the grants have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (d).

d) The formal proceeding shall be heard as is provided in 83 Ill. Adm. Code 200, and the Commission shall determine on the basis of the record, no later than 12 months after the initiation of the proceeding, whether the grants should continue to be suspended and withheld under Section 27 of the Act. Any monthly grants that have been withheld for 12 months or more shall, without further order of the Commission, be forfeited by the emergency telephone system board or qualified governmental entity and shall be distributed proportionally by the Illinois Commerce Commission to compliant emergency telephone system boards and qualified governmental entities that receive funds from the Wireless Service Emergency Fund [50 ILCS 751/27(d)]. The Commission's Order shall specify the date as of which the monthly grants shall begin to be forfeited as provided in this Section. A grant is deemed to be "withheld" as of the date on which Commission personnel responsible for forwarding direction to the Comptroller to pay monthly proportional grants to providers under Section 25 of the Act exclude the noncompliant provider from the list of providers forwarded to the Comptroller. Nothing in this Section precludes a provider from seeking a rehearing of the Commission's order or other relief under Section 10-113 of the Public Utilities Act [220 ILCS 5/10-113]. When Staff determines that a provider previously found by the Commission to be noncompliant has come into compliance, Staff shall immediately inform the Commission personnel responsible for forwarding direction to the Comptroller to pay monthly proportional grants to providers under Section 25 of the Act, and shall recommend, at the next available open meeting of the Commission, that the Order directing the withholding and redistribution of that provider's monthly grants be rescinded, to the extent that the grants have not already been forfeited pursuant to Section 27(d) of the Act.

e) The payment of any monthly proportional grant to an emergency telephone system board or qualified governmental entity shall not constitute acknowledgment by the Commission or its Manager of Accounting that the emergency telephone system board or qualified governmental entity has filed a 9-1-1 system financial report as required under Section 27 of the Act, or has filed a report that is in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting.

SUBPART G: MISCELLANEOUS

Section 729.700 Use of Grants and Reimbursements
EMERGENCY

Grants and reimbursements may be used only for the purposes set forth in the Act.

Section 729.710 Distributions Subject to Appropriation
EMERGENCY

a) Notwithstanding any other provision of this Part, grants shall be payable solely from funds appropriated by the General Assembly to the WSEF for the purpose of making grants. Obligations of the Commission and the State of Illinois to make grants shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make grants.

b) Notwithstanding any other provision of this Part, reimbursements shall be payable solely from funds appropriated by the General Assembly to the WCRF for the purpose of making reimbursements. Obligations of the Commission and the State of Illinois to make reimbursements shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make reimbursements.

c) The Commission shall notify eligible providers and carriers of any applicable lack of appropriations as soon as is practicable.

Section 729.720 Records
EMERGENCY

a) Providers shall maintain detailed books and records related to grants received and use of the grant funds in accordance with applicable law and generally accepted accounting principles. Providers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Providers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a provider, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a provider, or if the overpayment exceeds the amount otherwise due, the provider shall immediately refund all amounts that may be due to the WSEF.

b) Carriers shall maintain detailed books and records related to surcharges billed and collected by geographic area, and records necessary to support requested reimbursements in accordance with applicable law and generally accepted accounting principles. Carriers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Carriers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a carrier, or subcontractor, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a carrier, or if the overpayment exceeds the amount otherwise due, the carrier shall immediately refund all amounts that may be due to the WCRF.

Section 729.730 Physical Inspections
EMERGENCY

With respect to any request for reimbursement, the Commission may perform an on-site physical inspection of the requesting carrier's facilities for the purpose of verifying that the request is reimbursable under the Act and this Part. Carriers shall cooperate and provide reasonable assistance requested by the Commission in the performance of any such physical inspection.

Section 729.740 Indemnification
EMERGENCY

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Except as explicitly set forth in the Act, and except as explicitly prohibited by law, each provider requesting grants and each carrier shall indemnify and hold the State of Illinois, including the Commission, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses, that may arise by reason of the functions or services provided by the Commission under the Act and this Part. In the event of any demand or claim against the Commission, the Commission will notify the responsible carrier or provider in writing. The Commission may elect to defend any demand or claim and will be entitled to be paid by the provider or carrier for all damages, costs and attorney's fees incurred.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section 729.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal
EMERGENCY

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email or a CD-ROM

File Format: Text file or Microsoft EXCEL file

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:
Hcarriername

Trailer
T99999999990

This is a sample text file:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

HCARRIERNAME
999999999041062704123400000000005
999999999041062704000000000000025
T0000000002999999999

Questions concerning the field requirements may be addressed to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701
Phone: (217) 782-9715
Email ilwetsa@icc.illinois.gov

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section 729.APPENDIX B Format of Carrier Remittance Transmittal
EMERGENCY

CARRIER REMITTANCE OF WIRELESS E9-1-1 FUNDS

CARRIER NAME _____
CARRIER FEIN _____

CARRIER ADDRESS _____
CITY/ST/ZIP _____
CONTACT NAME _____
CONTACT PHONE # _____

REMITTANCE AMT $ _____

CHECK NUMBER _____
CHECK DATE _____

REMITTANCE MONTHLY BREAKDOWN:

MO/YR Billed	Amount Remitted
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____

TOTAL REMITTED $ _____ **

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

** Must agree with Remittance Amount listed at top of form.

Send Check and remittance to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield, IL 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

Section 729.APPENDIX C Form of Sworn Statement
EMERGENCY

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

AFFIDAVIT

The undersigned, being first duly sworn under oath, deposes and says, under penalties of perjury:

1. I am the [title of official making Affidavit] of [legal name of Carrier] (the "Carrier"), a corporation [insert other business form, if applicable] created and existing under the laws of the State of _____, and am duly authorized to make this Affidavit on behalf of the Carrier.

2. This Affidavit is made for the purpose of requesting Reimbursement from the Wireless Carrier Reimbursement Fund in the amount of $ [amount of reimbursement requested] pursuant to Section 35 of the Illinois Wireless Emergency Telephone Safety Act (Act).

3. The amount requested is reimbursable under the Act.

4. Attached as Exhibit A is a list of the goods or services for which reimbursement under this Affidavit is sought.

5. Attached as Exhibit B are copies of invoices supporting the Reimbursement requested.

6. All of the Reimbursement requested represents costs incurred by the Carrier in complying with Federal Communications Commission Wireless Enhanced 9-1-1 mandates (FCC Mandates).

7. Attached as Exhibit C is an explanation of how the costs represented by the attached invoices relate to compliance with the FCC Mandates.

8. I have read the attached Exhibits and know them to be true and accurate.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY REPEALER

9. The Reimbursement requested represents costs with respect to Wireless Enhanced 9-1-1 service that is operable and capable of transmitting Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B.

10. To the best of my knowledge, Wireless Public Safety Answering Points (as defined by the Act) receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B are within the State of Illinois but not within the City of Chicago.

11. The Carrier is in compliance with the Act.

[Signature]
[Printed Name of Official]

SUBSCRIBED AND SWORN TO this _____ day of _____, 20 _____
Before me, a Notary Public in and for the County and State aforesaid, by [name of official making Affidavit], who is personally known to me to be the [affiant's official title] of [legal name of Carrier] who appeared before me this day and duly acknowledged to me execution of the foregoing Affidavit.

[Seal]

[Signature]
Notary Public

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Consolidation of 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 1324

3)

Section Numbers:	Emergency Actions:
1324.100	New Section
1324.110	New Section
1324.120	New Section
1324.200	New Section
1324.210	New Section
1324.220	New Section

4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois, which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: The emergency rules will establish procedures for the submission and review of consolidation plans and requests for waiver with respect to 9-1-1 emergency systems.

11) Are there any other rulemakings pending on this Part: No

12) Statement of Statewide Policy Objective: These emergency rules may require a local government to establish, expand or modify its activities consistent with the consolidation

requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1324
CONSOLIDATION OF 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section
1324.100 Scope
EMERGENCY
1324.110 Definitions
EMERGENCY
1324.120 Duties
EMERGENCY

SUBPART B: CONSOLIDATION

Section
1324.200 Consolidation Plans and Requests for Waiver
EMERGENCY
1324.210 Hearings of the Statewide 9-1-1 Advisory Board
EMERGENCY
1324.220 Decisions of the Administrator
EMERGENCY

AUTHORITY: Implementing and authorized by Section 10 the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1099, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1324.100 Scope
EMERGENCY

This Part shall apply to all 9-1-1 systems and 9-1-1 Authorities, except that it shall not apply to the City of Chicago.

Section 1324.110 Definitions
EMERGENCY

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or a backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Aid Outside Normal Jurisdiction Boundaries Agreement" means a written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the

address/location of the telephone, and supplementary emergency services information.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Call Referral" means a 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" means a 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" means a 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Chairperson" means the Chairperson of the Statewide 9-1-1 Advisory Board.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Dispatch Center" means a location other than a PSAP, SAP or VAP that receives an emergency call transferred or relayed from a PSAP, SAP or VAP for purposes of completing the call taking process by dispatching police, medical, fire or other emergency responders.

"Economically Unreasonable" means that the cost of consolidation materially outweighs the benefit to the community served and makes it illogical or impractical to consolidate.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service or *the meaning prescribed in 47 CFR 9.3* [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP 9-1-1" shall mean the internet protocol based 9-1-1 network that is part of NG 9-1-1.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than 9-1-1 services.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of an E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Service Population" means the total population of the community served as determined by the latest complete vintage population estimates available from the U.S. Census Bureau.

"Technically Infeasible" means that consolidation is unworkable or unviable consistent with the technical standards established in 83 Ill. Adm. Code 1328.

"Threat to Public Safety" means that consolidation would place the public in greater danger of injury than if the consolidation did not occur.

"Vendor" means an entity that provides some or all elements of 9-1-1, E9-1-1 and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"Virtual Answering Point" or "VAP" means a temporary or nonpermanent location that:

is capable of receiving an emergency call;

contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting emergency call takers or dispatchers to the work process; and

is capable of completing the call dispatching process.

"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1324.120 Duties
EMERGENCY

a) The Department:

1) Has the following responsibilities under the Act:

A) Review consolidation plans to ensure technical compliance with 83 Ill. Adm. Code 725 or 1325.400, whichever is applicable; and

B) Review requests for waiver to ensure technical compliance with ETSA Section 15.4a(c).

2) Pursuant to ETSA Section 10, is authorized to set technical standards for the provisioning of 9-1-1 authorities throughout the State of Illinois.

b) Pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900], the Commission is authorized to set technical standards for the provision of 9-1-1 service by telecommunication carriers and 9-1-1 system providers.

c) The Advisory Board has the responsibility under the Act to hold a public hearing on consolidation plans submitted pursuant to ETSA Section 15.4a and make a recommendation to the Administrator regarding the plan.

d) The Administrator has the responsibility under the Act to approve consolidation plans, as submitted or as modified, and grant waivers to the consolidation process pursuant to ETSA Section 15.4a(c).

SUBPART B: CONSOLIDATION

Section 1324.200 Consolidation Plans and Requests for Waiver
EMERGENCY

a) By January 1, 2016, the Department shall post a link on its website for the electronic submission of consolidation plans and requests for waiver.

b) Counties and 9-1-1 Authorities:

1) Shall use their services population to determine whether they are required to consolidate pursuant to ETSA Section 15.4a;

2) Are responsible for submitting consolidation plans and requests for waiver. PSAPs within 9-1-1 Authorities do not have standing to submit consolidation plans or requests for waiver; and

3) May not convert PSAPs to SAPs, VAPs, or Dispatch Centers to avoid the requirements for consolidation in ETSA Section 15.4(a). The authorized PSAPs remaining after consolidation shall directly dispatch all emergency calls and shall not transfer or relay those calls to an unauthorized entity. Nothing in this subsection (b)(3) shall be construed to mean a PSAP, SAP or VAP cannot serve as a Dispatch Center.

c) By July 1, 2016, each county and each 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) shall electronically file a plan for consolidation and/or a request for a waiver pursuant to ETSA Section 15.4a(c) at the link posted on the Department's website.

1) Consolidation plans must include a completed application consisting of the following documents:

A) Contact and 9-1-1 system information;

B) Notarized statement of truth regarding information provided in the plan;

C) A letter that is sent to the 9-1-1 system provider with a copy of the plan;

D) A detailed summary of the proposed system's operation, including, but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections and information as to

how the plan will assist with achieving the statutory goals enumerated in ETSA Section 15.4b(a);

E) A summary of the anticipated implementation costs and annual operating costs of the consolidated system that are directly associated with 9-1-1, as well as the anticipated revenues, that:

i) Identify the ETSBs or qualified governmental entities that will be dissolved and consolidated, with the amount of reserves estimated to be transferred to the Joint ETSB. Any reserves are required to be transferred to the resulting Joint ETSB pursuant to ETSA Section 30(d);

ii) Identify the number of answering positions, full-time and part-time dispatchers prior to consolidation, and the proposed number after consolidation;

iii) Identify total network cost prior to consolidation and the proposed cost after consolidation;

iv) Identify network cost that the State will be responsible for paying;

v) Identify recurring and nonrecurring consolidation cost; and

vi) Identify all revenue sources for the consolidated system;

F) A list of all communities that are served by the 9-1-1 system;

G) A list of public safety agencies (police, fire, EMS, etc.) that are dispatched by the 9-1-1 system, including their addresses, telephone numbers and form of dispatch;

H) A list of the public safety agencies (police, fire, EMS, etc.) that are adjacent to the 9-1-1 system's geographic boundaries;

I) A list of the carriers and Interconnected VoIP providers who are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;

J) Attachments (as applicable):

i) Any local ordinances that dissolve an existing ETSB or creates a new ETSB;

ii) Any intergovernmental agreements or memorandums of understanding creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation;

iii) Any contracts with a new 9-1-1 system provider;

iv) The backup PSAP Agreement that establishes backup and overflow services between 9-1-1 authorities or PSAPs within those authorities;

v) The network diagram that is provided by the 9-1-1 system provider, showing the applicable grade of service, trunking, routing and backup configuration for the 9-1-1 system; and

vi) The Call Handling and Aid Outside Jurisdictional Boundaries Agreements

- Call Handling Agreements shall be made between the 9-11 Authority and public agencies and/or public safety agencies in a single system, and also between the 9-1-1 Authority and/or public agencies or public safety agencies whose jurisdictional boundaries are contiguous. Call Handling Agreements shall describe the primary and secondary dispatch methods to be used by the requesting parties within their respective jurisdictions.

- Aid Outside Jurisdictional Boundaries Agreements shall be made between the 9-1-1 Authority and the public agencies and/or public safety agencies in a single system, and between the 9-1-1 Authority and the public agencies and public safety agencies in

adjacent systems, whose jurisdictional boundaries are contiguous. Aid Outside Jurisdictional Boundaries Agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

- When possible, these agreements may be consolidated into a single agreement;

K) The Test Plan, which is the 9-1-1 system's overall plan detailing how and to what extent the network and database will be tested.

2) If incorporating an NG9-1-1 solution, the application must, in the narrative portion of the consolidation plan:

A) Include a contract with a 9-1-1 system provider to provide 9-1-1 services;

B) Explain what national standards, protocols and/or operating measures will be followed;

C) Explain what measures have been taken to create a robust, reliable and diverse/redundant network and whether other 9-1-1 authorities will be sharing the equipment;

D) Explain how the existing 9-1-1 traditional legacy wireline, wireless and VoIP network, along with the databases, will interface with and/or be transitioned into the NG9-1-1 system;

E) Explain how split exchanges will be handled;

F) Explain:

i) How the databases will be maintained and how address errors will be corrected and updated on a continuing basis;

ii) Who will be responsible for updating and maintaining the data, at a minimum, on a daily basis Monday through Friday; and

G) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it.

3) Notwithstanding this subsection (c), any 9-1-1 Authority required to consolidate pursuant to ETSA Section 15.4a(a) that is only reducing the number of PSAPs in order to comply with the Act need not formally submit a consolidation plan to the Administrator for approval. While Administrator approval is not necessary for these consolidations, the 9-1-1 Authority must provide written notification documenting the change 10 business days prior to making the change.

d) Consolidation plans must meet the applicable grade of service.

e) Pursuant to ETSA Section 15.4a, a request for waiver must include sufficient information to establish that consolidation will result in a substantial threat to public safety, is economically unreasonable, or is technically infeasible. A request for waiver shall include, at a minimum, the following:

1) The grounds on which the waiver is sought (e.g., substantial threat to public safety, economically unreasonable, and/or technically infeasible);

2) A detailed explanation of the efforts taken, if any, to comply with the statutory requirement for consolidation prior to requesting a waiver;

3) The duration of time for which a waiver is sought;

4) A five-year strategic plan, including, but not limited to, financial projections, for implementation of a consolidation plan; and

5) Any additional information regarding planned equipment purchases or replacements, as well as efforts to establish interoperability or shared resources.

f) Upon receipt of a consolidation plan, it will be posted on the Department's website and be made available to the Commission for a technical review to ensure compliance with 83 Ill. Adm. Code 725, and the Department will notify all vendors registered with it pursuant to 83 Ill. Adm. Code 1325.305 that a plan has been received, posted and submitted for technical review. After 20 days, or until notified otherwise by the Commission, the Department will proceed as though no separate Commission proceeding will be undertaken. Within 20 days after receiving a consolidation plan and/or request for waiver, the Department will:

1) Review the:

A) consolidation plan to ensure it complies with the provisions of this Section; or

B) request for waiver to ensure it complies with ETSA Section 15.4a(c); and

2) Submit its findings to the Advisory Board.

g) Upon receipt of the technical review findings from the Commission and no later than 40 days after receiving a consolidation plan and/or request for waiver, the Department will appoint an Administrative Law Judge (ALJ) to hold a hearing. The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise specified in this subsection (g) and as ordered by the ALJ.

1) At least 10 days prior to the scheduled hearing, the Department will post a copy of requests for waivers, the consolidation plans, and the Department's review of those plans on its website. The Department will include the date on which the associated hearing will be held, as well as provide the email and mailing address for comments. This information shall remain posted until the hearing is held.

2) Comment by Interested Parties

A) From the time the information is posted by the Department on its website until 5 days prior to the scheduled hearing, any interested party may:

i) Submit written comments in response to the plans, request for waivers, and technical review finding to the Department by email or mail;

ii) Request an opportunity to speak at the public hearing regarding a plan, request for waiver, or technical review finding by completing the form available online and submitting it to the Department by email or mail;

B) Written comments and requests to speak received less than 5 days prior to the scheduled hearing shall not be considered.

3) No less than 4 days prior to the scheduled hearing, the Department will notify the applicant if:

A) The technical review indicates that the consolidation plan is not compliant with any element of Section 1324.200(c)(1);

B) The request for waiver is not compliant with ETSA Section 15.4a(c); and/or

C) The Department receives objections to the consolidation plan or request for waiver.

4) No less than 2 days prior to the scheduled hearing, the applicant, under ETSA Section 15.4a(b), may electronically request an extension of the deadlines in ETSA Section 15.4a(b) and submit a modified plan and/or request for waiver for review under this Part.

A) If the applicant requests an extension, the ALJ shall postpone the scheduled hearing until the applicant submits a modified plan or request for waiver.

B) If the applicant does not request an extension, the ALJ shall proceed with the scheduled hearing.

5) Upon conclusion of the hearing, the ALJ shall make a recommendation to the Advisory Board regarding whether a proposed order for consolidation or waiver should be granted.

h) Upon receipt of a recommendation from the ALJ and no later than 60 days after receiving a consolidation plan and/or request for waiver, the Advisory Board shall hold a public hearing pursuant to ETSA Section 15.4a(b) and Section 1324.210.

i) Any county or 9-1-1 Authority filing a consolidation plan may file a proprietary copy that plainly identifies confidential or proprietary information or information that is a trade secret and request that it be redacted and not subject to disclosure or made part of the public record. The county or 9-1-1 Authority shall also submit a redacted copy deleting any confidential or proprietary information or information that is a trade secret by plainly indicating on the redacted copy the information that has been deleted.

j) Noncompliance with this Section shall subject the county or 9-1-1 Authority submitting the plan or request for waiver to the penalty provisions of ETSA Section 15.4a(b)(1).

Section 1324.210 Hearings of the Statewide 9-1-1 Advisory Board
EMERGENCY

a) Hearings of the Advisory Board may be conducted at the posted date and time when a quorum of the members is present in person, by video, telephonically or by other electronic means. The hearing shall be recorded.

b) The Advisory Board shall determine the date, time and location of the public hearing. The Advisory Board shall make reasonable efforts to hold the public hearing at a date, time and location convenient to all parties.

c) The Chairperson shall preside over the public hearing, including closed sessions, if needed, as provided by the Open Meetings Act [5 ILCS 120(2)(c)].

d) The Advisory Board shall make a public recommendation to approve the plan, approve the plan as modified, reject the plan, and/or grant a waiver to the Administrator upon conclusion of the closed session, if any.

e) A transcript of the recorded hearing shall be provided to the applicant upon written request.

1) The cost of transcription shall be the responsibility of the applicant.

2) Fees shall not exceed the actual cost for the preparation of the transcript.

3) The record need not be transcribed unless the Advisory Board receives a written request and fee from the applicant in accordance with this Section or a request from the Administrator.

Section 1324.220 Decisions of the Administrator
EMERGENCY

a) The Administrator shall consider the recommendation received from the Advisory Board regarding any consolidation plan and/or request for waiver it receives.

b) The Administrator shall provide a written decision to the applicant no later than 90 calendar days after the Advisory Board receives the plan and/or request for waiver.

1) Any order of authority issued by the Commission to a 9-1-1 Authority prior to January 1, 2016 shall remain in effect as if issued by the Administrator until the 9-1-1 Authority files a plan for consolidation under Section 1324.200 or for modification under 83 Ill. Adm. Code 1328, and a new order of Authority is issued by the Administrator. When appropriate, the Administrator shall issue an order of authority to operate a 9-1-1 system as detailed and described in the approved plan.

2) If the decision is inconsistent with the recommendation of the Advisory Board, the Administrator shall provide a written explanation to the Advisory Board and the applicant regarding the deviation in his or her decision.

3) If the Administrator does not approve the plan, approve the plan as modified, or grant a waiver, prior to issuing the written decision, the Administrator shall read the record of all hearings conducted to ensure his/her decision is consistent with the record.

c) Any deadlines within this Part may be extended upon mutual agreement of the Administrator and the entity that submitted the plan or request for waiver.

d) The decision of the Administrator shall be final and subject to judicial review under the Administrative Review Law [735 ILCS 5].

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 1325

3)

Section Numbers:	Emergency Actions:
1325.100	New Section
1325.101	New Section
1325.200	New Section
1325.205	New Section
1325.210	New Section
1325.215	New Section
1325.220	New Section
1325.300	New Section
1325.400	New Section
1325.415	New Section
1325.500	New Section
1325.505	New Section
1325.510	New Section
1325.515	New Section
1325.520	New Section
1325.525	New Section

4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the

establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois, which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: These emergency rules will set the requirements for operating as a 9-1-1 system, management, and standards of service with respect to 9-1-1 emergency systems.

11) Are there any other rulemakings pending on this Part: No

12) Statement of Statewide Policy Objective: These emergency rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1325
STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section
1325.100 Application of Part
EMERGENCY
1325.101 Definitions
EMERGENCY

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

Section
1325.200 General Requirements
EMERGENCY
1325.205 Initial or Modified 9-1-1 Plan Filings (Not Including Consolidation Plans)
EMERGENCY
1325.210 Order of Authority
EMERGENCY
1325.215 Records and Reports
EMERGENCY
1325.220 Compliance with Technical and Operational Standards
EMERGENCY

SUBPART C: MANAGEMENT

Section
1325.300 Department Liaison
EMERGENCY

SUBPART D: STANDARDS OF SERVICE

Section
1325.400 9-1-1 Authority
EMERGENCY

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1325.415 Answering Points − PSAP, Backup PSAP, SAP and VAP
EMERGENCY

SUBPART E: OPERATIONS

Section
1325.500 Testing Procedures
EMERGENCY
1325.505 Call Handling Procedures
EMERGENCY
1325.510 Electronic Communication Devices
EMERGENCY
1325.515 Physical Security
EMERGENCY
1325.520 9-1-1 Traditional Legacy Service Database
EMERGENCY
1325.525 Outage Notification
EMERGENCY

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1118, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1325.100 Application of Part
EMERGENCY

This Part shall apply to all public agencies, public safety agencies, public safety answering points and 9-1-1 Authorities. This Part also pertains to 9-1-1 service regardless of the technology provisioned by the 9-1-1 system provider and 9-1-1 Authority for the delivery of 9-1-1 service.

Section 1325.101 Definitions
EMERGENCY

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those

duties and powers as prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725 to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of Authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to the Public Utilities Act [220 ILCS 5/13-900].

"9-1-1 Traditional Legacy Service" means that an arrangement of channels, such as loops, trunks and associated switching facilities to exchange voice and data.

"Access Line" means the connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service.

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Adjacent Agencies" means any public or private safety agencies (police, firefighting, emergency medical and ambulance services or other emergency services) whose jurisdiction is outside the 9-1-1 system jurisdiction, but that is adjacent to or touches that 9-1-1 system's boundary.

"Administrator" means the Statewide 9-1-1 Administrator.

"Aid Outside Normal Jurisdiction Boundaries Agreement" means a written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party

without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Audible Signal" means a buzzer, bell or tone device used to alert an individual that appropriate action is required.

"Automatic Alarm" or *"Automatic Alerting Device" means any device that will access the 9-1-1 system for emergency services upon activation*. [50 ILCS 750/2]

"Automatic Location Identification" or "ALI" means in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" means the automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Busy Tone" means an audible signal indicating a call cannot be completed because the called access line is busy. The tone is applied 60 times per minute.

"Call Referral" means a 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" means a 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" means a 9-1-1 service in which the PSAP telecommunicator receiving a call transfers the incoming call to the appropriate public safety agency or other provider of emergency services.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Central Office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

"Circuit" means the physical connection (or path) of channels, conductors and equipment between two given points through which an electronic or optical signal may be established.

"Commission" means the Illinois Commerce Commission.

"Customer Premises Equipment" or "CPE" means communications or terminal equipment located in the customer's facilities/terminal equipment at a PSAP.

"Default Routing" means a feature that allows emergency calls to be routed to a designated default PSAP if the incoming emergency call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" means the Department of State Police.

"Direct Dispatch" means a 9-1-1 service that provides for the direct dispatch, by a PSAP telecommunicator, of the appropriate unit upon receipt of an emergency call and the decision as to the proper action to be taken.

"Diverse Routing" means the practice of routing circuits along different physical or electrical paths in order to prevent total loss of 9-1-1 service in the event of a facility or hardware failure.

"E9-1-1 Selective Router" means a telecommunications carrier switching office, or stand alone selective routing switch, equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for emergency calls from other local offices in the 9-1-1 service area.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Service Number" or "ESN" is sometimes known as emergency service zone (ESZ). An ESN is a three- to five-digit number representing a unique combination of public safety agencies (police, fire and emergency medical service) designated to serve a specific range of addresses within a particular geographic area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs in a traditional legacy 9-1-1 system.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"English Language Translation" or "ELT" means a database table that provides the names of the public safety agencies (or services) associated with an ESN/ESZ number that is displayed on the ALI screen at the PSAP.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Error ratio" means the percentage of database records that are not Master Street Address Guide valid for a specific 9-1-1 traditional legacy service system.

"Exchange" means a unit established by a telecommunications carrier and approved by the Commission for the administration of telecommunications

service in a specified geographic area. It may consist of one or more central offices, together with associated plant, used in furnishing telecommunications services in that area. Exchanges are identified on exchange boundary maps on file with the Commission.

"Geospatial Data" means accurately references to a precise location on the earth's surface using latitude, longitude, elevation and datum that identifies the coordinate system used.

"Geographic Information System" or "GIS" means a system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Interconnected Voice Over Internet Protocol Provider" or "Interconnected VoIP Provider" means:

every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service; or

the *meaning prescribed in 47 CFR 9.3* [220 ILCS 5/13-234 and 13-235].

VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP" means Internet Protocol.

"IP Gateway" means the point at which a circuit-switched call is encoded and repackaged into IP packets. Equipment that provides interconnection between two networks with different communications protocols.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"Local Loop" means a channel between a customer's network interface and its serving central office. The most common form of loop, a pair of wires, is also called a line.

"Logging Recorder" means a machine that records both sides of telephone and radio transmissions.

"Master Street Address Guide" or "MSAG" means the computerized geographic file that either consists of all street and address data or its functional equivalent (i.e., geospatial data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

"Mechanical Dialer" means a device that either manually or remotely triggers a dialing device to access the 9-1-1 system. [50 ILCS 750/2]

"National Emergency Number Association" or "NENA" means the international not-for-profit organization whose purpose is to lead, assist and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

"NENA i3 Solution standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Connection" means a voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's interpremises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or, if no system exists at the time a surcharge is imposed under ETSA Section 15.3, would be capable of providing access through the public switched network to the local 9-1-1 system if one existed. [50 ILCS 750/2]

"Network costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third-party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than 9-1-1 services.

"Network Diagram" means a schematic flow chart that shows the actual network pieces and flow of activities in a picture.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"On-site Database" means a copy of the database that resides with the local 9-1-1 Authority.

"Order of Authority" means an order from the Administrator that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating Service Provider" or "OSP" means a communications provider that allows its users or subscribers to originate 9-1-1 voice or nonvoice messages from the public to the 9-1-1 Authority.

"Outbound Notification Systems" means a community outreach tool that automatically disperses information to the public and is not considered a function or part of a 9-1-1 system (see "System").

"Overflow" means a call or position used when a call is blocked or rerouted due to excessive traffic.

"P.01" means the probability (P), expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Participating Agencies" means any public or private safety agency (police, firefighting, emergency medical and ambulance services or other emergency services, pursuant to ETSA Section 4) whose jurisdiction is located within the 9-1-1 system boundaries.

"Primary Point of Contact" or "9-1-1 Contact Person" means the individual designated by the 9-1-1 Authority as the contact point for the participating telecommunications carriers.

"Private Branch Exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

"Public Agency" means the State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services or has authority to do so. [50 ILCS 750/2].

"Public Safety Agency" means a functional division of a public agency that provides police, firefighting, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Selective Routing" means a system that automatically routes calls to predetermined PSAPs based on the location of the calling telephone number.

"Service Address" means the location of the primary use of the network connection or connections.

"Split Exchange" means an exchange shared with more than one 9-1-1 system.

"Surcharge" means a monthly amount imposed, pursuant to ETSA Section 20, on all customers of telecommunications carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an E 9-1-1 or NG9-1-1 system, with the exception of a municipality with a population of 500,000 or greater.

"System" means the communications equipment and related software applications required to produce a response by the appropriate emergency public safety agency or other provider of emergency services as a result of an emergency call.

"TDD" means a telecommunications device for the deaf. See "TTY."

"Telecommunications Carrier" shall have the same meaning ascribed in the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns. A telecommunications carrier under the Public Utilities Act may provide competitive or noncompetitive local exchange telecommunications services or any combination of the two as defined in the Public Utilities Act [220 ILCS 5/13-204].

"Telecommunications Service" shall have the meaning ascribed in the Public Utilities Act [220 ILCS 5/13-203].

"Telecommunicator" means a person who is trained and employed in public safety telecommunications and is qualified to answer incoming emergency calls and/or provides for the appropriate emergency response, either directly or through communication with the appropriate PSAP, SAP or VAP.

"Terminal Equipment" means telephone station apparatus.

"Transfer" means a feature that allows the PSAP telecommunicator to transfer emergency calls to a specific location or secondary PSAP.

"Trunk" means a transmission path between switching units, switching centers and/or toll centers.

"TTY" or "Teletypewriter" means a telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Uninterruptible Power Supply" means an emergency power source that can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

"Vendor" means an entity that provides some or all elements of E9-1-1, 9-1-1, and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"Virtual Answering Point" or "VAP" means a temporary or nonpermanent location that:

is capable of receiving an emergency call;

contains a fully functional worksite that is not bound to a specific location, but rather is portable and scalable, connecting emergency call takers or dispatchers to the work process; and

is capable of completing the call dispatching process.

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

Section 1325.200 General Requirements
EMERGENCY

a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary 10-digit emergency backup number for at least six months after the 9-1-1 system is in operation and shall at all times maintain a separate number for nonemergency telephone calls.

b) 9-1-1 service is a terminating-only service that connects a person who has dialed the universal emergency service code 9-1-1 to the appropriate PSAP.

c) Outbound notification systems used to notify the general public of a particular incident are not considered part of a 9-1-1 "system" as defined in this Part.

d) 9-1-1 plans for 9-1-1 systems shall be filed in compliance with this Part and the Act.

e) 9-1-1 plans shall be filed electronically at the link posted on the Department's website as detailed in Section 1325.205.

f) A 9-1-1 system shall not become operational without an order from the Commission, prior to January 1, 2016, or the Administrator. Pursuant to ETSA Section 10, all orders of authority issued by the Commission shall continue in force unless rescinded by the Administrator.

g) The following modifications to a 9-1-1 Authority's existing 9-1-1 plan shall be filed for approval electronically at the link posted on the Department's website. The submission shall include a modified plan, consisting of the revised application prescribed in Section 1325.205. Modifications requiring Administrator approval shall include:

1) Changing boundaries that require an intergovernmental agreement between local governmental entities to exclude or include residents within the 9-1-1 jurisdiction;

2) Changing or adding a 9-1-1 system provider;

3) Changes in network configuration, except as provided for in subsection (h); and

4) Change of backup arrangement.

h) The following modifications to a 9-1-1 Authority's existing 9-1-1 plan need not be formally submitted to the Administrator for approval. While Administrator approval is not necessary for these modifications, the 9-1-1 Authority must provide written notification 10 business days prior to making the following changes:

1) Permanent relocation of a PSAP or backup PSAP facility;

2) Any reduction in 9-1-1 trunks from the selective router to the PSAP; or

3) Further reduction within a 9-1-1 Authority of PSAPs beyond consolidation as required by the Act.

Section 1325.205 Initial or Modified Plan Filings (not Including Consolidation Plan) EMERGENCY

a) Initial or modified plans, excluding consolidation plan filings, shall be filed in accordance with ETSA Section 11 and must conform to minimum standards as established pursuant to ETSA Section 10.

b) Initial or modified plans must include a completed application to the Administrator for the initial provision of, or modification to, 9-1-1 service. The application, which can be found on the Department's website, shall include the following documents:

1) Contact and 9-1-1 system information;

2) Notarized statement of truth regarding information provided in the plan;

3) A letter that is sent to the 9-1-1 system provider, with a copy of the plan;

4) A detailed summary of the proposed system's operation, including but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections;

5) A summary of the anticipated implementation costs and annual operating costs of the proposed system that are directly associated with 9-1-1, as well as anticipated revenues;

6) A list of all communities that are served by the 9-1-1 system;

7) A list of public safety agencies (police, fire, EMS, etc.) that are dispatched by the 9-1-1 system, including their addresses, telephone numbers and form of dispatch;

8) A list of the public safety agencies (police, fire, EMS, etc.) that are adjacent to the 9-1-1 system's jurisdictional boundaries;

9) A list of the carriers and Interconnected VoIP providers that are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;

10) Attachments (as applicable):

A) Any local ordinances that create an ETSB relevant to the consolidation;

B) Any intergovernmental agreements or memorandums of understanding or any other agreements pertinent to the 9-1-1 system;

C) Any contracts with a new 9-1-1 system provider;

D) The backup PSAP Agreement that establishes backup and overflow services between 9-1-1 Authorities or PSAPs within those Authorities;

E) The network diagram that is provided by the 9-1-1 system provider showing the P.01 and trucking, routing and backup configuration for the 9-1-1 system;

F) The Call Handling and Aid Outside Jurisdictional Boundaries Agreements

i) Call Handling Agreements shall be made between the 9-1-1 Authority and public agencies and/or public safety agencies in a single system and also between the 9-1-1 Authority and/or public agencies or public safety agencies whose jurisdictional boundaries are contiguous. Call Handling Agreements shall describe the primary and secondary dispatch methods to be used by the requesting parties within their respective jurisdictions.

ii) Aid Outside Jurisdictional Boundaries Agreements shall be made between the 9-1-1 Authority and the public agencies and/or public safety agencies in a single system and between the 9-1-1 Authority and the public agencies and public safety agencies in adjacent systems, whose jurisdictional boundaries are contiguous. Aid Outside Jurisdictional Boundaries Agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

iii) When possible, Call Handling and Aid Outside Jurisdictional Boundaries Agreements may be consolidated into a single agreement;

11) The Test Plan, which is the 9-1-1 system's overall plan detailing how and to what extent the network and database will be tested;

12) If incorporating an NG9-1-1 solution, the application must, in the narrative portion of the consolidation plan:

A) Indicate the name of the certified 9-1-1 system provider being utilized;

B) Explain what national standards, protocols and/or operating measures will be followed;

C) Explain what measures have been taken to create a robust, reliable and diverse/redundant network and whether other 9-1-1 Authorities will be sharing the equipment;

D) Explain how the existing 9-1-1 traditional legacy wireline, wireless and VoIP network, along with the databases, will interface and/or be transitioned into the NG9-1-1 system;

E) Explain how split exchanges will be handled;

F) Explain:

i) how the databases will be maintained and how address errors will be corrected and updated on a continuing basis; and

ii) who will be responsible for updating and maintaining the data, at a minimum, on a daily basis Monday through Friday; and

G) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it.

Section 1325.210 Order of Authority
EMERGENCY

a) Any order of authority issued by the Commission to a 9-1-1 Authority prior to January 1, 2016 shall remain in effect as if issued by the Administrator until the 9-1-1 Authority files a plan for consolidation under 83 Ill. Adm. Code 1324.200 or for modification under Section 1325.205 of this Part and a new order of authority is issued by the Administrator. The 9-1-1 Authority of a proposed or modified 9-1-1 system shall file a plan with the Administrator for an order of authority to operate a 9-1-1 system as detailed and described in the Authority's 9-1-1 plan.

The Administrator will issue an order of authority authorizing the 9-1-1 Authority to operate under the terms of its initial or modified plan.

b) Pursuant to ETSA Section 10, the Department is authorized to set technical standards for the provision of 9-1-1 Authorities throughout the State of Illinois. Pursuant to the Public Utilities Act [220 ILCS 5/13-900], the Commission is authorized to set technical standards for the provision of 9-1-1 service to be provided by telecommunication carriers and 9-1-1 system providers.

c) All 9-1-1 plans must be filed electronically with the Department. Upon receipt of the plan, it will be posted on the Department's website. The Department will notify all vendors registered with it pursuant to Section 1325.305, perform a technical review to ensure compliance with this Part, and simultaneously submit the plan for a technical review by the Commission to ensure compliance with 83 Ill. Adm. Code 725.

d) The public and industry will have 20 days to file written comments with the Administrator. After 20 days, or until notified otherwise by the Commission, the Department will proceed as though no separate Commission proceeding will be undertaken.

e) If there are no contested issues in the filing, no public hearing will be warranted.

f) If there are contested issues, the Administrator will schedule a public hearing to allow the parties who have issued written comments to appear in front of the Administrator and the applicant.

g) Once the hearing is concluded the Administrator will decide whether to issue an order of authority or to deny the plan.

Section 1325.215 Records and Reports
EMERGENCY

a) The 9-1-1 Authority shall maintain those records it considers necessary to document its operations. As a minimum, those records shall include:

1) a log of major system operations;

2) critical CPE or network outages; and

3) records of telecommunications carrier database queries by the 9-1-1 Authority.

b) The records specified in subsection (a) shall be preserved for a minimum of one year.

c) Pursuant to ETSA Section 15, and by January 31 of every year, each 9-1-1 Authority shall be required to file with the Administrator and the Illinois Attorney General the following items:

1) the current 9-1-1 contact person for the 9-1-1 system and that person's contact information;

2) the current error ratio for the E9-1-1 traditional legacy service database, as provided by the 9-1-1 system providers pursuant to Section 1325.405(i)(6);

3) the current makeup of the ETSB and each board member's capacity (i.e., current public safety representative, public member, county board member, or elected official), as provided in ETSA Section 15.4;

4) a current network diagram for the 9-1-1 system, as provided by the 9-1-1 system providers pursuant to Section 1325.405(i)(7);

5) copies of the annual certified notification of continuing agreement for all participating agencies and adjacent agencies;

6) current list of all participating agencies and adjacent agencies; and

7) names and locations of all PSAPs, SAPs, VAPs and backup PSAPs.

Section 1325.220 Compliance with Technical and Operational Standards EMERGENCY

The Department and Administrator shall have the authority to complete a site visit with 9-1-1 systems to verify compliance with technical and operational standards set forth in the Act and in this Part.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

SUBPART C: MANAGEMENT

Section 1325.300 Department Liaison
EMERGENCY

Each 9-1-1 Authority, and each vendor eligible to receive network cost reimbursements pursuant to 83 Ill. Adm. Code 1329.210 or providing 9-1-1 service shall designate an individual as the Department liaison for the system. The 9-1-1 Authority and vendors shall provide the Department with their liaison's name, phone number, mailing address and e-mail address. The Department shall be notified of any change in this information within 10 days after this change. These liaisons shall be responsible for receiving and responding to all legal notices provided pursuant to 83 Ill. Adm. Code 1324, 1327 and 1329 and this Part.

SUBPART D: STANDARDS OF SERVICE

Section 1325.400 9-1-1 Authority
EMERGENCY

The 9-1-1 Authority:

a) Shall obtain Administrator authorization pursuant to Section 1325.210 prior to operating or making a modification to a 9-1-1 system;

b) Shall provide continual review using recognized administrative, engineering, database and security procedures to assure adequate service to the general public in accordance with ETSA and this Part;

c) Shall comply with the provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;

d) Shall provide the overall management for the 9-1-1 system and all of its PSAPs and work in conjunction with the 9-1-1 system providers on initial installation, continued maintenance, and any future modifications to the system;

e) Shall enter into a service contract with one or more 9-1-1 system providers that have been authorized to operate in the State of Illinois pursuant to the Public Utilities Act [220 ILCS 5/13-900] to provide 9-1-1 database, call routing, and other 9-1-1 duties and services associated with the 9-1-1 system that clearly

delineates the responsibilities of the 9-1-1 system provider and 9-1-1 Authority. A copy of this contract shall be filed with the initial or modified plan to be approved by the Administrator pursuant to Section 1325.205. Parties to the contract may deem all or a portion of the contract as proprietary and confidential;

f) Shall ensure that contracts with multiple 9-1-1 system providers clearly define the role of each 9-1-1 system provider as it relates to its responsibility for providing database, routing of emergency calls, and the building of the 9-1-1 network. The 9-1-1 Authority shall coordinate the tasks between 9-1-1 system providers;

g) Must maintain data in the MSAG or its functional equivalent for those 9-1-1 systems employing new and emerging technology;

h) Shall develop and utilize written 9-1-1 Standard Operating Procedures (SOPs) for use by its telecommunicators and supervisory personnel (i.e., call trace for basic systems, service restoration/equipment failure, and disaster procedures in the event that critical functions of the PSAP are partially or totally disabled). Each PSAP shall be given a copy of the 9-1-1 SOPs that shall be kept on file at each PSAP;

i) Shall ensure that civic 9-1-1 locatable addresses, with U.S. Postal Service approval, are assigned to all subscribers with a static address and provided to the 9-1-1 system provider;

j) Shall coordinate with the appropriate authorities to ensure that the initial installation of road or street signs that are essential to the implementation of an E9-1-1 system will be installed prior to activating the system;

k) Shall accept all OSP end user emergency calls from its 9-1-1 system provider as long as it is technically feasible, regardless of the technology employed in generating the emergency call. The 9-1-1 Authorities may only accept emergency calls routed into their system from a certified 9-1-1 system provider; and

l) Shall ensure that emergency calls are not routed or transferred to an automated attendant or automated voice response system.

Section 1325.415 Answering Points – PSAP, Backup PSAP, SAP and VAP
EMERGENCY

a) All 9-1-1 CPE used by a PSAP, SAP or VAP must be compatible with the 9-1-1 system provider's equipment and transport arrangements.

b) Each PSAP, after consultation with the 9-1-1 system provider, shall designate an area of adequate size to be used by the 9-1-1 system provider for termination of the company's lines and equipment.

c) The CPE shall indicate incoming calls by both audible and visible signals for each 9-1-1 circuit. Each outgoing circuit shall have a visual display of its status.

d) Each 9-1-1 answering position shall have access to all incoming 9-1-1 circuits and outgoing circuits.

e) The CPE shall be designed to achieve transfers with at least 99.9% completion. This may require the use of dedicated facilities between the PSAPs. When the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself/herself from the emergency call, provided that the CPE is so designed. A 9-1-1 system should be designed so that an emergency call will never be transferred more than once; however, there could be circumstances beyond the PSAP's control that might warrant more than one transfer.

f) Each answering position shall have direct access to an operational teletypewriter or its equivalent, and all PSAP, SAP and VAP telecommunicators shall be trained in its use at least every six months. The 9-1-1 Authority will ensure that TTY equipment or its equivalent is available to continue service in the event of emergency, malfunction or power failure.

g) At a minimum, each PSAP shall have at least two fully equipped answering positions. The staffing levels and the number of positions beyond this requirement shall be determined by the 9-1-1 Authority based on call volume and average length of calls (i.e., if PSAP is responsible for EMD, call processing could take longer and require additional telecommunicators). Overflow emergency calls shall be routed to a backup PSAP as provided for in subsection (i).

h) The 9-1-1 Authority is responsible for ensuring that its PSAPs, backup PSAPs and SAPs provide continuous and uninterrupted operation 24 hours per day, 7 days a week.

i) Backup PSAP

1) Each 9-1-1 system shall have a backup PSAP that must operate independently from the primary PSAP. The backup PSAP must have the capability to dispatch (by either direct, transfer or call relay methods) the appropriate public safety agencies for that 9-1-1 system. A backup PSAP shall meet the same standards as the primary PSAP, except as provided for in subsection (i)(2).

2) In a 9-1-1 system with a population of fewer than 10,000, when the system has demonstrated that the requirements of subsections (g), (h) and (i) would place an undue financial burden on the system, the 9-1-1 Authority can ask the Administrator for an exemption from having a full feature, manned backup PSAP. A 9-1-1 system operating under this exemption should, as funds become available, upgrade its backup PSAP capability to meet those standards specified in subsections (g), (h) and (i)(1). If the system ever exceeds 5,000 billable access lines for a period of one year, it shall upgrade to meet the standards specified in subsections (g), (h) and (i)(1). For those systems operating under this exemption, some alternative form of backup shall be required. The backup PSAP requirement may be met by one of the following:

A) An unattended PSAP shall have:

i) the capability to provide 9-1-1 service;

ii) the communication equipment necessary to dispatch emergency services;

iii) a backup power supply;

iv) the ability to communicate via TTY; and

v) the capability to be immediately activated with authorized and trained personnel; or

B) Some other method that the 9-1-1 Authority must be able to demonstrate, in its request for an exemption, would meet the public

safety needs of its community by being able to take 9-1-1 calls and dispatch them successfully on a temporary basis in an emergency situation.

j) The use of VAPs may be acceptable; however, this must be included as a part of the 9-1-1 system final or modified plan authorized by the Administrator.

k) All telecommunicators shall be trained in emergency dispatch procedures and 9-1-1 SOPs as specified by the 9-1-1 Authority to fulfill the responsibilities of their position, with the following requirements:

1) Newly hired telecommunicators must receive, at a minimum, an 80-hour training curriculum approved by the 9-1-1 Authority prior to handling emergency calls.

2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional training must be completed in accordance to the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515 in addition to the 80-hour minimum.

3) Continuing education for existing telecommunicators is required in all aspects of emergency call handling and will be specified by the 9-1-1 Authority.

l) The 9-1-1 Authority shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming emergency call and any radio transmissions relating to the emergency call and its disposition for each answering point. These recordings shall have the time of each event noted. The 9-1-1 Authority may elect to record, on a circuit-by-circuit basis, or by way of the telecommunicator's position.

m) The 9-1-1 Authority shall ensure that each answering point maintains an archive of the storage media for a minimum of 90 days without recirculation of any media.

n) When CPE is implemented and is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's, backup PSAP's, SAP's and VAP's

operation, an uninterruptible power supply shall be installed at all locations for continuous operation.

o) All answering point locations must be equipped with an emergency backup power source capable of supplying electrical power to serve the basic power requirements of the answering point, without interruption, for longer outage time frames. It shall provide a minimum of four hours of power. The backup power source shall be tested for reliability on a monthly basis.

p) Each answering point shall have at least one 24-hour staffed telephone number to be provided to telecommunications carrier operators, adjacent PSAPs, and public safety agencies in order to communicate with that answering point.

q) Answering point employees shall be instructed to be efficient and courteous in the handling of all emergency calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.

r) Each answering point shall ensure that all emergency calls are answered and handled without preference to the location of the caller.

s) Each answering point should answer 90% of all emergency calls within 10 seconds.

t) All calls of an administrative or nonemergency nature shall be referred to the appropriate agency's published telephone number.

u) A current copy of the 9-1-1 Authority's SOPs shall be on file in every answering point.

SUBPART E: OPERATIONS

Section 1325.500 Testing Procedures
EMERGENCY

a) The 9-1-1 Authority shall prepare a written test plan to be submitted as an exhibit to the final plan filled with the Administrator, pursuant to Section 1325.205. The test plan will explain how the 9-1-1Authority plans to perform its testing in conjunction with the 9-1-1 system providers and carriers.

b) The 9-1-1 Authority shall ensure that proper field testing and data verification has been performed on access lines in the 9-1-1 service area as prescribed in this subsection (b). The testing shall include each NXX for every telecommunications carrier and for every ESN within each service area prior to the 9-1-1 system being able to announce its availability to the public.

1) New 9-1-1 system, or a new 9-1-1 system consolidating with an existing 9-1-1 system: 10% of the new portion only shall be tested;

2) Change of 9-1-1 system provider, conversion to NG9-1-1, consolidation of an ETSB with a rerouting of calls to a different PSAP, and consolidation with a reduction of PSAPs with the same ETSB: a sample of each exchange, 2 test calls per type of service; i.e., each land-line carrier (2 calls each), each wireless carrier (2 calls each), each Interconnected VoIP provider (2 calls each, if known); and

3) Other changes to a 9-1-1 system, not outlined in subsection (b)(1) or (2): testing as directed by the Department's Office of the Statewide 9-1-1 Administrator.

c) The 9-1-1 system provider may not cut the 9-1-1 system live until the 9-1-1 traditional legacy service database is at a 1% or less error ratio, pursuant to ETSA Section 750/15.4(d). Errors found during testing shall be corrected prior to cutting the system live.

d) The 9-1-1 Authority is responsible for ongoing testing once the 9-1-1 system is on-line and shall, at a minimum, include the following:

1) The 9-1-1 Authority shall conduct testing, including, but not limited to, the 9-1-1 database, networking, system overflow, system backup, default routing, and call transfer on a continuing basis to ensure system integrity. The testing shall be coordinated in advance and in conjunction with the 9-1-1 system provider and carriers.

2) The 9-1-1 Authority and 9-1-1 system providers shall participate in coordinated testing with the carriers when any of the following occurs:

A) New central office switching installations;

B) E9-1-1 selective router or functional equivalent installations, upgrades or rehomes;

C) NPA (Numbering Plan Area) additions;

D) Migration from one 9-1-1 system provider to another; and

E) Any other event that affects 9-1-1.

3) Upon request, after notification of implementation, the 9-1-1 Authority shall perform coordinated testing with the private residential or business switch operators.

Section 1325.505 Call Handling Procedures
EMERGENCY

a) The 9-1-1 Authority shall ensure that the disposition of each emergency call is handled according to the agreements it has negotiated with its participating public agencies and public safety agencies and adjacent 9-1-1 Authorities and/or public agencies or public safety agencies listed in the plan (see Section 1325.205).

b) Certified notification of the continuing agreements shall be made among the involved parties on an annual basis pursuant to ETSA Section 14.

c) In instances in which a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to determine the appropriate responding agency and complete the disposition of the call.

d) *The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system,* that *unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries*. [50 ILCS 750/14]

Section 1325.510 Electronic Communication Devices
EMERGENCY

Except for the purpose specifically indicated and authorized by law, the installation of or connection to the 9-1-1 system network of an automatic alarm, automatic alerting device, or

mechanical dialer that causes the number 9-1-1 to be dialed is prohibited in a 9-1-1 system (e.g., elevator one-button phones, security pole one-button phones, or burglar alarms).

Section 1325.515 Physical Security
EMERGENCY

a) The 9-1-1 Authority must ensure that critical areas of an answering point shall have adequate physical security to prevent malicious disruption of service and shall be protected against damage due to vandalism, terrorism and civil disturbances. These critical areas shall, at a minimum, include all communications equipment, personnel, electronic equipment rooms, and mechanical equipment rooms that are vital to the operation of the answering point.

b) The answering point and its personnel shall be isolated from direct public contact.

c) Entry to the answering point shall be restricted to authorized persons only. Additionally, doors that lead directly from the exterior into the answering point, or from within a building into the answering point, shall be secured at all times.

d) Access to the communications and electronic equipment rooms shall be restricted within the building by means of secured doors.

e) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utilities' nearest serving distribution point. Protective measures shall be taken against vandalism and natural or manmade hazards at each answering point.

f) The answering point shall be equipped with a fire extinguisher. Personnel shall be instructed in proper use of these extinguishers.

Section 1325.520 9-1-1 Traditional Legacy Service Database
EMERGENCY

a) 9-1-1 database queries will only be allowed by PSAPs, backup PSAPS, SAPs and VAPs for purposes of dispatching or responding to an emergency call or for database integrity verification as set forth in subsection (c).

b) Prior to an initial database integrity verification, the 9-1-1 Authority shall obtain a court order detailing the information that is to be disclosed and the reason for disclosure.

c) The 9-1-1 database shall have the capability of allowing database verification queries, provided that the following procedures are adhered to:

1) The 9-1-1 Authority shall be responsible for providing a level of security and confidentiality to the database that will prohibit random inquiries.

2) Direct access to 9-1-1 database information will be under strict control and, when technically feasible, a password will be assigned for access by authorized persons only.

3) Database verification queries shall be by subscriber number only and as necessary for purposes of database integrity. Queries in excess of 10 per 24-hour period will only be done with 2 or more days advance notice to the respective 9-1-1 system provider for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc., and for verifying that database update information provided to the 9-1-1 system provider has indeed been posted and is correct. On-site 9-1-1 databases are exempt from 9-1-1 system provider advance notification requirements of this Section.

4) Information retrieved will be used exclusively for the maintenance, update and verification of the 9-1-1 database, except as otherwise specified in subsection (a). Any other use is expressly prohibited. The information is subject to strict nondisclosure agreements between the various OSPs and 9-1-1 system providers and the 9-1-1 Authority. All personnel associated in any way with the 9-1-1 Authority and the 9-1-1 systems are bound by these agreements.

5) Trunks/facilities that are not used to transport 9-1-1 emergency calls into the PSAP are prohibited from being connected to the 9-1-1 CPE in any way to allow for queries of the 9-1-1 database.

6) Database queries for the purpose of database verification shall be limited to off-peak times.

7) Database queries shall not be made if there is any known outage or impairment in the database system, including a database data link outage. In the event of an outage, the 9-1-1 system provider shall treat outage notification of the 9-1-1 Authority regarding database query suspension as a priority. When practicable, this notification shall be made no later than 15 minutes after a confirmed incident that will cause database queries to be suspended.

d) Each telecommunications carrier shall provide updates to the appropriate 9-1-1 system provider for the 9-1-1 database on a daily basis, or more frequently when technology supports it, Monday through Friday during business hours.

e) A 9-1-1 Authority using an on-site database is restricted from making any changes to the 9-1-1 data that has been downloaded for its use. Only the 9-1-1 system provider has the authority to correct errors or provide updates to the database. The 9-1-1 Authority must adhere to the proper error resolution procedures specified in subsection (g).

f) 9-1-1 Authorities, 9-1-1 system providers, and carriers shall utilize mutually acceptable and agreed upon standards as prescribed, at a minimum, by the NENA Standards for 9-1-1 databases.

1) Data Formats for ALI, MSAG and GIS (02-010, v9);

2) 9-1-1 Data Management (02-011, v7); and

3) Provisioning and Maintenance of MSAG Files to VDBs and EKDB (02-013, v3).

g) Error Resolution

1) It shall be the joint responsibility of the 9-1-1 Authority, the 9-1-1 system provider, and telecommunications carriers to ensure that the error ratio of each 9-1-1 system's database shall not, at any time, exceed 1%.

2) The 9-1-1 Authority or 9-1-1 system provider shall forward all error reports within two business days after finding the error to the 9-1-1 Authority, 9-1-1 system provider, or carrier to take appropriate action to resolve the error.

3) If the error is a record of the 9-1-1 system provider, it must be corrected and updated within 2 business days after receipt of the error. If the error is for a participating carrier, the 9-1-1 system provider shall forward the error to the appropriate carrier or 9-1-1 Authority for resolution.

4) Any telecommunications carrier receiving an error record from the 9-1-1 system provider has two business days upon receipt of the error to work with the 9-1-1 Authority and process the corrections and forward the appropriate updates to the 9-1-1 system provider. If the error is for an OSP, the 9-1-1 Authority will forward those on to the appropriate company for review.

5) The 9-1-1 Authority shall retest and/or validate that all errors have been corrected (e.g., no record found, misroutes).

h) The 9-1-1 Authority shall, on a continuing basis, maintain the MSAG (or GIS database or functional equivalent), the ELT for each ESN, and the associated telephone numbers for the ELTs.

i) Upon a written request of the 9-1-1 Authority, the 9-1-1 system provider shall submit, within 14 working days, a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the 9-1-1 Authority, the 9-1-1 Authority shall enter into nondisclosure agreements with telecommunications carriers and Interconnected VoIP providers to protect proprietary network and customer-related information from public disclosure, consistent with the Illinois Freedom of Information Act (FOIA) [5 ILCS 140/7(1)] and other applicable federal or State law.

1) This report shall include the following information when available in the 9-1-1 database:

A) telephone number − area code, prefix and number in separate fields;

B) pilot number − single telephone number used to tie together multiple numbers within a system;

C) service (civic) address − including street name, house number or equivalent, suffix, directional, community name, state, zip code and location and/or descriptive information, including intersection if MSAG indicates an intersection, in separate fields;

D) billing address − if different than the service address, in separate fields, to be provided on a telephone number only basis, pursuant to procedures defined by the telecommunications carrier and the 9-1-1 Authority. Billing address information shall be subject to nondisclosure agreements;

E) name − first, last and middle names or initials in separate fields;

F) date service was initiated − the month, day and year that service was initiated, in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;

G) type of service − residential, business, coin, etc.;

H) PBX/Centrex Extensions/Station Numbers − identify those numbers that are part of a PBX/Centrex system, when this information is available;

I) surcharge status − when this information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields;

J) Emergency Service Number − appropriate ESN, if assigned, is to be made available only from the primary 9-1-1 system service provider providing database development and routing services.

2) This report may be requested by the 9-1-1 Authority, in writing, at a maximum, on a monthly basis. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the 9-1-1 database. This report will be delivered in an electronic format. It will not be delivered in paper format. There will be a charge for this report that will be a tariffed item by each 9-1-1 system provider.

j) A 9-1-1 Authority that has or is in the process of transitioning to an NG9-1-1 system when the 9-1-1 traditional legacy service database will be used in conjunction with, or eventually be replaced with, dynamic data must provide a detailed explanation of the initial development and ongoing maintenance of necessary databases in the NG9-1-1 final plan or modification, pursuant to Section 1325.205(f).

Section 1325.525 Outage Notification
EMERGENCY

Once the 9-1-1 Authority has been notified of an outage occurring in the 9-1-1 system, it must make notification to any other PSAPs in the 9-1-1 system that are affected by the outage.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Requirements for Private Business Switch Service to Comply with the Emergency Telephone System Act

2) Code Citation: 83 Ill. Adm. Code 1326

3)

Section Numbers:	Emergency Actions:
1326.100	New Section
1326.105	New Section
1326.200	New Section
1326.205	New Section
1326.300	New Section
1326.305	New Section
1326.400	New Section
1326.500	New Section
1326.505	New Section
1326.510	New Section

4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois, which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: These emergency rules will set the requirements for private business switch service to comply with the Emergency

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Telephone System Act including standards of service, authorization to operate, private emergency answering points, and operating procedures.

11) Are there any other rulemakings pending on this Part: No

12) Statement of Statewide Policy Objective: These emergency rules 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.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

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NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 1326
REQUIREMENTS FOR PRIVATE BUSINESS SWITCH SERVICE
TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT

SUBPART A: GENERAL PROVISIONS

Section
1326.100 Application of Part
EMERGENCY
1326.105 Definitions
EMERGENCY

SUBPART B: STANDARDS OF SERVICE

Section
1326.200 General Standards and Requirements
EMERGENCY
1326.205 Compliance
EMERGENCY

SUBPART C: AUTHORIZATION TO OPERATE

Section
1326.300 Order of Authority
EMERGENCY
1326.305 Plans
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SUBPART D: PRIVATE EMERGENCY ANSWERING POINT

Section
1326.400 Private Emergency Answering Point (PEAP) Standards
EMERGENCY

SUBPART E: OPERATIONS

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Section
1326.500 System Review and Reporting
EMERGENCY
1326.505 Written Operating Procedures
EMERGENCY
1326.510 Call Handling Procedures
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1153, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1326.100 Application of Part
EMERGENCY

This Part shall apply to any private business switch operator in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)].

Section 1326.105 Definitions
EMERGENCY

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplemental emergency services information.

"Automatic Number Identification" or "ANI" means, in an E9-1-1 system, the

automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call Referral" means a 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call Relay" means a 9-1-1 service in which the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call Transfer" means a 9-1-1 service in which the PEAP operator receiving a call transfers the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex Type Service" means a telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carriers' facilities.

"Commission" means the Illinois Commerce Commission.

"Department" means the Department of State Police.

"Direct Dispatch" means a 9-1-1 service that provides for the direct dispatch, by a PEAP operator, of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for those services and the decision as to the proper action to be taken.

"Distinct Location Identification" or "DLI" means an additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number, and building name/number for every 40,000 square feet of workspace.

"Emergency Call" means any type of request for emergency assistance, not limited to voice. This may include a session established by signaling with two-way real-time media and involves a human making a request for help.

"Emergency Responders" means other providers of emergency services in

addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular entity that handles its internal emergency calls.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers as prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Location Identification" means the street address of the workspace.

"Private Branch Exchange" or "PBX" means a private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

"Private Business Switch Service" means a telecommunications service, such as Centrex type service, or telecommunications equipment, such as a private branch exchange service (PBX) system. "Private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances in which Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units, and industries for which the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" means a place within an entity where the entity operators answer and dispatch emergency calls. An entity must obtain certification to handle internal emergency calls from its internal switch.

"Public Agency" means the State or any unit of local government or special

purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services, or has authority to do so [50 ILCS 750/2].

"Public Safety Agency" means a functional division of a public agency that provides firefighting, police, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Text Telephone" or "TT" means a teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"TTY" or "Teletypewriter" means a telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Workspace" means the physical building area where work is normally performed. A workspace is an area, defined by net square footage, that includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms, but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces, or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 1326.200 General Standards and Requirements
EMERGENCY

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission or Department authority to operate as a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 1326.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1) for those PEAPs that are exempt pursuant to ETSA Section 15.8.

Section 1326.205 Compliance

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

EMERGENCY

a) After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that such a system is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification (ANI) and automatic location identification (ALI).

1) ANI shall be provided based on the following minimum standards:

A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system.

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system.

C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other nonrelated entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace.

D) For private business switch operators/owners providing service in multi-building locations and sharing space with other nonrelated entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.

2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols for Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:

A) For buildings having their own street address and containing

workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and shall include the building's street address.

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one Distinct Location Identification (DLI) per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other nonrelated entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

D) For private business switch operators/providers providing service in multi-building locations and sharing space with other nonrelated entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.

E) Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building, in addition to the street address.

3) In cases in which clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.

b) Exemptions to Subsection (a)

1) Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in subsections (a)(2)(B) and (a)(2)(E) if the building maintains, at all times, alternative and adequate means of signaling and responding to

emergencies. Those means shall include, but are not limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.

A) Entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.

B) Entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly and selectively routed to the appropriate 9-1-1 system.

C) However, buildings under this exemption must ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

D) An entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks an exemption to the Department and to the public safety agency with jurisdiction over the physical location of the building for which the exemption is sought. Nothing in this subsection (b)(1)(D) shall be construed to limit the Administrator's authority to investigate and revoke or impose conditions upon the exemptions if it determines, after notice and hearing, that the revocation or imposition of conditions is reasonably necessary to ensure public safety.

2) Health care facilities are presumed to meet the requirements of subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building address.

3) Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or businesses that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are

serviced by their own medical, fire and security personnel, may qualify for an exemption pending Administrator approval of the entity's emergency phone system. Certification by the Administrator is necessary prior to an entity answering and dispatching its own internal emergency calls. Entities that qualify for this exemption must comply with Subparts C, D and E.

A) An entity seeking to obtain an exemption under this subsection (b)(3) must file a petition with the Administrator requesting the exemption. The petition shall contain a showing that the business seeking exemption is in compliance with Subparts C, D and E and shall further make a showing that the business seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which the exemption is sought.

B) Department staff shall review all petitions for exemption and shall make a recommendation to the Administrator that the Administrator grant the exemption, with conditions that are reasonably necessary to ensure public safety, or deny the exemption. The Administrator, after notice and hearing required by Article 10 of the Illinois Administrative Procedures Act [5 ILCS 100], shall grant the exemption, with conditions that are reasonably necessary to ensure the public safety, or deny the exemption.

4) Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.

SUBPART C: AUTHORIZATION TO OPERATE

Section 1326.300 Order of Authority
EMERGENCY

a) Any entity that qualifies for exemption under Section 1326.205(b)(3) to operate an emergency answering point within its own facility must comply with Subparts C, D and E. In addition, the entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in the final

plan required by Section 1326.305. The final plan shall be attached to the petition and filed with the Administrator.

b) The petitioner must also notify the appropriate 9-1-1 Authority of its plans to answer its internal emergency calls and provide a copy of the petition and plan to the appropriate 9-1-1 Authority.

c) The Administrator shall have the authority to audit the PEAP to verify compliance with the Act and this Part.

d) Notice of modification to an approved plan shall be submitted to the Administrator in writing no later than 10 days prior to the proposed change.

Section 1326.305 Plans
EMERGENCY

a) Each entity shall submit a draft plan for Department review prior to filing its final plan with the Administrator. The Department has 90 days to review and provide written comments to the petitioner.

b) Draft and final plans shall consist of a narrative that provides an explanation of the proposed system's operation and a completed petition to the Administrator for the provision of 9-1-1 service, consisting of the following:

1) A thorough explanation regarding the makeup of the facility's security, fire and medical departments. The explanation shall include the emergency responders' responsibilities and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.

2) Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate action shall be taken in response to emergency calls and subsequent dispatches, and that top priority will be given to emergency calls by the parties.

3) Call handling agreements with the existing Enhanced 9-1-1 system for

additional back-up police, fire and medical assistance pursuant to Section 1326.510(c).

4) Backup PEAP agreement pursuant to Section 1326.400(d).

5) Standard Operating Procedures and Disaster Procedures specified in Section 1326.505.

6) Network Diagram – a chart showing the trunking configuration from the applicant's switch to the backup PEAP, as required by Section 1326.400.

SUBPART D: PRIVATE EMERGENCY ANSWERING POINT

Section 1326.400 Private Emergency Answering Point (PEAP) Standards EMERGENCY

An entity that has been certified by the Administrator to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

a) The entity applying to be a PEAP may have a dialing code other than 9-1-1 as its primary emergency telephone number. When an entity's current telephone switching system is replaced, the entity shall program its system to respond to 9-1-1 in addition to its current dialing code.

b) The PEAP shall be operational 24 hours a day, 7 days a week, except when the entity is closed or shut down and no employees are or could be present in any part of the facility.

c) Each PEAP shall have an operational TT if the entity employs hearing or speech impaired persons or if there is an area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code, such as a reception area, corridor, lobby or waiting room.

d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 Authority to be the remote backup/overflow answering point. The phone switch must be configured to

automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.

e) Personnel answering the emergency phone must be trained on how to respond to emergency calls and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.

f) The PEAP shall be equipped with an emergency backup power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.

g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:

1) A secondary backup location remotely located from the primary answering point that is staffed 24 hours a day with trained personnel; or

2) An alternative method of available communication that will transmit an emergency request and result in the dispatch of emergency services.

h) Access to phone switch equipment will be restricted to those who need to service the equipment.

i) No emergency calls shall be placed on hold.

j) Ninety percent of all emergency calls must be answered within 10 seconds.

k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. When possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Section 1326.500 System Review and Reporting
EMERGENCY

Each entity certified by the Administrator to handle its internal emergency calls shall provide an annual update to the Department's Office of the Statewide 9-1-1 Administrator by January 1 of each year. The entity shall provide the following information:

a) The entity's name and street address;

b) The name and telephone number of a contact person; and

c) The recertification of all agreements.

Section 1326.505 Written Operating Procedures
EMERGENCY

Each certified entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for use by its personnel who will be handling the emergency calls. Copies of the procedures must also be included in the plan when petitioning the Administrator for approval.

Section 1326.510 Call Handling Procedures
EMERGENCY

a) Each entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. The agreements must specify the method of dispatch that will be used in contacting the responders.

b) Each entity shall enter into call handling agreements with the 9-1-1 Authority for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. There must also be a method available for the entity to request additional assistance from the existing 9-1-1 Authority to provide backup services in the event that an incident occurs that would require additional emergency resources.

c) Each entity shall specify to the Administrator, in the plan required by Section 1326.305, how calls will be dispatched to emergency responders within its facility. In addition, the entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the

entity will be dispatched in the event that additional assistance is needed. Copies of the agreements must be included in the plan.

d) Each entity may choose from the following methods of dispatch:

1) Direct dispatch;

2) Call relay;

3) Call referral; or

4) Call transfer.

e) Each entity shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.

f) Each entity shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with the 9-1-1 Authority or other public safety agencies.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: 9-1-1 Emergency Systems Consolidation Grants

2) Code Citation: 83 Ill. Adm. Code 1327

3)

Section Numbers:	Emergency Actions:
1327.100	New Section
1327.110	New Section
1327.120	New Section
1327.200	New Section
1327.210	New Section
1327.220	New Section

4) Statutory Authority: Implementing and authorized by Section 15.4b of the Emergency Telephone System Act [50 ILCS 750/15.4b]

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois, which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: These emergency rules will define the grant process and criteria for issuing grants to defray or offset non-recurring costs associated with 9-1-1 system consolidation of systems outside a municipality with a population in excess of 500,000.

11) Are there any other rulemakings pending on this Part: No

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

12) Statement of Statewide Policy Objective: These emergency rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1327
9-1-1 EMERGENCY SYSTEMS CONSOLIDATION GRANTS

SUBPART A: GENERAL PROVISIONS

Section
1327.100 Purpose and Authorization
EMERGENCY
1327.110 Definitions
EMERGENCY
1327.120 Duties
EMERGENCY

SUBPART B: ELIGIBILITY

Section
1327.200 Application and Receipt of Grant Program Funds
EMERGENCY
1327.210 Administration of Grant Program Funds
EMERGENCY
1327.220 Appeals
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15.4b of the Emergency Telephone System Act [50 ILCS 750/15.4b].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1169, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1327.100 Purpose and Authorization
EMERGENCY

The Department establishes this Part to exercise its responsibility to *adopt rules defining the grant process and criteria for issuing grants to defray* or offset nonrecurring *costs associated*

with 9-1-1 system consolidation of systems outside of a municipality with a population in excess of 500,000 [50 ILCS 750/15.4b].

Section 1327.110 Definitions
EMERGENCY

For purposes of this Part:

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Adverse Action" means any action taken to deny, reject, reduce, suspend or terminate a grant application, request to materially amend a grant, or grant payment.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant Program" means the 9-1-1 System Consolidation Grant Program.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a

combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1327.120 Duties
EMERGENCY

For purposes of this Part:

a) The Department has the responsibility under the Act to adopt rules defining the process and criteria for issuing consolidation grants under ETSA Section 15.4b.

b) The Advisory Board has the following responsibilities under the Act to:

1) provide advice and recommendations regarding the rules defining the grant process and criteria for issuing grants, as well as the administration of the Grant Program; and

2) determine the amount allotted for grants awarded during the fiscal year and for NG9-1-1 expenses during the year pursuant to ETSA Section 30(D).

c) The Administrator has the responsibility under the Act to administer the Grant Program pursuant to ETSA Section 15.4b.

SUBPART B: ELIGIBILITY

Section 1327.200 Application and Receipt of Grant Program Funds
EMERGENCY

a) The law requires the consolidation of 9-1-1 Authorities and PSAPs outside of municipalities with a population in excess of 500,000. Subject to an appropriation of necessary funds, the Administrator, with the advice and recommendation of the Advisory Board, shall administer the Grant Program to defray or offset nonrecurring costs associated with 9-1-1 system consolidation.

b) The Administrator shall review the funding purposes of the Grant Program set forth in ETSA Section 15.4b and invite eligible 9-1-1 Authorities to submit proposals for grants to consolidate systems through a request for grant proposal (RFGP) process. Based on ETSA Section 15.4b and the proposals received in response to the RFGP, the Administrator shall select proposals for Grant Program funding.

c) The Administrator, with the advice and recommendation of the Advisory Board, shall develop an RFGP based on the following criteria:

1) the purposes, goals and objectives of ETSA Section 15.4b(a);

2) requirements imposed on the Administrator and potential recipient 9-1-1 Authorities by applicable law, regulations and guidelines;

3) the nature and complexity of the consolidation plans;

4) the analysis of the needs of eligible 9-1-1 Authorities and available resources that already address those needs; and

5) current research findings and demographic, criminal justice and statistical data that is relevant to 9-1-1 consolidation.

d) RFGPs developed under subsection (c) shall include:

1) the purposes, goals and objectives of the Grant Program;

2) requirements that applicant 9-1-1 Authorities must meet, and adhere to, such as eligibility, reporting and fiscal requirements;

3) certifications required by State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;

4) weighted criteria by which the Administrator will select proposals for funding; these such criteria shall include, but are not be limited to:

A) reducing the number of transfers of a 9-1-1 call;

B) reducing the infrastructure required to adequately provide 9-1-1 network services;

C) promoting cost savings from resource sharing among 9-1-1 Authorities;

D) facilitating interoperability and resiliency for the receipt of 9-1-1 calls;

E) reducing the number of 9-1-1 Authorities or reducing the number of PSAPs within a 9-1-1 system;

F) cost saving resulting from 9-1-1 Authorities' consolidation;

G) expanding E9-1-1 service coverage as a result of 9-1-1 Authorities' consolidation affecting areas without E9-1-1 service; and

H) whether the 9-1-1 Authority is required to consolidate under ETSA Section 15.4a;

5) the deadline by which, and location where, proposals must be received by the Administrator;

6) the total amount of funding available for distribution through the RFGP process, and the maximum amount of funding that eligible 9-1-1 systems may apply for through the submission of a proposal;

7) the anticipated time period of the consolidation projects that may be funded; and

8) funding priorities as described in ETSA Section 15.4b.

e) The Department will post a link on its website for the electronic submission of proposals for Grant Program funds in response to an RFGP, Proposals shall include a copy of the consolidation plan, as required by ETSA Section 15.4b(b).

f) On January 2 each year, the Administrator shall post an RFGP for Grant Program funds available during the current granting period.

g) The Advisory Board shall recommend the award of grant funds, based on the criteria set forth in the RFGP, as described in subsection (d). Advisory Board recommendations shall be made and reported at public meetings conducted in conformance with the Open Meetings Act [5 ILCS 120].

h) By June 30 each year, the Administrator shall award funds under the Grant Program. The Department will enter into a Grant Agreement with each grant recipient specifying the terms and conditions under which the 9-1-1 consolidation projects are to be conducted and the funds are to be received. The terms and conditions shall include, but are not limited to, reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the Grant Agreement, and audit procedures as described

in ETSA Section 40 and the Grant Accountability and Transparency Act (GATA) [30 ILCS 708].

Section 1327.210 Administration of Grant Program Funds
EMERGENCY

a) All Grant Program recipients shall operate in conformance with the following State statutes, when applicable: the Illinois Grant Funds Recovery Act [30 ILCS 705]; Grant Accountability and Transparency Act [30 ILCS 708]; the Illinois Procurement Code [30 ILCS 500]; and the State Comptroller Act [15 ILCS 405].

b) Grant funds shall:

1) not be awarded to cover or reimburse costs for exceeding the applicable grade of service;

2) not be released until a consolidation plan has been approved for the requestor;

3) only be spent or reimbursed in accordance with the approved request; and

4) if not spent, be repaid to the State in accordance with the Grant Funds Recovery Act [30 ILCS 705] and 89 Ill. Adm. Code 511.

c) Notwithstanding subsection (d), the Department will suspend performance of any Grant Agreement for a period not to exceed 28 days when there has been a determination of nonconformance with any federal or State law or rule, or the terms or conditions of the Grant Agreement. The Department will reinstate performance of a Grant Agreement that has been suspended if the nonconformance is corrected within 28 days after the date of suspension. However, notwithstanding subsection (d), a Grant Agreement for which performance has been suspended will be terminated by the Department if performance of the Grant Agreement is not reinstated within 28 days after its suspension. Written notice of all such actions by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.

d) Upon the request of a Grant Program recipient, the Department will extend the length of time performance of a Grant Agreement may be suspended beyond 28

days for an additional period not to exceed 14 days, if the nonconformance for which the performance of the Grant Agreement was suspended can be corrected within the extended period and the correction would result in fulfillment of the terms of the Grant Agreement. An extension will be granted by the Department only with the consent of the Administrator. Since an extension granted by the Department pursuant to this subsection is initiated by the Grant Program recipient, it shall not be deemed an adverse action under this Part. However, a Grant Agreement for which the period of suspended performance has been extended pursuant to this subsection shall be terminated by the Department if performance of the Grant Agreement has not been reinstated by the Department before the extension period has expired. Written notice of all such action by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.

e) The Department will immediately terminate any Grant Agreement for any reason of nonconformance specified in subsection (c), if performance of the Grant Agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the Grant Program recipient in less than 28 days from the date of termination. Written notice of termination by the Department will be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.

f) The Department will approve any revision to a Grant Agreement if action is necessary to fulfill the terms of the Grant Agreement. Material revisions shall be reported to the Advisory Board members at or before the next Advisory Board meeting. However, if a request by a Grant Program recipient for a material revision to a grant agreement is denied by the Department, written notice of denial shall be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.

Section 1327.220 Appeals
EMERGENCY

a) The appeal procedures for this Part are subject to Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].

b) A Grant Program recipient may appeal any adverse action of the Department by writing to the Administrator within 14 days from the day the notice of adverse action is mailed to the recipient. The written appeal shall state specific reasons for

which the adverse action taken by the Department should be modified and the action requested of the Administrator, and shall be signed by the recipient's authorized official.

c) If no timely appeal is taken from an adverse action, the action of the Department will be deemed the final action of the Department.

d) When an appeal is timely filed, the Department will arrange for the Administrator to hear and decide the appeal within 49 days after the receipt of the written appeal. The Grant Program recipient will be notified of the hearing date at least 7 days prior to the hearing and shall have the right to appear before the Administrator and to be represented by counsel at the hearing.

e) At the hearing, the Administrator shall consider the written appeal submitted pursuant to subsection (b), any written response to that appeal by Department staff, and any testimony by the Grant Program recipient or Department staff to questions posed by the Administrator.

f) The Administrator shall render a decision on the appeal before adjourning the hearing and issue a written order consistent with the decision.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Standards of Service Applicable to Wireless 9-1-1 Emergency Systems

2) Code Citation: 83 Ill. Adm. Code 1328

3)

Section Numbers:	Emergency Actions:
1328.100	New Section
1328.105	New Section
1328.200	New Section
1328.205	New Section
1328.210	New Section
1328.300	New Section
1328.305	New Section
1328.310	New Section

4) Statutory Authority: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15]

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: These emergency rules will define the standards of service applicable to wireless 9-1-1 emergency systems, including requirements, implementation, authorization to operate, wireless service provisioning, wireless carrier testing, and authorized wireless 9-1-1 answering point testing.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

11) Are there any other rulemakings pending on this Part: No

12) Statement of Statewide Policy Objective: These emergency rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 1328
STANDARDS OF SERVICE APPLICABLE TO WIRELESS 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section
1328.100 Application of Part
EMERGENCY
1328.105 Definitions
EMERGENCY

SUBPART B: AUTHORIZATION TO OPERATE

Section
1328.200 General Requirements
EMERGENCY
1328.205 Implementation of Wireless 9-1-1 Service
EMERGENCY
1328.210 Authorization to Operate
EMERGENCY

SUBPART C: OPERATIONS

Section
1328.300 Wireless Service Provisioning
EMERGENCY
1328.305 Wireless Carrier Testing
EMERGENCY
1328.310 Authorized Wireless 9-1-1 Answering Point Testing
EMERGENCY

AUTHORITY: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1181, effective January 1, 2016,

for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1328.100 Application of Part
EMERGENCY

a) This Part shall apply to Emergency Telephone System Boards (ETSB), qualified governmental entities, public safety agencies, and wireless carriers in the State of Illinois, except to the extent of any exemptions conferred by law.

b) Public safety agencies and wireless carriers are encouraged to cooperate to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing and operating enhanced facilities, systems and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission (FCC) and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

Section 1328.105 Definitions
EMERGENCY

Terms used in this Part shall have the following meanings:

"9-1-1 Authority" means the ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Authorized Wireless 9-1-1 Answering Point" means an ETSB or qualified governmental entity that has been authorized by the Commission or the Department to take wireless 9-1-1 calls.

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" means, in an E9-1-1 system, the automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Cell Sector" means one face of a cell antenna (typically three sided) that operates independently of the other sectors.

"Central Office" means a switching office/facility in a telephone system that provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Commission" means the Illinois Commerce Commission.

"Default Routing" means the capability to route a 9-1-1 call to a designated (default) PSAP when the incoming 9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" means the Department of State Police.

"Director" means the Director of the Department of State Police.

"Diverse Routing" means the practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility failure.

"Emergency Call" means any type of request for emergency assistance through a 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" means an emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Local Number Portability" means the ability for a customer to change its telephone company while still keeping the same telephone number.

"Mobile Switching Office" or "MSO" means the wireless equivalent of a central office that provides switching functions for wireless calls.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"NPA" means numbering plan area or area code.

"NXX" means the first three digits of a local seven digit telephone number that identify the specific telephone company's central office serving that number.

"Number Pooling" means distributing numbers in one NXX code to more than one carrier and other strategies for optimizing the use of telephone numbers in the North American Numbering Plan (NANP) in the United States.

"Order of Authority" means a formal order of the Administrator that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Pseudo Automatic Number Identification" or "pANI" means a telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector or PSAP to which the call should be routed, also known as routing number.

"Qualified Governmental Entity" means a unit of local government authorized to provide 9-1-1 services pursuant to ETSA when no ETSB exists.

"Secondary Answering Point" or "SAP" means a location, other than a PSAP, that is able to receive the voice, data and call back number of an E9-1-1 or NG9-1-1 emergency call transferred from a PSAP and completes the call taking process by dispatching police, medical, fire or other emergency responders.

"Selective Routing" means a switching system that automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Trunk" means a communications circuit between two switching nodes (e.g., central offices, PBXs, ANI/ALI controller equipment).

"Wireless Carrier" means a provider of two-way cellular, broadband (personal communications service (PCS)), geographic area 800 MHz and 900 MHz Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of the service.

SUBPART B: AUTHORIZATION TO OPERATE

Section 1328.200 General Requirements
EMERGENCY

a) All wireless 9-1-1 calls shall only be directed to an authorized wireless PSAP.

b) The Administrator shall notify the Advisory Board upon receipt of a request from a qualified governmental entity or an ETSB when the entity requests to provide wireless 9-1-1 service in areas for which the Department has accepted wireless 9-1-1 responsibility.

c) The Administrator shall further confer with the Advisory Board only in those instances when the requesting entity does not comply with Section 1328.300.

Section 1328.205 Implementation of Wireless 9-1-1 Service
EMERGENCY

ETSBs or qualified governmental entities applying to take wireless 9-1-1 calls shall begin providing the service within 6 months after receiving written notice from the Department's Office of the Statewide 9-1-1 Administrator to function as an authorized wireless 9-1-1 answering point.

Section 1328.210 Authorization to Operate
EMERGENCY

a) ETSBs and qualified governmental entities that possess an order of authority to operate a 9-1-1 system in the State of Illinois are the only entities that shall handle wireless 9-1-1 calls. These entities shall be known as authorized wireless 9-1-1 answering points.

b) The Department shall be the default 9-1-1 wireless answering point in areas where no authorized wireless 9-1-1 answering point exists.

c) To become an authorized wireless 9-1-1 answering point, an ETSB or qualified governmental entity shall provide the Department's Office of the Statewide 9-1-1 Administrator with a plan that sets forth, at a minimum, the items contained in this subsection (c). Nothing in this Section requires the Department to follow the filing requirements in this subsection.

1) A narrative statement setting forth:

A) The name of the ETSB or qualified governmental entity or

combination of such, requesting to be a 9-1-1 wireless answering point, and the name, address and telephone number of a contact person for the ETSB or qualified governmental entity or combination;

B) A detailed explanation of the jurisdictional boundaries that will be covered, specifying whether those jurisdictional boundaries differ from the wireline 9-1-1 jurisdictional boundaries;

C) If the jurisdictional boundaries differ, an explanation of whether additional public safety agencies (fire, law enforcement, EMS) will be dispatched in response to wireless 9-1-1 calls, and how those additional public safety agencies will be dispatched, together with a list of the agencies;

D) The name of the 9-1-1 system provider and list of wireless carriers providing service in the specified jurisdiction;

E) The name, address and phone number of the project coordinator designated by 9-1-1 Authority; and

F) Phase of wireless 9-1-1 service being provided and wireless solutions (NCAS, CAS, etc.) with a timeline for implementation;

2) A list of PSAPs within the 9-1-1 system that will be answering 9-1-1 wireless calls and their addresses;

3) A list of additional public safety agencies that will need to be dispatched in response to wireless 9-1-1 calls and the associated call handling agreements prescribed in 83 Ill. Adm. Code 1325.205(b)(10)(F). These agreements are subject to the annual recertification requirements in 83 Ill. Adm. Code 1325.505;

4) A network diagram provided by the 9-1-1 system provider showing the overall system configuration. Changes made to a system that affect the ability of the system to route wireless 9-1-1 calls shall be reflected in annual filings required by 83 Ill. Adm. Code 1325.205(b)(10)(E);

5) Copies of any intergovernmental agreements entered into between ETSBs

or qualified units of local governments for providing wireless 9-1-1 service; and

6) The Test Plan required by Section 1328.305(c).

d) The Department's Office of the Statewide 9-1-1 Administrator shall review the plan and notify the entity in writing, stating whether it has the authorization to operate as an authorized wireless 9-1-1 answering point for the jurisdiction indicated in the plan.

e) In the event that an authorized wireless 9-1-1 answering point seeks to modify its existing plan on file with the Administrator, it shall file a description of the modification a minimum of 10 days in advance of any changes being made.

SUBPART C: OPERATIONS

Section 1328.300 Wireless Service Provisioning
EMERGENCY

a) Wireless 9-1-1 service connects a person who has dialed 9-1-1 to the appropriate 9-1-1 system provider. Wireless 9-1-1 service shall be provided by wireless carriers in a manner that allows the 9-1-1 system provider to comply with 83 Ill. Adm. Code 725.

b) Diverse routing shall be provided for all wireline trunking facilities used to transport and terminate the wireless 9-1-1 call where facilities are available.

c) Default routing shall be provided in the event that a wireless 9-1-1 call cannot be selectively routed. The level of default routing shall be negotiated among the 9-1-1 system provider, the wireless carrier, and the 9-1-1 authority.

d) Wireless carriers shall provide information to the appropriate 9-1-1 authority of changes that affect the identification and location information needed by an authorized wireless 9-1-1 answering point at least 10 business days prior to changes being made. The media used in providing this information shall be mutually agreed upon by the carrier and the 9-1-1 authority.

e) Prior to an authorized wireless 9-1-1 answering point going on-line, wireless carriers shall identify a primary point of contact and telephone number for each

9-1-1 authority. Wireless carriers shall adopt practices to notify this primary point of contact within 15 minutes:

1) after a confirmed outage with the system, as well as the magnitude of the outage; and

2) after the confirmed restoration of 9-1-1 services.

f) When all 9-1-1 circuits are busy in the originating mobile switching office, the switching facility, if equipped to provide the function, shall route the caller to an announcement, busy tone or reorder tone. When an all-trunks busy condition occurs in an intermediate switching facility, that machine shall, if equipped, route the caller to an appropriate backup answering location, announcement, busy tone or reorder tone.

g) Wireless carriers shall provide each 9-1-1 authority with an emergency phone number or numbers that are available 24 hours per day, 7 days per week for network and security support.

Section 1328.305 Wireless Carrier Testing
EMERGENCY

a) No circuits associated with an authorized wireless 9-1-1 answering point shall be opened, grounded, short circuited or tested in any manner until maintenance personnel have obtained release of the affected circuits from the appropriate 9-1-1 authority. Wireless carrier maintenance personnel shall advise the 9-1-1 authority regarding the length of time that will be required to perform any work involving circuits associated with an authorized wireless 9-1-1 answering point. Wireless carrier personnel shall notify the 9-1-1 authority and the 9-1-1 system provider a minimum of 48 hours prior to performing mobile office switching installations, NPA additions, NXX additions, or any other scheduled event that affects 9-1-1.

b) Each wireless carrier shall adopt mutually agreed upon testing practices, in conjunction with the 9-1-1 authority, to perform, at a minimum, mobile office to PSAP 9-1-1 test calls when any of the following changes occur:

1) New mobile switching office installations;

2) NPA and NXX pANI additions;

3) Local number portability implementations;

4) Number pooling implementations; and

5) Any other event that affects 9-1-1.

c) Each wireless carrier shall develop a testing plan in conjunction with the 9-1-1 system provider and the 9-1-1 authority for inclusion in the 9-1-1 systems' wireless plan that must be submitted to the Administrator.

Section 1328.310 Authorized Wireless 9-1-1 Answering Point Testing EMERGENCY

Ongoing testing after the authorized wireless 9-1-1 answering point is on-line shall include the following:

a) Testing with all wireless carriers, including, but not limited to, the 9-1-1 database, network trunking, system overflow, system backup, default routing, and call transfers, on an annual basis. The mutually agreed upon testing shall be coordinated in advance by the 9-1-1 authority and the participating wireless carriers.

b) Coordinated testing with the participating wireless carriers when any of the following occurs:

1) New mobile switching office installations;

2) NPA and NXX pANI additions;

3) Local number portability implementations;

4) Number pooling implementations; and

5) Any other event that affects 9-1-1.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Administration of the Statewide 9-1-1 Fund

2) Code Citation: 83 Ill. Adm. Code 1329

3)

Section Numbers:	Emergency Actions:
1329.100	New Section
1329.110	New Section
1329.120	New Section
1329.200	New Section
1329.210	New Section
1329.300	New Section
1329.310	New Section
1329.320	New Section
1329.330	New Section
1329.400	New Section
1329.405	New Section
1329.410	New Section
1329.420	New Section
1329.500	New Section
1329.510	New Section
1329.600	New Section
1329.610	New Section
1329.620	New Section
1329.630	New Section
1329.640	New Section
1329.Appendix A	New Section
1329.Appendix B	New Section

4) Statutory Authority: Implementing and authorized by Section 10 of the Wireless Emergency Telephone Safety Act [50 ILCS 750/10].

5) Effective Date: January 1, 2016

6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: December 29, 2015

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

8) A copy of the emergency rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are being filed in order to comply with 50 ILCS 750/10. Failure to adopt these rules on an emergency basis will delay the establishment of uniform technical and operational standards for all 9-1-1 systems in Illinois which is a public safety concern.

10) Complete Description of the Subjects and Issues Involved: These emergency rules will set requirements for the administration of the statewide 9-1-1 fund. This includes eligibility, transmission of subscriber information, transition of surcharge monies, allocation of surcharges, administrative costs, distribution of monies, reimbursement for network costs, surcharge disbursements for subscribers in overlapping jurisdictions, overpayments/underpayments, resolution of geographic disputes, failure to file financial reports, use of grants/surcharge disbursements, distributions subject to appropriation, records, indemnification, and intergovernmental agreements.

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

12) Statement of Statewide Policy Objective: These emergency rules may require a local government to establish, expand or modify its activities consistent with the consolidation requirements of the Emergency Telephone System Act [50 ILCS 750]. Depending upon the amount of money available in the Statewide 9-1-1 fund for grants to cover those costs, this may require a unit of local government to make additional expenditures from local revenues.

13) Information and questions regarding these emergency rules shall be directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1329
ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

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EMERGENCY
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SUBPART D: ADMINISTRATION OF THE STATEWIDE 9-1-1 FUND

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

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SUBPART E: DISPUTES

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Section
1329.600 Use of Grants and Surcharge Disbursements
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1329.630 Indemnification
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1329.640 Intergovernmental Agreement
EMERGENCY

1329.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal
EMERGENCY
1329.APPENDIX B Format of Carrier Remittance Transmittal
EMERGENCY

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1193, effective January 1, 2016, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1329.100 Scope
EMERGENCY

This Part shall apply to all carriers and 9-1-1 Authorities, except that it shall not apply to the City of Chicago.

Section 1329.110 Definitions
EMERGENCY

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrative Costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Department in performing its duties and responsibilities

under ETSA and this Part, including legal and other professional and consulting fees and expenses.

"Administrator" means the Statewide 9-1-1 Administrator.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Automatic Location Identification" or "ALI" means, in an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy Day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy Hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Carrier" means a telecommunications carrier and a wireless carrier.

"Central Office" means the site where switching equipment is located. A local central office, also called an end office, is the switching office where individual subscriber's access lines appear. It houses the equipment that receives calls transmitted on the local loop and routes the call over the switched network either directly to the person called, if the call is placed to a location served by the same local central office, or to another central office, if the call is placed to a customer served by a different central office.

"Collection" means the end of the month in which the surcharge money was received by the Carrier or Interconnected VoIP provider.

"Commission" means the Illinois Commerce Commission.

"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to Section 15.4a of the Emergency Telephone System Act [50 ILCS 750/15.4a].

"Department" means the Department of State Police.

"Emergency Call" means any type of request for emergency assistance through a 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Fund" means the Statewide 9-1-1 Fund named as such under ETSA Section 30, and includes any monies remaining in, and authority for expenditures from, the Wireless Service Emergency Fund as of January 1, 2016.

"Geospatial Mapping Data" means accurately references to a precise location on the earth's surface using latitude, longitude, elevation and data that identifies the coordinate system used.

"Grade of Service" means P.01 for Basic 9-1-1 or E9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant" means a distribution from the Fund to a 9-1-1 Authority pursuant to ETSA Section 30.

"Interconnected Voice over Internet Protocol Provider" or "Interconnected VoIP Provider" means every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service or

the meaning prescribed in 47 CFR 9.3 [220 ILCS 5/13-234 and 13-235]. VoIP service is a service that:

enables real-time, two-way voice communications;

requires a broadband connection from the user's location;

requires Internet protocol-compatible customer premises equipment; and

permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"Master Street Address Guide" or "MSAG" means the computerized geographic file that either consists of all street and address data or its functional equivalent (i.e., Geospatial Mapping Data) within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It matches an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

"NENA i3 Solution Standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3) as published on June 14, 2011, and does not include any later amendments or additions.

"Network Costs" means those recurring costs that directly relate to the operation of the 9-1-1 network, including costs for interoffice trunks, selective routing charges, transfer lines and toll charges for 9-1-1 services, Automatic Location Information (ALI) database charges, call box trunk circuit (including central office only and not including extensions to fire stations), independent local exchange carrier charges and nonsystem provider charges, carrier charges for third party database for on-site customer premises equipment, backup PSAP trunks for nonsystem providers, periodic database updates as provided by carrier (also known as "ALI data dump"), regional ALI storage charges, circuits for call delivery (fiber or circuit connection), NG9-1-1 costs, and all associated fees, taxes

and surcharges on each invoice. "Network Costs" shall not include radio circuits or toll charges that are for other than for 9-1-1 services.

"NG9-1-1 Costs" means those recurring costs that directly relate to the Next Generation 9-1-1 service including costs for Emergency System Routing Proxy (ESRP), Emergency Call Routing Function/Location Validation Function (ECRF/LVF), Spatial Information Function (SIF), the Border Control Function (BCF), and the Emergency Services Internet Protocol networks (ESInets), legacy network gateways, and all associated fees, taxes, and surcharges on each invoice.

"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Prepaid Act" means the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Subscriber" means a wireless subscriber.

"Surcharge" means a monthly amount imposed, pursuant to ETSA Section 20 on all customers of telecommunications carriers, wireless carriers and interconnected VoIP providers for the purpose of installing and maintaining an E9-1-1 or NG9-1-1 system with the exception of a municipality with a population of 500,000 or greater.

"Telecommunications Carrier" or "Carrier" shall have the same meaning ascribed in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. "Telecommunications Carrier" includes telephone systems operating as mutual concerns. "Telecommunications Carrier" does not include a wireless carrier.

"Vendor" means an entity that provides some or all elements of 9-1-1, E9-1-1, and/or other services for which it incurs network costs for one or more 9-1-1 Authorities.

"WCRF" means the Wireless Carrier Reimbursement Fund created by ETSA Section 45.

"Wireless Carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographic area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of that service.

Section 1329.120 Duties
EMERGENCY

a) The Department has the following responsibilities under the Act:

1) To adopt rules governing carrier remittances under ETSA Section 20 and surcharge disbursements to 9-1-1 Authorities under ETSA Section 30;

2) To develop and maintain a database of 9-1-1 Authorities eligible to receive grants and carriers required to collect surcharges under the Act;

3) To collect and allocate surcharges remitted by carriers into the Fund and the WCRF;

4) To make monthly surcharge disbursements to eligible 9-1-1 Authorities;

5) To account for all surcharges collected and monies disbursed;

6) To pay all 9-1-1 network costs for systems outside of municipalities having a population of at least 500,000;

7) To maintain auditable records of receipts and disbursements;

8) To procure and enter into a contract with a vendor certified under Section 13-900 of the Public Utilities Act to establish a statewide Next Generation 9-1-1 network;

9) To prescribe a form and manner for the transmittal of financial reports due annually to the Department from the 9-1-1 Authorities; and

10) To resolve disputes as required by the Act.

b) The Advisory Board has the responsibility under the Act to determine which costs are directly related to the operation of the 9-1-1 network.

SUBPART B: ELIGIBILITY

Section 1329.200 Eligibility of 9-1-1 Authorities for Surcharge Disbursements Under 30(b)(2)(E) of the Act
EMERGENCY

a) To be eligible to receive a surcharge disbursement under ETSA Section 30(b)(2)(E), any 9-1-1 Authority other than the Department must file a wireless plan with the Department's Office of 9-1-1 Administrator pursuant to 83 Ill. Adm. Code 1328.210 and provide wireless 9-1-1 service. The Department's Office of 9-1-1 Administrator will notify the entity in writing, stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the 9-1-1 Authority has received its authorization letter, it must provide the following information to the Department:

1) A detailed explanation of the geographic area the Commission or the Department has granted it authority to cover, by five-digit zip code, including all zip codes in which the provider has sole authority from the Commission or the Department to handle wireless 9-1-1 calls;

2) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission or Department to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage area by nine-digit zip code). If none are known, a statement to that effect; and

3) Copies of all agreements with other providers governing the manner in which surcharge disbursements relating to subscribers in overlapping geographic areas (defined by zip code).

b) A 9-1-1 Authority with an authorization letter from the Commission, that filed the information required under subsections (a)(1) through (3) before January 1, 2016 shall be eligible for surcharge disbursements under ETSA Section 30(b)(2)(E) without any further action under this Section, provided there is no change in the information required under subsections (a)(1) through (3).

c) Consistent with ETSA Section 15.6a(c), the Department shall be the primary wireless 9-1-1 PSAP for any jurisdiction that did not provide notice to the Commission or the Department and shall be eligible to receive surcharge disbursements without complying with this Section.

Section 1329.210 Eligibility for Network Cost Reimbursement
EMERGENCY

a) Pursuant to ETSA Section 30, the Department will pay the vendor on behalf of the 9-1-1 Authorities for network costs incurred on or after January 1, 2016 for systems outside of municipalities with a population of at least 500,000 for 9-1-1 networks maintained at the applicable grade of service.

b) Costs for 9-1-1 Authorities to exceed the applicable grade of service shall not be eligible for reimbursement unless the 9-1-1 Authority has obtained, at its own expense:

1) a traffic study demonstrating the public safety need to exceed the applicable grade of service; and

2) approval from the Administrator.

c) Except for those instances in which a 9-1-1 Authority has exceeded the applicable grade of service, if the Department determines there is some question as to whether a cost is directly related to the operation of the 9-1-1 network, the Department shall confer with the Advisory Board prior to rejecting the cost for payment.

d) 9-1-1 Authorities shall be responsible for paying the vendor any amounts billed to the Department for services provided to 9-1-1 Authorities that the Department does not pay the vendor based on a determination by the Administrator that the amounts do not represent network costs or are otherwise ineligible for reimbursement by the Department pursuant to ETSA Section 30 or this Part.

SUBPART C: GENERAL ADMINISTRATION

Section 1329.300 Transmittal of Subscriber Information
EMERGENCY

a) With the first transmittal of surcharges collected under ETSA Section 20, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber submission is due no later than August 31), each wireless carrier shall submit to the Department its updated total number of subscribers per zip code (nine-digit zip code if available) for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A, as a file attached to an email or a CD-ROM. The file shall be in text format or EXCEL format and shall be accompanied by a transmittal document or a proper label listing the carrier name and the billing month included on the submission. Transmittals shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us

b) Noncompliance with this Section shall subject the carrier to the penalty provisions of ETSA Section 20(g).

Section 1329.310 Transmittal of Surcharge Monies
EMERGENCY

a) Carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Each is responsible for collecting 9-1-1 surcharges from its end-user customers and shall remit them in aggregate to:

1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and

2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.

b) Each Interconnected VoIP provider shall charge and collect from its end-user customers 9-1-1 surcharges in the same manner as surcharges are charged and collected upon end-user customers of local exchange telecommunications service. Each Interconnected VoIP provider shall remit 9-1-1 surcharges collected from its end-user customers in aggregate to:

1) the Department, in the case of the statewide surcharge imposed by ETSA Section 20; and

2) to a municipality with a population over 500,000, in the case of a surcharge imposed by that municipality pursuant to ETSA Section 15.3.

c) Each telecommunications carrier and Interconnected VoIP provider collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges. On and after July 1, 2022, wireless carriers collecting 9-1-1 surcharges shall be entitled to deduct 3% of the gross amount of the surcharges collected for the expense of accounting and collecting the surcharges.

d) Surcharge monies collected under ETSA Section 20 shall be remitted by check or may be remitted by electronic funds transfer, once the Department implements and makes this payment remittance method available, on a monthly basis within 30 days after collection. Each remittance check shall display the remitting carrier or Interconnected VoIP provider's name and a single Federal Employer Identification Number and a unique check number on the face. The payee shall be designated as "State of Illinois, ETSA Funds".

e) Each remittance of fees under this Section shall be accompanied by a transmittal to the Department, in substantially the form set forth in Appendix B.

f) The checks and remittance transmittal shall be mailed to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Surcharge
801 South 7th Street
Springfield IL 62703

g) Funds are due to the Department within 30 days after collection from the customer, regardless of whether the carrier or Interconnected VoIP provider inadvertently paid those monies to the 9-1-1 Authority. If the carrier or Interconnected VoIP provider incorrectly pays monies due to the Department after January 1, 2016 to a 9-1-1 Authority, it shall be the carrier or Interconnected VoIP provider's responsibility to recover those monies and shall have no bearing on what is due to the Department.

h) Noncompliance with this Section shall subject the carrier or Interconnected VoIP provider to the penalty provisions of ETSA Section 20(f).

Section 1329.320 Allocation of Surcharges
EMERGENCY

a) Of each surcharge collected under this Part, the following amounts shall be transferred into the WCRF during the following periods:

1) from January 1, 2016 through June 30, 2017, $0.033;

2) from July 1, 2017 through June 30, 2018, $0.026;

3) from July 1, 2018 through June 30, 2019, $0.020;

4) from July 1, 2019 through June 30, 2020, $0.013; and

5) from July 1, 2020 through June 30, 2021, $0.007.

b) The remainder of the surcharges remitted under this Part, including all surcharges remitted after June 30, 2021, shall be deposited into the Fund.

Section 1329.330 Administrative Costs
EMERGENCY

Administrative costs shall be chargeable to the Fund, consistent with ETSA Section 30(b)(1)(C).

SUBPART D: ADMINISTRATION OF STATEWIDE 9-1-1 FUND

Section 1329.400 Distribution of Monies
EMERGENCY

a) Subject to appropriation, monies in the Fund may be used only for the purposes provided in ETSA Section 35, and shall be distributed in accordance with the priority order specified in ETSA Section 30(b), except as provided in ETSA Section 40(d) and Section 1329.610 of this Part.

1) Monies collected under the Prepaid Act shall be deposited into the Fund for distribution in accordance with ETSA Section 30(b).

2) Funds distributed under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part shall be distributed based upon the number of monthly subscribers in the geographic area (defined by zip code) in which the 9-1-1 Authority is certified as a wireless 9-1-1 service provider by the Administrator.

3) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of a 9-1-1 Authority other than the Department and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to the Department.

4) Funds allocated to the Fund for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of a 9-1-1 Authority and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible 9-1-1 Authorities in the manner set forth in subsection (b).

5) Funds otherwise payable under ETSA Section 30(b)(2)(E) and Section 1329.200 of this Part that are associated with geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made as provided in Section 1329.600.

6) *Of the amounts deposited into the Fund under Section 1329.320, $.007 of each surcharge shall be disbursed to the Department to cover its administrative costs* [50 ILCS 750/30(b)(1)(C)].

b) Funds distributed under this Section may be used to ensure the initial installation of road or street signs that are essential to the implementation of an enhanced 9-1-1 system; however, consistent with ETSA Section 35(6), the funds may not be used for ongoing expenses associated with road or street sign maintenance and replacement.

Section 1329.405 Reimbursement for Network Costs
EMERGENCY

The Department shall pay network costs incurred by 9-1-1 Authorities.

a) Vendors shall submit monthly invoices for network costs that include the same level of detail as that included in invoices provided to 9-1-1 Authorities prior to January 1, 2016, and are in sufficient detail to permit the Department and the 9-1-1 Authority to determine that the costs billed are in fact "network costs" as defined in Section 1329.110. The Department or 9-1-1 Authority may request additional invoice information from vendors. Invoices shall be submitted to:

Illinois State Police
9-1-1 Administrative Support Command
9-1-1 Network Costs
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us

b) By submitting the monthly invoices, the vendor certifies that the amount billed and expenses incurred are allowed under the Act and this Section.

c) The Department shall provide a copy of each month's invoice to the 9-1-1 Authority.

d) Changes in the 9-1-1 Network that result in increased network costs must be approved consistent with 83 Ill. Adm. Code 1324 or 1325, whichever is applicable, to be eligible for reimbursement under this Section.

e) Monthly Invoice Reconciliation

1) Within 30 days after the date the vendor invoice is received by the Department, each 9-1-1 Authority shall:

A) review the monthly invoice and verify the monthly statements; and

B) notify the Administrator and vendor in writing of any disputes identified and the basis for the disputes. If the 9-1-1 Authority does not provide notification within the 30-day time frame, the vendor invoice shall be further processed for payment.

2) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification of a dispute under subsection (e)(1) to reconcile the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their proposed resolution of the dispute or, if the dispute is not resolved, an explanation of each party's position regarding the dispute.

3) If the Department disputes any portion of an invoice on the grounds that it includes amounts that do not qualify as network costs or are otherwise ineligible for reimbursement from the Fund under ETSA Section 30, the Department will provide a written notice to the vendor and 9-1-1 Authority of that dispute, which shall identify in detail the basis for the dispute, the account number under which the invoice has been rendered, the date of the bill, and the specific items on the invoice being disputed.

4) The 9-1-1 Authority and vendor shall have 30 days following the date of any notification under subsection (e)(3) to review the dispute. Within this 30-day period, the parties must notify the Administrator in writing of their response to the dispute.

5) To the extent the dispute pertains to amounts not yet reimbursed, the Department shall pay only amounts not in dispute until a reconciliation is reached.

6) The Administrator shall review the information provided by the 9-1-1 Authority and vendor and notify the parties of its decision reconciling the

dispute within 30 days following the date of any notification under subsection (e)(2).

7) Costs that the Administrator determines are not network costs or are otherwise ineligible for reimbursement under ETSA Section 30:

A) shall be the responsibility of the 9-1-1 Authority that incurred the costs; and

B) must be paid upon the determination that the costs are ineligible for reimbursement.

f) The vendor shall continue to provide network service to the 9-1-1 Authority while any dispute concerning the payment of network costs is being resolved.

g) The Department will pay vendor amounts billed in accordance with the State Prompt Payment Act [30 ILCS 540].

Section 1329.410 Surcharge Disbursements for Subscribers in Overlapping Jurisdictions EMERGENCY

9-1-1 Authorities sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which wireless surcharge disbursements in the shared areas shall be made under ETSA Section 30(b)(2)(E). Wireless providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days notice, to submit documentation to the Department outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 1329.600.

Section 1329.420 Overpayments and Underpayments EMERGENCY

In the event of an underpayment or overpayment of grant funds, the Department shall, at least annually, take one or more of the following corrective actions:

a) Instruct an overpaid 9-1-1 Authority, by email or mail, to redirect funds with a check to the proper (underpaid) 9-1-1 Authority in applicable instances (in which case, each affected provider shall furnish proof to the Department that the redirection of funds has been completed as instructed);

b) Offset one or more future grant payments to an overpaid 9-1-1 Authority;

c) Increase one or more future grant payments to an underpaid 9-1-1 Authority; or

d) Release a grant payment to an underpaid 9-1-1 Authority on an interim basis during the month under the following conditions:

1) The underpaid 9-1-1 Authority has requested this remedy, by mail or email, due to fiscal constraints; and

2) The Statewide 9-1-1 Fund contains sufficient funds to avoid underpaying another 9-1-1 Authority on the next monthly distribution due to this interim release of funds.

SUBPART E: DISPUTES

Section 1329.500 Resolution of Geographic Disputes
EMERGENCY

a) In the event that a 9-1-1 Authority files a formal petition with the Administrator alleging an area of overlapping 9-1-1 service jurisdiction in which the 9-1-1 Authorities in that geographic area have not agreed to the manner in which surcharge disbursements in that area will be apportioned, the surcharge disbursements for that area shall be made based on reference to an official Master Street Address Guide (MSAG) or Geospatial Mapping Data, to the ETSB or qualified governmental entity whose PSAP provides wireless 9-1-1 service in that area. The petitioning 9-1-1 Authority claiming the overlapping jurisdiction shall be responsible for providing a copy of the applicable MSAG or Geospatial Mapping Data (see 83 Ill. Adm. Code 1328.105). In the event no MSAG or Geospatial Mapping Data is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, a hearing shall be held by the Administrator and the dispute shall be resolved based on the evidence available. Any monies allocated to the Fund for the geographic region in question shall be held in escrow until a final order is entered.

b) In the event that a subscriber billing address is matched to an incorrect jurisdiction, the recipient, upon notification from the Administrator, shall

redistribute the funds in question in the manner directed by the Administrator, based on the procedures in Section 1329.420.

c) In the event of a dispute between 9-1-1 Authorities concerning a subscriber billing address, a provider may file a petition with the Administrator seeking a determination of the billing address.

d) If the Administrator determines a hearing is necessary to resolve a dispute raised by a petition filed with the Administrator, the following shall apply:

1) The Administrator shall determine the date, time and location of any hearing and shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.

2) The Administrator shall appoint an administrative law judge (ALJ) to preside over the hearing.

A) Any testimony requested or permitted shall be under oath or affirmation, which will be administered by the ALJ.

B) Hearings shall be open to the public; however, only those members of the public who have filed a witness slip and have been acknowledged will be permitted to speak during the hearing.

3) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the presiding ALJ.

4) A transcript of the recorded hearing shall be provided to the applicant upon written request.

A) The cost of transcription shall be the responsibility of the applicant.

B) Fees shall not exceed the actual cost for the preparation of the transcript.

C) The record need not be transcribed unless the Board receives a written request and fee from the applicant in accordance with this Section.

5) Regardless of whether a hearing is called, all disputes shall be resolved by a final order of the Administrator.

Section 1329.510 Failure to File Financial Reports
EMERGENCY

a) This Section applies to a 9-1-1 Authority that receives monies from the Fund and fails to file the 9-1-1 system financial reports required:

1) by Section 27 of the Wireless Emergency Telephone Safety Act [50 ILCS 751] through December 31, 2015, applicable to reports due October 1, 2015; or

2) beginning January 1, 2016, by ETSA Section 40.

b) A 9-1-1 Authority that fails to file the reports required by subsection (a) is referred to in the remainder of this Section as a "noncompliant provider".

c) The financial statements required under subsection (a) shall be reviewed to determine whether a 9-1-1 Authority that receives funds from the Wireless Service Emergency Fund has failed to file the 9-1-1 system financial reports as required by law, or has filed a report that is not *in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting* [50 ILCS 751/27(b)], in the case of reports due October 1, 2015, or has filed a report that is not *in a form and manner prescribed by the Department* [50 ILCS 750/40(b)], in the case of reports due October 1, 2016 and after. Agency employees shall present to the agency head a verified report concerning each allegedly noncompliant provider.

d) When the agency head receives a verified staff report concerning an allegedly noncompliant provider and determines that the staff report establishes a basis to proceed, it shall initiate a formal show-cause proceeding by Order, and shall also provide for the withholding of monthly surcharge disbursements as follows:

1) If the staff report establishes that the noncompliant provider has not filed a report at all, the Order shall direct that the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 be suspended and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e); or

2) If the staff report states that the noncompliant provider has made an effort to file a report, but the report is not substantially in the form and manner prescribed by law, the Order shall direct that the monthly surcharge disbursements otherwise payable to the allegedly noncompliant provider under ETSA Section 30 will be suspended beginning 30 days after the date of the Order and withheld until the Department determines that the noncompliant provider is substantially in compliance with the statute and has filed the report in the form and manner prescribed by applicable law, or until the surcharge disbursements have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (e).

e) The formal proceeding shall be heard, as provided in Section 1329.600, by the Administrator, who shall make a recommendation. The Department will determine, on the basis of the record, no later than 12 months after the initiation of the proceeding, whether the surcharge disbursements should continue to be suspended and withheld pursuant to law. Any monthly surcharge disbursements that have been withheld for 12 months or more shall, without further order of the Department, be forfeited by the 9-1-1 Authority and shall be distributed proportionally to compliant 9-1-1 Authorities. The initiating order shall specify the date as of which the monthly surcharge disbursements shall begin to be forfeited as provided in this Section. A grant is deemed to be "withheld" as of the date on which the Department excludes the noncompliant provider from the list of providers forwarded to the Comptroller for payment of the monthly surcharge disbursements to providers. Nothing in this Section precludes a provider from seeking a rehearing of the order or other relief. When the Department determines that a provider previously found by the Department to be noncompliant has come into compliance, it shall immediately direct the Comptroller to pay monthly proportional surcharge disbursements to the 9-1-1 Authority under ETSA Section 30, and shall recommend, at the earliest opportunity, that the Order directing the

withholding and redistribution of that 9-1-1 Authority's monthly surcharge disbursements be rescinded, to the extent that the surcharge disbursements have not already been forfeited pursuant to ETSA Section 40(d).

f) The payment of any monthly proportional grant to a 9-1-1 Authority shall not constitute acknowledgment that ETSB or the qualified governmental entity has filed a 9-1-1 system financial report as required under ETSA Section 40, or has filed a report that is in a form and manner prescribed by the Department.

g) Any proceeding initiated by the Commission before January 1, 2016, under 83 Ill. Adm. Code 729.610 and Section 27 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/27], shall continue to completion under those provisions after January 1, 2016, as provided in ETSA Section 75(c).

SUBPART F: MISCELLANEOUS

Section 1329.600 Use of Grants and Surcharge Disbursements
EMERGENCY

Grants and surcharge disbursements may be used only for the purposes set forth in ETSA.

Section 1329.610 Distributions Subject to Appropriation
EMERGENCY

a) Notwithstanding any other provision of this Part, grants and surcharge disbursements shall be payable solely from funds appropriated by the General Assembly to the Fund for the purpose of making disbursements under this Part.

b) The Department shall notify eligible providers and vendors of any applicable lack of appropriations as soon as is practicable.

Section 1329.620 Records
EMERGENCY

a) Surcharge
Carriers and Interconnected VoIP providers shall maintain detailed books and records related to surcharges billed and collected by geographic area, where applicable.

b) Network Costs
Vendors shall maintain records necessary to support invoices submitted for network costs in accordance with applicable law and generally accepted accounting principles.

c) Grants and Surcharge Disbursements
9-1-1 Authorities shall maintain detailed books and records related to consolidation grants and surcharge disbursements received and use of those funds in accordance with applicable law and generally accepted accounting principles.

d) Effective January 1, 2016, all books and records shall be retained for a minimum of five years. All books and records shall be available for review or audit by the Department, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Carriers, vendors, Interconnected VoIP providers, and 9-1-1 Authorities shall cooperate fully with any such review or audit. If any audit indicates overpayment or underpayment to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, the Department shall adjust payments otherwise due. If no payments are due and owed to a carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority, or if the overpayment exceeds the amount otherwise due, the carrier, vendor, Interconnected VoIP provider, or 9-1-1 Authority shall immediately refund all amounts that may be due to the Fund.

Section 1329.630 Indemnification
EMERGENCY

Except as explicitly set forth in ETSA, and except as explicitly prohibited by law, each 9-1-1 Authority requesting surcharge disbursements shall indemnify and hold the State of Illinois, including the Commission and the Department, and their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses that may arise by reason of the functions or services provided by the Commission and the Department under ETSA and this Part. In the event of any demand or claim against the Commission or the Department, the Commission or Department will notify the responsible 9-1-1 Authority in writing. The Commission and the Department may elect to defend any demand or claim and will be entitled to be paid by the 9-1-1 Authority for all damages, costs and attorneys' fees incurred.

Section 1329.640 Intergovernmental Agreement

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

EMERGENCY

Section 75 of the Act permits the Department to enter into an intergovernmental agreement with the Commission for assistance in carrying out its duties. The agreement may provide for funding for the Commission. Any assistance provided by the Commission under the agreement shall be compensated through the Department from the Fund, as agreed between the Department and the Commission. Consideration under the agreement may include services provided by employees of either agency to the other agency.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Section 1329.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal
EMERGENCY

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email or a CD-ROM

File Format: Text file or Microsoft EXCEL file

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:
Hcarriername

Trailer
T99999999990

This is a sample text file:

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HCARRIERNAME
99999999904106270412340000000005
99999999904106270400000000000025
T0000000002999999999

Questions concerning the field requirements may be addressed to:

Illinois State Police
9-1-1 Administrative Support Command
801 South 7th Street
Springfield IL 62703
Email: 911_Admin_Support@isp.state.il.us
Phone: 217/785-2035

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Section 1329.APPENDIX B Format of Carrier Remittance Transmittal EMERGENCY

WIRELINE / VoIP CARRIER REMITTANCE FORM FOR ILLINOIS 9-1-1 SURCHARGE

CARRIER NAME _____

CARRIER FEIN # _____

CARRIER ADDRESS _____
CITY/ST/ZIP _____
CONTACT NAME _____
CONTACT PHONE # _____

CHECK NUMBER _____
CHECK DATE _____

REMITTANCE BREAKDOWN:

REMIT MONTH / YEAR _____

Service Type	Number	Connections	Amount Remitted
Wireline		$0.87	$ -
Interconnected VoIP		$0.87	$ -
Less 3% Admin if withheld (Wireline and VoIP only)		3%	$ -
TOTAL PAYMENT	-		$ - *

*** If remitting multiple months, please attach remittance detail by month on a separate page.**

- **The surcharge rate is $0.87 per connection, per month, for connections located outside of the City of Chicago; see section 20 of the Emergency Telephone System Act.**
- **Pre-paid wireless surcharge should be remitted to the Department of Revenue. Contact them, or visit http://www.tax.illinois.gov for further information.**

Send Check and remittance form to:
Illinois State Police
911 Administrative Support Command
911 Surcharge
801 South 7th Street

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

Springfield, IL 62703

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 29, 2015 through January 4, 2016. The rulemakings are scheduled for review at the Committee's February 9, 2016 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/11/16	Department of Natural Resources, Falconry and the Captive Propagation of Raptors (17 Ill. Adm. Code 1590)	10/30/15 39 Ill. Reg.14116	2/9/16

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3)

Section Numbers:	Actions:
300.20	Amendment
300.120	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 1; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 304; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Placement and Visitation Services

2) Code Citation: 89 Ill. Adm. Code 301

3)

Section Numbers:	Actions:
301.20	Amendment
301.60	Amendment
301.70	Amendment
301.80	Amendment
301.220	Amendment
301.230	Amendment
301.250	New Section
301.255	New Section

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 19; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 305; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Services Delivered by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 302

3)

Section Numbers:	Actions:
302.20	Amendment
302.40	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 47; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 306; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Access to and Eligibility for Child Welfare Services

2) Code Citation: 89 Ill. Adm. Code 304

3)

Section Number:	Action:
304.2	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 62; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 307; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible

2) Code Citation: 89 Ill. Adm. Code 309

3)

Section Numbers:	Actions:
309.20	Amendment
309.30	Amendment
309.35	New Section
309.40	Amendment
309.100	Amendment
309.110	Amendment
309.130	Amendment
309.135	New Section
309.140	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 74; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 308; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Permanency Planning

2) Code Citation: 89 Ill. Adm. Code 315

3)

Section Numbers:	Actions:
315.20	Amendment
315.30	Amendment
315.45	Amendment
315.70	Amendment
315.120	Amendment
315.125	New Section
315.130	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 98; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 309; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Administrative Case Reviews and Court Hearings

2) Code Citation: 89 Ill. Adm. Code 316

3)

Section Numbers:	Actions:
316.20	Amendment
316.30	Amendment
316.40	Amendment
316.80	Amendment
316.110	Amendment
316.120	Amendment
316.130	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 123; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 310; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Interstate Placement of Children

2) Code Citation: 89 Ill. Adm. Code 328

3) Section Number: 328.2 — Action: Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 137; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 311; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Service Appeal Process

2) Code Citation: 89 Ill. Adm. Code 337

3)

Section Number:	Action:
337.20	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 143; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 312; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Appeal of Foster Family Home License Denials by Relative Caregivers

2) Code Citation: 89 Ill. Adm. Code 338

3) Section Number: 338.20 Action: Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 153; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 313; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Authorized Child Care Payments

2) Code Citation: 89 Ill. Adm. Code 359

3)

Section Number:	Action:
359.2	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 159; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 314; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3)

Section Numbers:	Actions:
402.2	Amendment
402.12	Amendment
402.16	Amendment

4) Date Notice of Proposed Rules published in the Register: 39 Ill. Reg. 165; January 2, 2015

5) Date Notice of Objection published in the Register: 40 Ill. Reg. 315; January 4, 2016

6) Summary of Agency Response to Objection: These rules cover virtually every aspect of the Department's operations, from the front end when a child first comes in to care until post-adoption, and includes those who have aged out of the system who may have siblings coming into care. The Department has worked diligently to create this comprehensive rulemaking while faced with the challenge of reorganization and several changes of Director. The Department agrees that rulemakings need to be done in a timely manner and will seek to complete the rulemaking process in the required timeframes going forward.

ILLINOIS DEPARTMENT OF AGRICULTURE

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citations): Farmland Preservation Act, (8 Ill. Adm. Code 700)

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from unnecessary state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/4]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/785-2661
fax: 217/557-0993

G) Related rulemaking and other pertinent information: None

b) Part (Heading and Code Citations): Sustainable Agriculture, (8 Ill. Adm. Code 750)

1) Rulemaking:

ILLINOIS DEPARTMENT OF AGRICULTURE

JANUARY 2016 REGULATORY AGENDA

A) Description: The intent of the Sustainable Agriculture Act to provide funding for the developmental research program that serves production agriculture in Illinois. The purpose of this rulemaking is to update Section 750.40 Guidelines for Research, Demonstration and Education Projects.

B) Statutory Authority: Sustainable Agriculture Act [505 ILCS 135/4]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date agency anticipates First Notice: March 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/785-5594
fax: 217/557-0993

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Groundwater Use Guidelines, (8 Ill. Adm. Code 675)

1) Rulemaking:

A) Description: The intent of the Water Use Act of 1983 is for Illinois' citizens to effectively manage and conserve groundwater, to restrict withdrawals of groundwater in emergencies and to mitigate groundwater shortage conflicts. The purpose of this rulemaking is to update all sections of the administrative rules for the Act.

ILLINOIS DEPARTMENT OF AGRICULTURE

JANUARY 2016 REGULATORY AGENDA

B) Statutory Authority: Water Use Act of 1983 [525 ILCS 45/5.1]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date agency anticipates First Notice: June 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/785-2661
fax: 217/557-0993

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citations): Compassionate Use of Medical Cannabis Pilot Program Act, 8 Ill. Adm. Code 1000

1) Rulemaking:

A) Description: This rulemaking will allow for lab transportation of samples, and shared transportation by cultivation centers of product to dispensaries.

It will allow for expanded hours of delivery to dispensaries and put limitations on batch size. In order to insure that rules and application match, the lab approval process will be amended.

Changes will be made to the minimum education/experience qualifications for lab personnel. The notice of waste disposal will be reworded. We will

amend the requirements of labeling of product to allow for the physical address with a P. O. Box. Finally, we will require every batch to be tested.

B) Statutory Authority: [410 ILCS 130/165]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date agency anticipates First Notice: March 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will effect registered cultivation centers as they comply with the rulemaking changes. It is unknown how the trickle down affect would impact the local communities in which the cultivation centers are located. There is only one cultivation center that is a not-for-profit entity.

F) Agency contact person for information:

Jack Campbell
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/785-2661
fax: 217/557-0993

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citations): Industrial Hemp Pilot Program, 8 Ill. Adm. Code 1100

1) Rulemaking:

A) Description: This rulemaking will develop regulations for the cultivation of industrial hemp for research purposes.

ILLINOIS DEPARTMENT OF AGRICULTURE

JANUARY 2016 REGULATORY AGENDA

B) Statutory Authority: Cannabis Control Act [720 ILCS 550/15.2]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Craig J. Sondgeroth
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citations): Meat and Poultry Inspection Act, 8 Ill. Adm. Code 125

1) Rulemaking:

A) Description: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act (225 ILCS 650/16), the Department is proposing an amendment to the federal meat and poultry products in section rules:

FSIS is amending its recordkeeping regulations to require that all official establishments and retail stores that grind raw beef products for sale in commerce maintain the following records: The establishment numbers of establishments supplying material used to prepare each lot of raw ground

beef product: all supplier lot numbers and production dates; the names of the supplied materials, including beef components and any materials carried over from one production lot to the next; the date and time each lot of raw ground beef product is produced; and the date and time when grinding equipment and other related food-contact surfaces are cleaned and sanitized.

Benefits from the rule will include averting foodborne illnesses, less costly outbreaks and recalls, and consumer confidence when purchasing ground beef.

B) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: While the rule will affect a substantial number of small businesses, the cost of complying with the proposed regulations will be relatively small on a per firm basis. IDOA inspection personnel will offer assistance and help in distributing sample grinding logs from FSIS.

F) Agency contact person for information:

Dr. Kris Mazurczak
Illinois Department of Agriculture
P.O. Box 19281
Springfield IL 62794-9281

217/785-8217
fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Electronic Commerce Security Act (14 Ill. Adm. Code 105)

1) Rulemaking:

A) Description: The Department anticipates rulemaking affecting the following section:

Amend Section 105.50 to clarify that CMS's Bureau of Communications and Computer Services' (BCCS) internal audit group constitutes an independent auditor for purposes of the requirements of the Section, as the BCCS audit group is sufficiently independent to perform the PKI compliance audit and utilizing their services will prevent the Department from incurring the expense of engaging an outside auditor.

B) Statutory Authority: Authorized by 30 ILCS 10/2003(a)(4)

C) Scheduled Meeting/Hearing Dates: On or before July 1, 2016

D) Date Agency anticipates First Notice: Not Yet Scheduled

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency Contact Person for Information:

Benno Weisberg, Deputy General Counsel
Bureau of Financial and Administrative Services
100 W. Randolph St., Suite 4-500
Chicago IL 60601

312/814-0933
email: benno.weisberg@illinois.gov
fax: 312/814-0911

G) Related rulemakings and other pertinent information: None anticipated

b) Part (Heading and Code Citations): Pay Plan (80 Ill. Adm. Code 310)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2016 REGULATORY AGENDA

1) Rulemaking: Proposed, Peremptory and/or Emergency Amendments.

A) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.130 Effective Date, changes will include advancing the effective date to the new fiscal year 2017.

In Section 310.Appendix A Table D, changes to the agreement language without changing the intent to meet JCAR requests to clarify the language.

In Sections 310.Appendix A Negotiated Rates of Pay tables, changes based on bargaining unit agreements that are signed before July 1, 2016.

In various sections, changes to classifications either being established, revised or abolished with the approval of the Civil Service Commission.

In various sections, changes to which positions are represented by a bargaining unit based on a decision issued by the Illinois Labor Relations Board.

In various sections, changes to the format of the Pay Plan that reduce duplicate information and provide easier access to information contained within the Pay Plan.

B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

C) Scheduled Meeting/Hearing Dates: No meeting or hearing is scheduled. An interested person may send specific criticisms, suggestions, and/or

comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date Agency anticipates First Notice: Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Peremptory amendments based on new, revised, or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Proposed or emergency amendments to remove positions based on decisions issued by the Illinois Labor Relations Board will be filed after the date the decisions are issued.

Amendments to sections to add clarity will be filed as the Governor approves changes.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency Contact Person for Information:

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2016 REGULATORY AGENDA

email: CMS.PayPlan@Illinois.gov
fax: 217/524-4570

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

CHIEF PROCUREMENT OFFICER FOR HIGHER EDUCATION

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citations): Chief Procurement Officer for Public Institutions of Higher Education Standard Procurement, 44 Ill. Adm. Code 4

1) Rulemaking:

A) Description: The Chief Procurement Officer for Higher Education anticipates amendment to the standard procurement rules to implement changes to the small purchase threshold on the basis of a Procurement Policy Board resolution, as well as to address any other legislative changes made by the 99th General Assembly.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposals may affect small businesses that contract with the State of Illinois.

F) Agency contact person for information:

Shirley Webb
Deputy Chief Procurement Officer
Chief Procurement Office for Public Institutions of Higher Education
513 Stratton Office Building
401 S. Spring St.
Springfield IL 62706

217/558-2247

G) Related rulemakings and other pertinent information: None

ILLINOIS CONCEALED CARRY LICENSING REVIEW BOARD

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Concealed Carry Licensing Review; 20 Ill. Adm. Code 2900

1) Rulemaking:

A) Description: The rule will be amended order to update procedures associated with meetings of the Concealed Carry Licensing Review Board (CCLRB), conflicts of interest, department liaison to the CCLRB, consideration of objections, hearings, decision, and reporting.

B) Statutory Authority: 430 ILCS 66

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Mr. Philip F. Ackerman
Chief Legal Counsel
Illinois Concealed Carry Licensing Review Board
801 South Seventh Street, Suite 1200-A
Springfield IL 62703

312/793-0757

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Political Subdivision Emergency Services and Disaster Agencies (29 Ill. Adm. Code 301)

1) Rulemaking:

A) Description: The Agency will propose amendments to emergency operations plan requirements, accreditation, and the EMA grant program.

B) Statutory Authority: Authorized by and implementing the Illinois Emergency Management Agency Act [20 ILCS 3305]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Summer 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: The Agency will propose an amendment to update procedures for notifications regarding approval/disapproval of emergency operations plans.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2016 REGULATORY AGENDA

B) Statutory Authority: Authorized by and implementing the Illinois Emergency Management Agency Act [20 ILCS 3305]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Certification and Operation of Radiochemistry Laboratories (32 Ill. Adm. Code 406)

1) Rulemaking: Proposed Repealer

A) Description: The Agency will propose to repeal this outdated regulation.

B) Statutory Authority: Implemented the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)

1) Rulemaking:

A) Description: The proposed amendment will update provisions related to "Authorized Inspection Agency" and "Special Inspector" to reflect current insurance practices.

B) Statutory Authority: The Illinois Boiler and Pressure Vessel Safety Act [430 ILCS 75]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Traci Burton

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2016 REGULATORY AGENDA

Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Administrative Hearings (32 Ill. Adm. Code 200)

1) Rulemaking:

A) Description: The Agency will propose an amendment to the Agency's hearing regulations to include hearing procedures for all programs of the Agency and procedures for quashing subpoenas.

B) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act (5 ILCS 100), Illinois Grant Funds Recovery Act (30 ILCS 705), and the Radiation Protection Act of 1990 (420 ILCS 40)

C) Scheduled meeting/hearing dates: None scheduled at this time.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency does not anticipate these entities will be affected unless they have a hearing before the Agency.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides (32 Ill. Adm. Code 336)

1) Rulemaking:

A) Description: The Agency will propose to repeal this outdated regulation.

B) Statutory Authority: Implementing and authorized by Section 30(c) of the Nuclear Safety Law of 2004 [20 ILCS 3310/30(c)]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Emergency Planning and Community Right-To-Know (29 Ill. Adm. Code 620)

1) Rulemaking:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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A) Description: The Agency will propose an amendment to reflect recent changes in federal requirements and to update antiquated references.

B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100] and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Summer 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking could affect small businesses, small municipalities, and not-for-profit corporations if they possess hazardous chemicals or materials.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Development, Annual Review, Coordination of Chemical Safety Contingency Plans (29 Ill. Adm. Code 610)

1) Rulemaking:

A) Description: The Agency will propose an amendment to update this Part to reflect current practices and references.

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B) Statutory Authority: Implementing the Illinois Chemical Safety Act (430 ILCS 45) and the Illinois Emergency Management Agency Act [20 ILCS 3305]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Summer 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking could minimally affect small businesses, small municipalities, and not-for-profit corporations if they possess hazardous chemicals or materials.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)

1) Rulemaking:

A) Description: The Agency will propose an amendment to Section 330.40(d) to clarify and update the exemption for current procedures and practices regarding water treatment residuals. In addition, the Agency is anticipating proposing new language in Section 330.20 to provide a definition of water treatment residuals and in Section 330.220 to add a general license category for water treatment facilities that do not meet the exemption requirements in Section 330.40(d).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]

C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced in the *Illinois Register*.

D) Date agency anticipates First Notice: Spring/Summer 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Agency anticipates that small municipalities and some not-for-profit corporations will be affected if they are producing or in possession of water treatment residuals.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: The Agency will propose to amend Section 330.310 (i)(l) to include sealed sources in the 2 year storage restriction for radioactive material that is not being used.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]

C) Scheduled meeting/hearing dates: None Scheduled.

D) Date Agency anticipates First Notice: Summer 2016

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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E) Effect on small businesses, small municipalities or not-for profit corporations: This rulemaking may affect those entities that have radioactive material in storage by increasing the level of oversight of that material and may result in costs for disposal of that unwanted material. The positive result will be the decrease in overall state inventory of unwanted radioactive material.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

1) Rulemaking:

A) Description: The Agency will propose to amend Section 310.60 to address costs associated with subject matter experts to perform investigations beyond the scope of normal Agency operations. The Agency is also proposing to amend Sections 330.30, 330.210, 330.240, 330.260 and 330.300 to include additional restrictions on the distribution of radioactive source material in accordance with the U.S. Nuclear Regulatory Commission's RATS ID 2013-2. This is a federal compatibility B requirement.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Summer 2016

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E) Effect on small businesses, small municipalities or not-for-profit corporations: For distribution of source material, the changes may require facilities currently possessing source materials under an exemption or general license to notify the Agency of certain transactions or to apply for a specific license for manufacturing or distribution of products containing source material.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Standards for Protection Against Radiation (32 Ill. Adm. Code 340)

1) Rulemaking:

A) Description: The Agency will propose to amend Section 340.810(g) to require two independent physical controls for all portable devices, not just portable gauges.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Summer 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments could affect all entities that have portable devices containing radioactive material.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises (32 Ill. Adm. Code 501)

1) Rulemaking:

A) Description: The Agency will propose an amendment to update contact information.

B) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency1035 Outer Park Drive
Springfield IL 62704

217/524-0770

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2016 REGULATORY AGENDA

Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Fees for Radioactive Material Licensees and Registrants (32 Ill. Adm. Code 331)

1) Rulemaking:

A) Description: The Agency will propose an amendment to update billing procedures to reflect current practices for reciprocity licenses.

B) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: There will be no effect on Illinois-based entities.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
Fax: 217/524-3698

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2016 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Program (35 Ill. Adm. Code 365)

1) Rulemaking:

A) Description: The Agency plans to propose amendments updating existing regulations pertaining to issuing loans from the Water Pollution Control Loan Program in order to be consistent with statutory amendments to the Environmental Protection Act.

B) Statutory authority: Authorized by Section 19.1 through 19.10 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.10]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small business, small municipalities or not-for-profit corporations: All small businesses, small municipalities, or not-for-profit corporations seeking loans under the Water Pollution Control Loan Program could be affected. Eligibility for loans to small businesses, small municipalities, or not-for-profit corporations may be expanded due to the amendment of "treatment works" under Section 19.2 of the Environmental Protection Act.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.gov

G) Related rulemakings and other pertinent information: This rulemaking reflects changes as a result of the Governor's/Agency's Clean Water Initiative (SB 2780). *See also* rulemaking for Procedures for Issuing Loans from the Public Water Supply Loan Program; 35 Ill. Adm. Code 662.

b) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Public Water Supply Loan Program (35 Ill. Adm. Code 662)

1) Rulemaking:

A) Description: The Agency plans to propose amendments updating existing regulations pertaining to issuing loans from the Public Water Supply Loan Program in order to be consistent with statutory amendments to the Environmental Protection Act.

B) Statutory authority: Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 19.9]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small business, small municipalities or not-for-profit corporations: All small businesses, small municipalities, or not-for-profit corporations seeking loans under the Water Pollution Control Loan Program could be affected. Eligibility for loans to small businesses, small municipalities, or not-for-profit corporations may be expanded due to the amendment of "treatment works" under Section 19.2 of the Environmental Protection Act.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Rex L. Gradeless
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2016 REGULATORY AGENDA

Springfield IL 62794-9276

217/782-5544
rex.gradeless@illinois.gov

G) Related rulemakings and other pertinent information: This rulemaking reflects changes as a result of the Governor's/Agency's Clean Water Initiative (SB 2780). *See also* rulemaking for Procedures for Issuing Loans from the Water Pollution Control Program; 35 Ill. Adm. Code 365.

c) Part(s) (Heading and Code Citation): Water Supply Operator Certification, 35 Ill. Adm. Code 681

1) Rulemaking:

A) Description: The Illinois EPA plans to amend the regulations for water supply operator certification to clarify how equivalent hands on credit is awarded by the Agency when reviewing certification applications; add a time limit to the water supply operator examination; add a limit to the number of times a person can take the water supply certification in one year; update the procedural rules for sanction proceedings; update the procedures for granting reciprocal certification.

B) Statutory authority: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.365 of the Act, i.e., it has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance. The Agency anticipates the proposed rulemaking will help

small business, small municipalities or not-for-profit corporations because they will be able to recruit and hire operators in training.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Joanne M. Olson
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
joanne.olson@illinos.gov

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citations): Procedures for Issuing Municipal Waste Planning and Nonhazardous Solid Waste or Municipal Waste Enforcement Grants (35 Ill. Adm. Code 870)

1) Rulemaking:

A) Description: In order to eliminate unnecessary regulations, the Agency plans to repeal sections of 35 Ill. Adm. Code 870, which sets forth the procedures for issuing Municipal Waste Planning and Nonhazardous Solid Waste or Municipal Waste Enforcement grants.

B) Statutory Authority: Authorized by Section 22.15 of the Environmental Protection Act [415 ILCS 5/22.15].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking has no effect on small businesses, small municipalities, or not-for-profit corporations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Jennings
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
james.m.jennings@illinois.gov

G) Related rulemakings and other pertinent information: State of Illinois Nonhazardous Municipal Waste Enforcement Grants [35 Ill. Adm. Code 871].

e) Part(s) (Heading and Code Citations): General Conditions of State of Illinois Nonhazardous Municipal Waste Enforcement Grants. (35 Ill. Adm. Code 871)

1) Rulemaking:

A) Description: In order to eliminate unnecessary regulations and simplify the overall regulatory structure relating to certain grants, the Agency plans to repeal 35 Ill. Adm. Code 870, which sets forth the procedures for issuing certain Municipal Waste grants, and amend 35 Ill. Adm. Code 871 to include portions of 35 Ill. Adm. Code 870 that remain applicable.

B) Statutory Authority: Authorized by Section 22.15 of the Environmental Protection Act [415 ILCS 5/22.15]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have a direct effect on small businesses, small municipalities, or not-for-profit corporations, unless any such entity has executed a written delegation agreement with the Illinois EPA in accordance with Section 4(r) of the Environmental Protection Act. In addition, this rule would affect applicable small businesses, small municipalities, or not-for-profit corporations only to the extent that those entities seek to financial assistance for the performance of inspection, investigation, and enforcement activities at nonhazardous solid waste disposal sites.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Jennings
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
james.m.jennings@illinois.gov

G) Related rulemakings and other pertinent information: Procedures for Issuing Municipal Waste Planning and Nonhazardous Solid Waste or Municipal Waste Enforcement Grants [35 Ill. Adm. Code 870].

f) Part(s) (Heading and Code Citations): Pharmaceutical Collection Program (35 Ill. Adm. Code 889)

1) Rulemaking:

A) Description: The new rules will establish a medication take-back program to ensure there are pharmaceutical product disposal options for residents across the state.

ENVIRONMENTAL PROTECTION AGENCY

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B) Statutory Authority: Authorized by Section 22.55(l) of the Environmental Protection Act [415 ILCS 5/22.55(l)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2016.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking has no effect on small businesses, small municipalities, or not-for-profit corporations unless those entities elect to host a pharmaceutical product collection program or one-day pharmaceutical product collection event.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

James Jennings
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
james.m.jennings@illinois.gov

G) Related rulemakings and other pertinent information: None.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citations): Health Facilities and Services Review Operational Rules, 77 Ill. Adm. Code 1130

1) Rulemaking:

A) Description: The Board will amend this Part as necessary to reflect changes made to 20 ILCS 3960 by the 99th General Assembly.

B) Statutory Authority: 20 ILCS 3960

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: The Board has not determined a date at this time.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jeannie Mitchell, Assistant General Counsel
Health Facilities and Services Review Board
69 West Washington Street
Suite 3501
Chicago IL 60602

312/814-6226
Email: Jeannie.Mitchell@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): Criteria and Procedure for Recognition of Areawide Health Planning Organizations for Health Facilities Planning, 77 Ill. Adm. Code 1170

1) Rulemaking:

A) Description: The Board will repeal this Part because the Board no longer uses areawide health planning organizations to review applications for permit.

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JANUARY 2016 REGULATORY AGENDA

B) Statutory Authority: 20 ILCS 3960

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jeannie Mitchell, Assistant General Counsel
Health Facilities and Services Review Board
69 West Washington Street
Suite 3501
Chicago IL 60602

312/814-6226
Email: Jeannie.Mitchell@illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Appropriateness Review, 77 Ill. Adm. Code 1250

1) Rulemaking:

A) Description: The Board will repeal this Part because the Board no longer conducts an appropriateness review. The review that the Board conducts are set forth in other Parts, including 77 Ill. Adm. Code 1100 and 77 Ill. Adm. Code 1110.

B) Statutory Authority: 20 ILCS 3960

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: Spring 2016

HEALTH FACILITIES AND SERVICES REVIEW BOARD

JANUARY 2016 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jeannie Mitchell, Assistant General Counsel
Health Facilities and Services Review Board
69 West Washington Street
Suite 3501
Chicago IL 60602

312/814-6226
Email: Jeannie.Mitchell@illinois.gov

G) Related rulemakings and other pertinent information: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Access to Public Records of the Illinois Housing Development Authority (2 Ill. Adm. Code 1976)

1) Rulemaking:

A) Description: Amend various sections to conform with the updated FOIA law.

B) Statutory Authority: Section 3 of the Illinois Freedom of Information Act [5 ILCS 140/3]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago IL 60611

312/836-5214

G) Related rulemakings and other pertinent information: Access to Public Records of the Illinois Housing Development Authority 2 Ill. Adm. Code 1976

b) Part (Heading and Code Citation): Rental Housing Support Program (47 Ill. Adm. Code 380)

1) Rulemaking:

A) Description: Amend various sections to conform with recently passed Legislation and other administrative changes.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2016 REGULATORY AGENDA

B) Statutory Authority: Rental Housing Support Act [310 ILCS 105] and Illinois Housing Development Act [20 ILCS 3805/12]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago IL 60611

312/836-5214

G) Related rulemakings and other pertinent information: Rental Housing Support Program 47 Ill. Adm. Code 380

c) Part (Heading and Code Citation): Multifamily Rental Housing Mortgage Loan Program (47 Ill. Adm. Code 310)

1) Rulemaking:

A) Description: Amend various sections to conform with recently passed Legislation and other administrative changes.

B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2016 REGULATORY AGENDA

F) Agency contact person for information:

Amanda Carone
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago IL 60611

312/836-5214

G) Related rulemakings and other pertinent information: Multifamily Rental Housing Mortgage Loan Program 47 Ill. Adm. Code 310

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Administration (59 Ill. Adm. Code 101)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708]

B) Statutory Authority: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100]

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Grants (59 Ill. Adm. Code 103)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Sections 15, 34 and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Service Charges (59 Ill. Adm. Code 106)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Chapter 5 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/Ch. 5] and Section 11 of the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110/11], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

217/785-9772

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Minimum Standards for Certification of Developmental Training Programs (59 Ill. Adm. Code 119)

1) Rulemaking:

A) Description: This rulemaking updates the language to be consistent with new federal HCBS waiver regulations which add flexibility to help increase integration into community-based day programs.

B) Statutory Authority: Implementing Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.2] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 15.2 of the Mental Health and Developmental Disabilities Administrative Act.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses that provide developmental disability services in community-based day programs.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Children's Mental Health Screening, Assessment and Support Services Program (59 Ill. Adm. Code 131)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Children's Mental Health Act of 2003 [405 ILCS 49] and Section 5-5.23 of the Illinois Public Aid Code [305 ILCS 5/5-5.23]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

f) Part (Heading and Code Citation): Individual Care Grants for Mentally Ill Children (59 Ill. Adm. Code 135)

1) Rulemaking:

A) Description: This rulemaking is necessary to repeal the section. Pursuant to PA 99-479, the Individual Care Grants program was transferred to the Department of Healthcare and Family Services.

B) Statutory Authority: Implementing Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; PA 99-479.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: March, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations who are Individual Care Grant providers.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

g) Part (Heading and Code Citation): Mental Health Reporting for Firearm Owner's Identification Card (59 Ill. Adm. Code 150)

1) Rulemaking:

A) Description: This rulemaking is necessary to implement PA 99-29.

B) Statutory Authority: Implementing and authorized by the Firearm Concealed Carry Act [430 ILCS 66/95] and Sections 6-103.2 and 6-103.3 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/6-103.2 and 6-103.3]; PA 99-29.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: January, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations who are involved in making mental health determinations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Maternal and Child Health Services Code (77 Ill. Adm. Code 630)

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Family Planning Services Code (77 Ill. Adm. Code 635)

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

1) Rulemaking:

A) Description: This rulemaking shifts responsibility for Family Planning Services to IDPH and is also necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 2310-10 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Problem Pregnancy Health Services and Care Projects (77 Ill. Adm. Code 655)

1) Rulemaking:

DEPARTMENT OF HUMAN SERVICES

JANUARY 2016 REGULATORY AGENDA

A) Description: This rulemaking shifts responsibility for Problem Pregnancy Health Services and Care Projects to IDPH and is also necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Problem Pregnancy Health Services and Care Act (410 ILCS 230); 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): WIC Vendor Management Code (77 Ill. Adm. Code 672)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Award and Monitoring of Funds (77 Ill. Adm. Code 2030)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Authorized by the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Schedule of Controlled Substances (77 Ill. Adm. Code 2070)

1) Rulemaking:

A) Description: This rulemaking is necessary to replace the current formatting of the rule with a mirror image of the Federal Drug Enforcement Administration's official listing of substances that have been scheduled as Schedules I through V as set forth within the Federal Controlled Substances Act (21 USC 801 et seq.).

B) Statutory Authority: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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217/785-9772

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Electronic Prescription Monitoring Program (77 Ill. Adm. Code 2080)

1) Rulemaking:

A) Description: This rulemaking is necessary to add Naloxone as a selected, non-Schedule II through V product to be reported when used by an emergency department, EMT, police department, school or community pharmacy as an opioid overdose antagonist.

B) Statutory Authority: Implementing and authorized by Sections 316, 317, 318, 319, 320 and 321 of Article III of the Illinois Controlled Substances Act [720 ILCS 570/316, 317, 318, 319, 320 and 321].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Electronic Prescription Monitoring Program.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): School-Based/Linked Health Centers (77 Ill. Adm. Code 2200)

1) Rulemaking:

A) Description: This rulemaking shifts responsibility for School-Based/Linked Health Centers to IDPH and is also necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45] and the Problem Pregnancy Health Services and Care Act [410 ILCS 230] and authorized by Sections 80-15 and 80-30 of the Department of Human Services Act [20 ILCS 1305/80-15 and 80-30]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Illinois AmeriCorps Program (77 Ill. Adm. Code 2250)

1) Rulemaking:

A) Description: This rulemaking shifts responsibility for the Illinois AmeriCorps Program to IDPH and is also necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing the National and Community Service Trust Act of 1993 (42 USC 12501 et seq.) and the federal rules promulgated under that Act applicable to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522 and 2540); 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Child Care (89 Ill. Adm. Code 50)

1) Rulemaking:

A) Description: This rulemaking will make the following revisions to the Child Care Program:

Adds language to provide for a process by which a child care staff member (including a prospective child care staff member) may appeal the result of a criminal background check conducted under Section 50.430 to challenge the accuracy or completeness of the information contained in such member's criminal background report; and adds language to ensure that each child care staff member shall be given notice of the opportunity to appeal. Revisions are also necessary to make the rule consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]; Child Care Development Block Grant – Reauthorization 658H.e.3.A., 658H.e.B.i., 658H.e.3.B.ii, 658H.e.3.B.iii, 658H.e.4; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): Refugee/Repatriate Program (89 Ill. Adm. Code 115)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.5, 12-4.6 and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

u) Part (Heading and Code Citation): Crisis Assistance (89 Ill. Adm. Code 116)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

v) Part (Heading and Code Citation): Related Program Provisions (89 Ill. Adm. Code 117)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

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w) Part (Heading and Code Citation): Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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217/785-9772

G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citation): Administration of Social Service Programs (89 Ill. Adm. Code 130)

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1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/9-1, 12-4.5 through 12-4.7, and 12-13]; and Sections 2 and 3 of the Domestic Violence Shelters Act [20 ILCS 1310/2 and 3]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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217/785-9772

G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citation): Developmental Disabilities Services (89 Ill. Adm. Code 144)

1) Rulemaking:

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A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Delivery of Youth Services Funded by the Department of Human Services (89 Ill. Adm. Code 310)

1) Rulemaking:

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A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 80-30 of the Department of Human Services Act [20 ILCS 1305/80-30] and Section 3-1 of the Juvenile Court Act [705 ILCS 405/3-1]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citation): Community Services (89 Ill. Adm. Code 313)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 80-30 of the Department of Human Services Act [20 ILCS 1305/80-30]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

bb) Part (Heading and Code Citation): Administration and Funding of Community-Based Services to Youth (89 Ill. Adm. Code 334)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing [20 ILCS 505/17 and 17a] and authorized by An Act to create the Department of Human Services [20 ILCS 1305/80-30]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

cc) Part (Heading and Code Citation): Early Intervention Program (89 Ill. Adm. Code 500)

1) Rulemaking:

A) Description: This rulemaking corrects the address listed in the administrative rules for requesting a Due Process Hearing or Mediation with the Department for the Early Intervention Program. To comply with Section 500.110(i), this rulemaking will also correct Section 500.120(f) to establish that providers shall maintain and make available to the System adequate books, records and supporting documents regarding provision of and billing for services and devices for a minimum of 6 years. Revisions are also necessary to make the rule consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Early Intervention Services System Act (325 ILCS 20/8]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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G) Related rulemakings and other pertinent information: None

dd) Part (Heading and Code Citation): Partner Abuse Intervention (89 Ill. Adm. Code 501)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing the Illinois Domestic Violence Act of 1986 [750 ILCS 60], the Domestic Violence Shelters Act [20 ILCS 1310/3], the Code of Criminal Procedure [725 ILCS 5] and the Unified Code of Corrections [730 ILCS 5]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

ee) Part (Heading and Code Citation): Universal Newborn Hearing Screening Program (89 Ill. Adm. Code 504)

1) Rulemaking:

A) Description: This rulemaking shifts responsibility for the Universal Newborn Hearing Screening Program to IDPH and is also necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Hearing Screening for Newborns Act [410 ILCS 213]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

ff) Part (Heading and Code Citation): Administrative Hearings (89 Ill. Adm. Code 508)

1) Rulemaking:

A) Description: This rulemaking will update the applicability of this rule to include hearings requested under 59 Ill. Adm. Code 116.

B) Statutory Authority: Implementing and authorized by Sections 5-10(a)(i) and 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and 100/10-5], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that administer medication in community settings.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: 59 Ill. Adm. Code 116

gg) Part (Heading and Code Citation): Fiscal/Administrative Recordkeeping and Requirements (89 Ill. Adm. Code 509)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

hh) Part (Heading and Code Citation): Grants and Grant Funds Recovery (89 Ill. Adm. Code 511)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305] and implementing Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief

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G) Related rulemakings and other pertinent information: None

ii) Part (Heading and Code Citation): Program Definitions (89 Ill. Adm. Code 521)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

jj) Part (Heading and Code Citation): Grants and Contracts (89 Ill. Adm. Code 525)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k)]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

kk) Part (Heading and Code Citation): Recovery of Misspent Funds (89 Ill. Adm. Code 527)

DEPARTMENT OF HUMAN SERVICES

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1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Authorized by Section 3(k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

ll) Part (Heading and Code Citation): Criteria for the Evaluation of Programs of Services in Community Rehabilitation Agencies (89 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

mm) Part (Heading and Code Citation): Services (89 Ill. Adm. Code 590)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

nn) Part (Heading and Code Citation): Projects with Industry (89 Ill. Adm. Code 640)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

oo) Part (Heading and Code Citation): Service Planning and Provision (89 Ill. Adm. Code 684)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

pp) Part (Heading and Code Citation): Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

qq) Part (Heading and Code Citation): Illinois Long-Term Care Partnership Program (89 Ill. Adm. Code 688)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Partnership for Long-Term Care Act [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(g)]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

rr) Part (Heading and Code Citation): Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired (89 Ill. Adm. Code 730)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Sections 3(b), (f) and (k) and 12 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), (k) and 12]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

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ss) Part (Heading and Code Citation): Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 Ill. Adm. Code 750)

1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11]; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

tt) Part (Heading and Code Citation): Centers for Independent Living (89 Ill. Adm. Code 886)

DEPARTMENT OF HUMAN SERVICES

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1) Rulemaking:

A) Description: This rulemaking is necessary to be consistent with the Grant Accountability and Transparency Act [30 ILCS 708].

B) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796; 30 ILCS 708.

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

ILLINOIS DEPARTMENT OF INSURANCE

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a) Part (Heading and Code Citations): Acquisition of Control of a Domestic Company, 50 Ill. Adm. Code 851

1) Rulemaking:

A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

Changes to Parts 851 pertain to acquisitions of IL domestic insurance companies. Proposed new Section 851.80 adds a severability clause to the rule. The changes to the Form A (Section 851.Illustration A) include new financial statement requirements for the acquiring party, removal of the previously required Notice and Summary Statement, a statement that the new owners will provide enterprise risk management information going forward, and a few minor additions. Minor edits and additions are also being made to other Sections of the rule.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected

F) Agency contact person for information:

Eric Moser
Regulatory Action Unit
Illinois Department of Insurance
320 West Washington Street, 4th Floor
Springfield IL 62767-0001

217/557-3759

ILLINOIS DEPARTMENT OF INSURANCE

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G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 852, 853, 854, 855

b) Part (Heading and Code Citations): Registration of Insurers, 50 Ill. Adm. Code 852

1) Rulemaking:

A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010. The statutory amendments are effective January 1, 2014, except for Form F requirements which are effective July 1, 2014.

The proposed amendments to Part 852 which will implement these changes pertain to registration reporting of Illinois domestic insurance companies. The Form B illustration (Section 852.ILLUSTRATION B) is being modified to include newer Incorporation by Reference language, more detailed requirements for financial statement reporting and updated biographical information requirements. 852.60 adds a severability clause, and proposed new Sections 852.50 and 852.ILLUSTRATION F will add the new Enterprise Risk Reporting (Form F) requirements in 215 ILCS 5/131.14b.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected

F) Agency contact person for information:

Eric Moser
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Illinois Department of Insurance
320 West Washington Street, 4th Floor

ILLINOIS DEPARTMENT OF INSURANCE

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Springfield IL 62767-0001

217/557-3759

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 853, 854, 855

c) Part (Heading and Code Citations): Pre-Acquisition Notification, 50 Ill. Adm. Code 853

1) Rulemaking:

A) Description: Proposed changes to Part 853 are mainly editorial, for updating, clarification and consistency with other Department rules. New Sections 853.15 and 853.30 add definitions and a severability clause to the rule. The Illustration includes changes to update the reference to applicable annual statement pages for Life, Health and Property and Casualty insurers. It also adds standardized Incorporation by Reference procedures that eliminate redundant information filing requirements for the Form CX.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected

F) Agency contact person for information:

Eric Moser
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Illinois Department of Insurance
320 West Washington Street, 4th Floor
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217/557-3759

ILLINOIS DEPARTMENT OF INSURANCE

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G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 854, 855

d) Part (Heading and Code Citations): Prior Notification of Transactions, 50 Ill. Adm. Code 854

1) Rulemaking:

A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

Proposed changes to Part 854 are based on updated requirements of the Model Law. Section 854.30 provides significant new requirements for provisions to be included in affiliated cost sharing and management agreements and also minimum requirements for tax allocation agreements. New Section 854.40 adds a severability clause to the rule. The 854 Illustration of a Form D-1 includes updated additional informational requests for affiliated transactions, an updated requirement for affiliated reinsurance transactions (the Model Law excludes some affiliated reinsurance agreements that are considered immaterial) and the addition of tax allocation agreements.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected

F) Agency contact person for information:

Eric Moser
Regulatory Action Unit
Illinois Department of Insurance
320 West Washington Street, 4th Floor

ILLINOIS DEPARTMENT OF INSURANCE

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Springfield IL 62767-0001

217/557-3759

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 853, 855

e) Part (Heading and Code Citations): Prior Notification of Dividends on Common Stock and Other Distributions, 50 Ill. Adm. Code 855

1) Rulemaking:

A) Description: Article VIII ½ of the Illinois Insurance Code (Insurance Holding Company Systems) was amended by PA 98-609. The changes to Illinois statutes were made based on the NAIC Model Law #440 which was passed in December 2010.

Changes to Part 855 are based on updated requirements of the Model Law. Section 855.30 discloses the change in ordinary dividend reporting which follows the changes made to Section 131.16 of the Illinois Insurance Code. Section 855.50 adds a severability clause. Minor editorial changes were also made throughout the rule.

B) Statutory Authority: 215 ILCS 5/131.1 through 5/131.30 and 5/408.3

C) Scheduled meeting/hearing dates: None currently scheduled

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected

F) Agency contact person for information:

Eric Moser
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Illinois Department of Insurance
320 West Washington Street, 4th Floor
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ILLINOIS DEPARTMENT OF INSURANCE

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217/557-3759

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 851, 852, 853, 854

f) Part (Heading and Code Citations): Required Procedure for Filing and Securing Approval of Policy Forms, 50 Ill. Adm. Code 916

1) Rulemaking:

A) Description: Language is needed in Exhibit A, Certificate of Compliance, that will include forms filed and approved through the Interstate Insurance Product Regulation Commission (IIPRC).

B) Statutory Authority: 215 ILCS 5/143(1)

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: January, 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Arlene Mehsling
Insurance Analyst IV
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-9022

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citations): Certificates of Insurance, 50 Ill. Adm. Code 946

1) Rulemaking:

ILLINOIS DEPARTMENT OF INSURANCE

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A) Description: This new rule is added to help prevent the issuance of invalid, false or counterfeit certificates of insurance, and to make sure the certificates get to the proper requesting parties.

B) Statutory Authority: 215 ILCS 5/155.45

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Barbara Delano
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave., 19th Fl.
Chicago IL 60603

312/814-0919

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citations): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 1405

1) Rulemaking:

A) Description: Section 1405.70 will be amended by adding clarifying language consistent with Illinois law.

B) Statutory Authority: 215 ILCS 5/143 and 5/401

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Arlene Mehsling
Insurance Analyst IV
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/785-9022

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citations): Securities Valuation Reserve, 50 Ill. Adm. Code 1601

1) Rulemaking:

A) Description: Part 1601 concerns assessment legal reserve life companies. These were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rule is being repealed.

B) Statutory Authority: 215 ILCS 5/401

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2016 REGULATORY AGENDA

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1602, 1604, 1605

j) Part (Heading and Code Citations): War Clauses, 50 Ill. Adm. Code 1602

1) Rulemaking:

A) Description: Part 1602 concerns assessment legal reserve life companies. These were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rule is being repealed.

B) Statutory Authority: 215 ILCS 5/401

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1601, 1604, 1605

k) Part (Heading and Code Citations): Valuation of Reserves, 50 Ill. Adm. Code 1604

1) Rulemaking:

A) Description: Part 1604 concerns assessment legal reserve life companies. These were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rule is being repealed.

B) Statutory Authority: 215 ILCS 5/223 and 5/401

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1601, 1602, 1605

l) Part (Heading and Code Citations): Legal Reserve Life Blank, 50 Ill. Adm. Code 1605

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1) Rulemaking:

A) Description: Part 1605 concerns assessment legal reserve life companies. These were formerly regulated pursuant to Article XVI of the Illinois Insurance Code [215 ILCS 5/254 through 281.1] which was repealed in 2014 and 2015. There are no longer any assessment legal reserve life companies in existence in Illinois; the last one was dissolved in late 2012. Therefore, the rule is being repealed.

B) Statutory Authority: 215 ILCS 5/223 and 5/401

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Chris Lelys
Life Annuities Division
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/782-5226

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1601, 1602, 1604

m) Part (Heading and Code Citations): Long-Term Care Insurance, 50 Ill. Adm. Code 2012

1) Rulemaking:

A) Description: The Long-Term Care Insurance Model Regulation (NAIC Model 641) was recently modified and the Department intends to revise Part 2012 to reflect these changes. These changes include greater

specification of the margin for adverse deviation that company actuaries should consider in initial rates; a new annual rate certification requirement which will help rate stability; additional information that companies should provide in the event of a rate increase request; specific authority to allow rate increases less than the full amount that would be required for the actuary to certify that no future rate increases are anticipated under moderately adverse conditions if, in the opinion of the commissioner, it is in the best interest of policyholders; and some minor changes to the triggers for the contingent non-forfeiture benefit.

Additionally, the Model Bulletin adopted by the Senior Issues Task Force on August 9, 2013 contains numerous items that we intend to incorporate into this Part, in particular, those related to extending protections to pre-rate-stability policies and provisions to allow large rate increases to be implemented as a series of smaller rate increases.

B) Statutory Authority: 215 ILCS 5/351A-11

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected.

F) Agency contact person for information:

Scott Brandt
Actuarial LAH Section
Illinois Department of Insurance
320 West Washington
Springfield IL 62767

217/557-7309

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citations): Workers' Compensation Large Deductible Business, 50 Ill. Adm. Code 2909

ILLINOIS DEPARTMENT OF INSURANCE

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1) Rulemaking:

A) Description: On August 14, 2015 the Governor signed PA 99-369, which created 215 ILCS 5/155.44 in the Insurance Code. Section 155.44 requires that any insurer with less than $100,000,000 in group surplus authorized to issue workers' compensation policies with a per-occurrence deductible of $100,000 or greater shall report the outstanding obligations owed under the deductible as liabilities of the insurer, unless the obligation is fully collateralized, and limit per-occurrence deductible obligations. The proposed rule will set forth the requirements for maintaining collateral and underwriting large deductible workers compensation insurance by non-exempt insurers.

B) Statutory Authority: 215 ILCS 5/155.44

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: Unknown

F) Agency contact person for information:

Joseph Clennon
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/557-1396

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citations): Premium Fund Trust Account, 50 Ill. Adm. Code 3113

1) Rulemaking:

A) Description: The rule has been in place for many years and can be updated. In particular, industry has requested that provisions in Section 3113.40(a) requiring that the trust account be located in Illinois be changed.

B) Statutory Authority: 215 ILCS 5/444 and 5/444.1

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

William M. Blumthal, Jr.
Deputy Director, Investigations
Illinois Department of Insurance
122 South Michigan Avenue 19th Floor
Chicago IL 60603

312/814-1323

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 3121, Producer Licensing

p) Part (Heading and Code Citations): Licensing of Public Adjusters, 50 Ill. Adm. Code 3118

1) Rulemaking:

A) Description: This amendment will provide insurance companies and insureds the ability to assert that public adjuster contracts that have not been filed with the Department and approved by the Director are void.

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B) Statutory Authority: Implementing Articles XXXI¾ and XLV and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/Art. XXXI¾ and XLV and 401].

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Lynn Grossman
Assistant General Counsel
Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago IL 60601-3251

312/814-5926

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citations): Examination and Audit Procedure, 50 Ill. Adm. Code 4401

1) Rulemaking:

A) Description: This Part outlines the procedures for the Pension Division's examination and audit procedure. The Part needs to be updated to reflect current audit procedures and to incorporate the procedures for examinations made pursuant to Section 1A-105 of the Illinois Pension Code.

B) Statutory Authority: Sections 1A-104 and 1A-105 of the Illinois Pension Code (40 ILCS 5/1A-104, 1A-105), Amended by PA 95-950 effective August 29, 2008 and PA 90-507, effective August 22, 1997 and authorized by Section 1A-103 added by PA 90-507, effective August 22, 1997.

ILLINOIS DEPARTMENT OF INSURANCE

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C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

F) Agency contact person for information:

Mary Jane Adkins, Acting Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603

312/814-5411

G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules. Also, the Pension Division has submitted, as part of its 2016 legislative agenda, an amendment to Section 1A-104 to permit risk-based audits rather than audits performed on a 3-year cycle. That initiative, if legislated, will not affect this rulemaking.

r) Part (Heading and Code Citations): Definition of Salary, 50 Ill. Adm. Code 4402

1) Rulemaking:

A) Description: This Part defines salary for the purposes of determining pensionable salary. The Department intends to update this rule to address loopholes and vagueness in the current rule.

B) Statutory Authority: Implementing Sections 3-125 and 4-118 (defining salary as used in those sections) authorized by Section 1A-103, PA 90-507, effective August 22, 1997.

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.

F) Agency contact person for information:

Mary Jane Adkins, Acting Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603

312/814-5411

G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules.

s) Part (Heading and Code Citations): Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds, 50 Ill. Adm. Code 4404

1) Rulemaking:

A) Description: With the enactment of PA 96-1495, a second benefit tier was constructed for police officers participating in Article 3 pension funds. Actuarial liabilities for this tier are calculated differently than those for tier 1. Therefore, the actuarial valuations are based on the type of tier. Currently, the type of tier is not provided to the Department. This amendment to Part 4404.Illustration A will add a line to the form to indicate under which benefit tier the officer in question participates in order to appropriately calculate the true cost of transferring that individual's creditable service time between Article 3 pension funds. This will allow the Department's enrolled actuary to perform the proper actuarial valuation as required by the statute.

B) Statutory Authority: Implementing Section 3-110 and 3-110.7 and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7]

C) Scheduled meeting/hearing dates: None are scheduled.

ILLINOIS DEPARTMENT OF INSURANCE

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D) Date agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.

F) Agency contact person for information:

Martin McGrory
Assistant General Counsel
Department of Insurance
122 South Michigan Ave., 19th Floor
Chicago IL 60603

312/814-8195

G) Related rulemakings and other pertinent information:

t) Part (Heading and Code Citations): Noncompliance Notification and Penalties, 50 Ill. Adm. Code 4435

1) Rulemaking:

A) Description: This Part outlines the procedures for issuing Notices of Noncompliance to Pension Funds and Municipalities. Currently, this rule does not comply with the Illinois Pension Code as it is written. The Department is seeking to update this rule to comply with statute.

B) Statutory Authority: Implementing Section 1A-113 of the Illinois Pension Code and authorized by Section 1A-103, P.A. 90-507, effective August 22, 1997.

C) Scheduled meeting/hearing dates: None are scheduled.

D) Date agency anticipates First Notice: March 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated

ILLINOIS DEPARTMENT OF INSURANCE

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F) Agency contact person for information:

Mary Jane Adkins, Acting Deputy Director
Public Pension Division
Illinois Department of Insurance
122 South Michigan Avenue, 19th Floor
Chicago IL 60603

312/814-5411

G) Related rulemakings and other pertinent information: This is part of a larger initiative to update the Pension Division's rules.

ILLINOIS LABOR RELATIONS BOARD

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citations): General Procedures, 80 Ill. Adm. Code 1200

1) Rulemaking:

A) Description: This Part contains general information applicable to proceedings before the Board. Many of the rules in this Part were last updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

B) Statutory Authority: Authorized by Sections 5(i), 5(j), and 5(l) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i), (j), and (l)]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

Sarah R. Kerley
Deputy General Counsel
Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield IL 62702

217/785-3155
Sarah.R.Kerley@Illinois.Gov

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): Representation Proceedings, 80 Ill. Adm. Code 1210

ILLINOIS LABOR RELATIONS BOARD

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1) Rulemaking:

A) Description: This Part contains policies and procedures applicable to voluntary recognition, representation and related proceedings before the Board. The rules in this Part were last updated in May 2003 and February 2004. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

B) Statutory Authority: Authorized by Sections 5(i) and 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i) and (j)]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Unfair Labor Practice Proceedings, 80 Ill. Adm. Code 1220

ILLINOIS LABOR RELATIONS BOARD

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1) Rulemaking:

A) Description: This Part details the procedures for initiating, processing, and resolving charges that an employer or a labor organization has committed or is committing an unfair labor practice. The rules in this Part were last updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

B) Statutory Authority: Authorized by Sections 5(i), 5(j), and 5(k) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i), (j), and (k)]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citations): Impasse Resolution, 80 Ill. Adm. Code 1230

1) Rulemaking:

ILLINOIS LABOR RELATIONS BOARD

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A) Description: This Part details the procedures for giving required notices during collective bargaining, for resolving impasses in collective bargaining, for making appointments to the Illinois Public Employees Mediation/Arbitration Roster, and for the selection of mediators, fact-finders and arbitrators from the Roster. The rules in this Part were last updated in May 2003. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

B) Statutory Authority: Authorized by Sections 5(i) and 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i) and (j)]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citations): Police Officer Decertification Proceedings, 80 Ill. Adm. Code 1240

ILLINOIS LABOR RELATIONS BOARD

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1) Rulemaking:

A) Description: This Part implements Section 6.1 of the Illinois Police Training Act [50 ILCS 705/6.1]. It details the procedures for obtaining a hearing before the Board to determine decertification of a police officer based on that officer's commission of perjury in a murder case. The rules in this Part were last updated in November 2004. The Board will review these rules and determine the amendments and rulemakings necessary to ensure this Part conforms to changes in applicable law, policy, and technology that have occurred since it was last updated. The Board will also determine the amendments and rulemakings necessary to clarify existing practices.

B) Statutory Authority: Authorized by Section 5(j) of the Illinois Public Labor Relations Act [5 ILCS 315/5(j)]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Labor Relations Board in writing during the First Notice Period.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: Undetermined

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: This Part will be amended to alter the process of sending tags to those calling in a roadkill deer.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): General hunting and Trapping on Department-Owned or –Managed Sites (17 Ill. Adm. Code 510)

1) Rulemaking:

A) Description: This Part will be amended to include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)

1) Rulemaking:

A) Description: This Part will be amended to include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of

the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)

1) Rulemaking:

A) Description: This Part will be amended to set zones, seasons, limits, and permit and tagging requirements for bobcat hunting; implement provisions of Public Act 99-0033; add hunting programs at IDNR sites; and amend procedures at other state sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)

1) Rulemaking:

A) Description: This Part will be amended to set zones, seasons, limits, and permit and tagging requirements for bobcat trapping; implement provisions of Public Act 99-0033; add trapping program at IDNR sites; and amend procedures at other sites, including use of guns to kill trapped animals during the firearm deer season (in accordance with PA 98-0924).

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)

1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes, open and close state-owned or –managed sites, and amend procedures at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2,1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7 and 3.8 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6 and 3.8] and Migratory Bird Hunting (50 CFR 20)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

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g) Part (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)

1) Rulemaking:

A) Description: This Part will be amended to include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.20, 2.24, 2.25, 2.26, 2.33 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information:

h) Part (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)

1) Rulemaking:

A) Description: This Part will be amended to include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)

1) Rulemaking:

A) Description: This Part will be amended to include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Special White-Tailed Deer Season for Disease Control (17 Ill. Adm. Code 675)

1) Rulemaking:

A) Description: This Part will be amended to include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

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G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Late-Winter Deer Hunting Season (17 Ill. Adm. Code 680)

1) Rulemaking:

A) Description: This Part will be amended to include updating Statewide requirements, permit requirements and hunting regulations.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Youth Hunting Seasons (17 Ill. Adm. Code 685)

1) Rulemaking:

A) Description: This Part will be amended to update the list of State-owned or –managed sites open for hunting and update site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Squirrel Hunting (17 Ill. Adm. Code 690)

1) Rulemaking:

A) Description: This Part will be amended to include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)

1) Rulemaking:

A) Description: This Part will be amended to update the list of State-owned or –managed sites open for hunting and update site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
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DEPARTMENT OF NATURAL RESOURCES

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Springfield IL 62702-1271

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G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)

1) Rulemaking:

A) Description: This Part will be amended to update the list of State-owned or –managed sites open for hunting and update site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
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217/782-1809

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)

DEPARTMENT OF NATURAL RESOURCES

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1) Rulemaking:

A) Description: This Part will be amended to make statewide program changes, open and close State-owned or -managed sites, and amend procedures at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Anne Mergen, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Dove Hunting (17 Ill. Adm. Code 730)

1) Rulemaking:

A) Description: This Part will be amended to update the list of State-owned or –managed sites open for hunting and update site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.3 and 1.4 of the Wildlife Code [520 ILCS 5/1.3 and 1.4]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Shelly Knuppel, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)

1) Rulemaking:

A) Description: This Part will be amended to update the list of State-owned or –managed sites open for hunting and update site-specific regulations at these sites.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)

1) Rulemaking:

A) Description: This Part will be amended to streamline the permitting process, hearing requirements and procedures, well spacing requirements, underground liquid hydrocarbon storage facilities, produced water recycling and well site restoration.

B) Statutory Authority: Implementing and authorized by the Illinois Oil and Gas Act [225 ILCS 725]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2015

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Dan Nelson, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): General Definitions (62 Ill. Adm. Code 1701)

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1) Rulemaking:

A) Description: This Part will be amended to comply with the changes made to the Office of Surface Mining's regulations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

u) Part (Heading and Code Citation): Areas Designated by Act of Congress (62 Ill. Adm. Code 1761)

1) Rulemaking:

A) Description: This part will be amended to correct a reference to another part.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

v) Part (Heading and Code Citation): Requirements for Permits and Permit Processing (62 Ill. Adm. Code 1773)

1) Rulemaking:

A) Description: This Part is being amended to comply with the changes made to the Office of Surface Mining's regulations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

w) Part (Heading and Code Citation): Permit Applications – Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 Ill. Adm. Code 1778)

1) Rulemaking:

A) Description: This Part is being amended to comply with changes made to the Office of Surface Mining's regulations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

x) Part (Heading and Code Citation): Small Operator Assistance (62 Ill. Adm. Code 1795)

1) Rulemaking:

DEPARTMENT OF NATURAL RESOURCES

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A) Description: This part will be amended to correct a reference to another part.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

y) Part (Heading and Code Citation): Department Inspections (62 Ill. Adm. Code 1840)

1) Rulemaking:

A) Description: This Part will be amended to be consistent with 30 CFR 778.9 a coal company to refer to information housed in the federal Applicant Violator System (AVS) when applying for a permit. The Department will also update references in the rule as necessary.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Administrative and Judicial Review (62 Ill. Adm. Code 1847)

1) Rulemaking:

A) Description: This Part will be amended to implement amendments to 225 ILCS 7.20/2.11(c) authorizing a hearing officer to issue interim orders during the hearing process (Public Act 097-0934). This rule will also be amended to implement terms of an agreed consent order.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

aa) Part (Heading and Code Citation): General Rules Relating to Procedure and Practice (62 Ill. Adm. Code 1848)

1) Rulemaking:

A) Description: This Part will be amended to implement amendments to 225 ILCS 7.20/2.11(c) authorizing a hearing officer to issue interim orders during the hearing process (Public Act 097-0934). This rule will also be amended to implement terms of an agreed consent order.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Nick San Diego, Legal Counsel
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217/782-1809

G) Related rulemakings and other pertinent information: 62 Ill. Adm. Code Parts 1773, 1777, and 1848

bb) Part (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act (62 Ill. Adm. Code 300)

DEPARTMENT OF NATURAL RESOURCES

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1) Rulemaking:

A) Description: This Part will be amended to increase current reclamation bonding amounts

B) Statutory Authority: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: There is a potential for impacts to mining operations that require bond amounts above the current $5,000.00 per acre threshold. However, to date, the Department has only seen a limited number of instances where the current maximum threshold has been met. No municipalities or not-for-profit corporations are anticipated to be affected by these proposed changes.

F) Agency contact person for information:

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217/782-1809

G) Related rulemakings and other pertinent information: None

ILLINOIS RACING BOARD

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): Medication, 11 Ill. Adm. Code 603

1) Rulemaking:

A) Description: Amendments are necessary because the Board actively addresses a variety of medication issues depending on the Association of Racing Commissioners International (RCI) model rules, new scientific developments, and improved laboratory techniques. Technical changes may also be made.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Horse Health, 11 Ill. Adm. Code 605

1) Rulemaking:

ILLINOIS RACING BOARD

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A) Description: Sections may be repealed and "Medical Reasons for Ineligibility" (Section 1312.310 and 1413.250) may be updated and moved to Horse Health, Part 605.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Race Officials, 11 Ill. Adm. Code 1306

1) Rulemaking:

A) Description: Amendments are necessary to update the procedures of the Judges and Stewards (Section 1306.130).

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B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): General Licensee Rules, 11 Ill. Adm. Code 1313

1) Rulemaking:

A) Description: An amendment is necessary to update what persons are entitled to enter the paddock (Section 1313.70).

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

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D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

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G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Programs, 11 Ill. Adm. Code 415

1) Rulemaking:

A) Description: An amendment is necessary to update information required in the program (Section 415.10).

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

ILLINOIS RACING BOARD

JANUARY 2016 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Contracting Goals for Organization or Intertrack Wagering Licensees, 11 Ill. Adm. Code 438

1) Rulemaking:

A) Description: This new rulemaking is necessary to comply with current law as it relates to establishing goals for the award of contracts by organization or intertrack wagering licensees to businesses owned by minorities, females, and persons with disabilities.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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ILLINOIS RACING BOARD

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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Board Meetings, 11 Ill. Adm. Code 206

1) Rulemaking:

A) Description: Amendments may be necessary to comply with the Illinois Open Meetings Act.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Racetrack Improvements, 11 Ill. Adm. Code 452

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Substance Abuse, 11 Ill. Adm. Code 508

ILLINOIS RACING BOARD

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1) Rulemaking:

A) Description: An amendment may be made to define "bodily fluid specimens" as "biological specimens", to conduct testing utilizing current and future more reliable and less invasive technologies.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Regulations for Meetings (Thoroughbred), 11 Ill. Adm. Code 1424

1) Rulemaking:

A) Description: Various sections may be amended to address Auditor General audit findings.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Entries, Subscriptions, and Declarations, 11 Ill. Adm. Code 1413

1) Rulemaking:

A) Description: Sections 1413.130 and 1413.138 may be repealed at the request of a thoroughbred organization licensee.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

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C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Admissions and Credentials, 11 Ill. Adm. Code 1428

1) Rulemaking:

A) Description: Various sections may be amended to address Auditor General audit findings.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

ILLINOIS RACING BOARD

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E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Racetrack Operators and Their Duties, 11 Ill. Adm. Code 1305

1) Rulemaking:

A) Description: Various sections may be amended to address Auditor General audit findings.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

ILLINOIS RACING BOARD

JANUARY 2016 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Stewards, 11 Ill. Adm. Code 1402

1) Rulemaking:

A) Description: Section 1402.150 may be amended to address an Auditor General audit finding.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Night Racing, 11 Ill. Adm. Code 1426

1) Rulemaking:

A) Description: Section 1426.20 may be amended to address an Auditor General audit finding.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

ILLINOIS RACING BOARD

JANUARY 2016 REGULATORY AGENDA

p) Part (Heading and Code Citation): Security and Admissions, 11 Ill. Adm. Code 1325

1) Rulemaking:

A) Description: Section 1325.80 may be amended to address Auditor General audit findings.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled Meeting/Hearing Dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Illinois Racing Board in writing during the First Notice Period.

D) Date Agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citations): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, statutes of limitations, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income under Article 2 of the IITA, the allocation and apportionment of base income under Article 3 of the IITA, and the filing of returns and payment of taxes under Articles 5 and 6 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, electronic filing of returns, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted in 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, including the historic preservation and hospital credits, the credits and subtractions allowed with respect to enterprise zones, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas and taxation of real estate investment trusts and their investors, recoveries of itemized deductions, repayments of claim-of-right amounts, special net loss rules for cooperatives, recipients of

nondeductible dividends from controlled foreign corporations, and holders of residual interests in real estate mortgage investment companies, taxpayer elections to credit overpayments against other liabilities, and appeals to the Tax Tribunal.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Part 100 will be amended to reflect amendments to the IITA in 2013 regarding composite returns and pass-through entity withholding.

Finally, the Department will continue the updating and correction of Part 100.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

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217/524-3951

G) Related rulemakings and other pertinent information: None.

b) Part (Heading and Code Citations): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Part 110 will be amended with respect to 110.162 for Township and Multi-Township Assessor Qualifications. The amendment deals with the approved designation list from the Department of Revenue.

Part 110 will be amended with respect to 110.155 to update population changes in counties, which resulted in different requirements for those counties with respect to course and examination requirements for board of review members. The changes in the county populations will be reflected in the attached map accompanying Part 110.155, referred to as Illustration A. Part 110.155 will also be amended to correct typographical errors in subsections b) 3); b) 5); d); and e) 3).

B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]; 35 ILCS 200/6; 35 ILCS 200/6-10; 35 ILCS 200/6-32; and 35 ILCS 200/31-10, 15, 20, 25, 30 and 70

C) Scheduled meeting/hearing dates: No schedule has been established.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 and Part 120 during the first six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
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DEPARTMENT OF REVENUE

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G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Rental Housing Support Program, 86 Ill. Adm. Code 121

1) Rulemaking:

A) Description: New rules will be created under Part 121 to implement the new Rental Housing Support Program.

B) Statutory Authority: 55 ILCS 5/3-5018

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings creating Part 121 during the first six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: De minimus. Small business and not for profit organizations are subject to the $10 recording fee for real estate related documents. Units of local government are exempt under the statute.

F) Agency contact person for information:

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101 W. Jefferson, 5-500
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217/524-4886

G) Related rulemakings and other pertinent information: None.

d) Part (Heading and Code Citations): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

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1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings. Some of the highlights of these changes include:

i) Addition of a new regulation that implements the provisions of PA 98-628 and PA 98-1080, which change the method of determining the "selling price" for first division and certain types of second division motor vehicles that are leased for defined periods in excess of one year.

ii) Amendment of Section 130.2007 to explain the proper use by an exempt organization of its exemption identification number issued by the Department and consequences of an organization's failure to use ordinary care to ensure that the exemption identification number is not improperly utilized. Consequences include revocation of the exemption identification number.

iii) Creation of a new section to provide guidance regarding the documentation requirements for sales by retailers to exempt organizations holding active exemption numbers issued by the Department.

iv) Amendment of Section 130.340 regarding rolling stock to provide guidance, including examples, of items that qualify for the exemption and to clarify the types of registration numbers carriers need to provide to document that they are for hire carrier; amendments are also anticipated in response to P. A. 98-584 (new test for aircraft and watercraft used as rolling stock).

v) New section to describe how "deal of the day" types of transactions are taxed and to provide examples regarding those transactions.

vi) Amendment of Sections 130.330, 130.101, and 130.1951 to reflect the changes made as a result of the enactment of P.A. 98-0583 (sales of electricity are not subject to tax; manufacturing machinery and equipment exemption does not apply to equipment used to produce electricity; expanded manufacturing machinery and equipment exemption does not apply to tangible personal property used in the production of electricity); the rule will also be amended to reflect the provisions of Nokomis Quarry v. DOR, 295 Ill.App.3d 264 (5th Dist. 1998) and additions will clarify several aggregate production activities that qualify for the exemption.

vii) Amendment of Sections 130.501 and 130.745 to reflect changes made as a result of P.A. 98-0496, which authorizes the Department to disallow the vendor's discount under certain circumstances.

viii) Amendment of Section 130.910 in response to enactment of P.A. 98-0352, which prohibits the sale, possession and use of automated sales suppression devices, or zappers.

ix) Amendment of Section 130.910 in response to enactment of P.A. 97-1074, which added the criminal offense of sales tax evasion.

x) Amendment of Section 130.450 to clarify the documentation to demonstrate a separate agreement between the seller and purchaser for installation, alternation and special service charges.

xi) Amendment of Section 130.1940 to update and clarify the Department's regulation governing the liability of construction contractors.

xii) Adoption of new section explaining the factors used by the Department to determine the location in Illinois to which the local distribution of the sales tax (e.g., 1.25% of the 6.25% general State rate) will be made.

xiii) Adoption of new section to implement P.A. 98-1058 regarding the furnishing of financial information to a municipality, including confidentiality requirements.

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B) Statutory Authority: 35 ILCS 120/12.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations. Persons who act as construction contractors will be affected by changes to Section 130.1940. Tax exempt organizations will be affected by the changes proposed to Section 130.2005, 130.2007, and the new section providing guidance on how to document exempt sales to those organizations. Persons purchasing aircraft and watercraft for use as rolling stock moving in interstate commerce will be affected by the changes to Section 130.340, as will sellers of such items.

F) Agency contact person for information:

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101 W. Jefferson, 5-500
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217/782-2844

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citations): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

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A) Description: Amendments will be made as part of a general update to clarify application of the Service Occupation Tax and to reflect recent decisional law, statutory changes and Department policy.

B) Statutory Authority: 35 ILCS 115/12.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

E) Affect on small business, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

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217)/782-2844

G) Related rulemakings and other pertinent information: None.

f) Part (Heading and Code Citations): Use Tax, 86 Ill. Adm. Code 150

1) Rulemaking:

A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Some of the highlights of these changes include:

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i) Amendment of Section 150.401 to clarify when out-of-State retailers attending trade shows in this State are not considered to have a Use Tax collection on remote sales to Illinois customers and to provide guidance on other issues presented by retailer presence at trade shows in Illinois.

ii) Addition of a new Section 150.1015 in response to PA 98-352, which prohibits the sale, possession and use of automated sales suppression devices, or zappers, and amendment of Part 150, Subpart I, dealing with penalties and interest.

iii) Amendment of the definition of "retailer maintaining a place of business in this State" in Section 150.201 to include the provisions of PA 98-1089, which amended the "click-through" nexus provisions of this definition in response to Performance Marketing Ass'n v. Hamer, 2013 IL 114496; further amendment of this Section to clarify the rebuttable presumption of nexus associated with click-through activities, including the addition of provisions specifying the documentation necessary to rebut the presumption of nexus.

B) Statutory Authority: 35 ILCS 105/12.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Use Tax.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citations): Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 35 ILCS 110/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Service Use Tax, including persons required to collect Service Use Tax from Illinois purchasers.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

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h) Part (Heading and Code Citations): Business District Retailers' Occupation Tax, 86 Ill. Adm. Code 400

1) Rulemaking:

A) Description: A new Part will be promulgated to set out specific procedures and requirements for the business district retailers' occupation tax authorized by PA 93-1053. On November 21, 2013, the Illinois Supreme Court, in Hartney Fuel Oil Co. v. Hamer 2013 IL 115130, invalidated Department rules that retailers had long relied on upon to determine which locally-imposed sales taxes they were required to pay. Proposed rules will provide guidance for retailers to determine what local taxes they incur based on the location where they are "engaged in the business of selling tangible personal property."

B) Statutory Authority: 65 ILCS 5/11-74.3-6.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Municipalities are authorized to impose this tax within business districts established by those municipalities. All businesses that are engaged in making sales of tangible personal property at retail within a business district where this tax is imposed will be subject to tax.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citations): Business District Service Occupation Tax, 86 Ill. Adm. Code 405

1) Rulemaking:

A) Description: A new Part will be promulgated to set out specific procedures and requirements for the service occupation tax authorized by PA 93-1053.

B) Statutory Authority: 65 ILCS 5/11-74.3-6

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Municipalities are authorized to impose this tax within business districts established by those municipalities. All businesses that transfer tangible personal property incident to sales of service within a business district where this tax is imposed will be subject to tax.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citations): Bingo License and Tax Act, 86 Ill. Adm. Code 430

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1) Rulemaking:

A) Description: Regulations will be updated to reflect the provisions of Public PA 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses, the amendments in PA 95-228, dealing with licensing, and the amendments in PA 97-1150, implementing the Criminal Code of 2012. The regulations will also be amended to clarify definitions, record keeping requirements and the documentation required for a license application.

B) Statutory Authority: 230 ILCS 25/1

C) Scheduled meeting/hearing dates: No schedule has been established at his time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for bingo licenses will be affected by this rulemaking.

F) Agency contact person for information:

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217/524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.

k) Part (Heading and Code Citations): Pull Tabs and Jar Games Act, 86 Ill. Adm. Code 432

1) Rulemaking:

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A) Description: Regulations will be amended to implement the amendments in PA 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application and the amendments in PA 97-1150, implementing the Criminal Code of 2012.

B) Statutory Authority: 230 ILCS 20/1.

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by this rulemaking.

F) Agency contact person for information:

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217/524-3951

G) Related rulemakings and other pertinent information: There are no related rulemakings.

l) Part (Heading and Code Citations): Cigarette Tax Act, 86 Ill. Adm. Code 440

1) Rulemaking:

A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. The Department anticipates amendments to reflect provisions of P.L. 111-154, the federal "Prevent All Cigarette Trafficking

Act of 2009;" PA 95-1053 (new definitions; penalties); PA 96-782 (technical clean-up and penalties); PA 97-587 (manufacturer representatives authorized); PA 96-1027 (secondary distributors authorized); PA 97-688 (increased the tax rate for cigarettes); and PA 98-1055 (Cigarette Retailer Licensing provisions and associated recordkeeping and enforcement requirements). Rulemakings will also be promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: 20 ILCS 2505/2505-30; 35 ILCS 130/1 et seq

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Minimal; general bookkeeping/accounting and registration for cigarette retailers.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citations): Cigarette Use Tax Act, 86 Ill. Adm. Code 450

1) Rulemaking:

A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and

Department policies. The Department anticipates amendments to these rules to incorporate the changes of PA 95-1053 (new definitions; penalties); PA 96-782 (technical clean-up and penalties); PA 97-587 (manufacturer representatives authorized); PA 96-1027 (secondary distributors authorized); and PA 97-688 (increased the tax rate for cigarettes); and PA 98-1055 (Cigarette Retailer Licensing provisions and associated recordkeeping and enforcement requirements). Rulemakings will also be promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: 20 ILCS 2505/2505-80; 35 ILCS 135/1 et seq

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Minimal; general bookkeeping/accounting and registration for cigarette retailers.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citations): Hydraulic Fracturing Tax, 86 Ill. Adm. Code 475

1) Rulemaking:

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A) Description: A new Part will be promulgated in response to enactment of PA 98-22 and PA 98-23 (Hydraulic Fracturing Regulatory Act, including the Illinois Hydraulic Fracturing Tax).

B) Statutory Authority: 35 ILCS 450/2-65

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses may be included in the persons required to file returns, pay taxes and maintain books and records.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: There are no related rulemakings.

o) Part (Heading and Code Citations): Hotel Operators' Occupation Tax Act, 86 Ill. Adm. Code 480

1) Rulemaking:

A) Description: Amendments will be made to update the Hotel Operators' Occupation Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

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B) Statutory Authority: 20 ILCS 2505/2505-85; 35 ILCS 145/1 et seq.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Minimal.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citations): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

A) Description: Regulations will be updated to reflect new statutory provisions, decisional law and Department policy. Examples include:

i) Regulations that explain the manner in which DSL services are taxed.

ii) Regulations that explain the telecommunications tax liabilities involved when multiple parties are joined together in different conference calling arrangements.

B) Statutory Authority: 35 ILCS 630.

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings to Part 495 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Retailers of telecommunications and their telecommunications customers will be affected by these regulations.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: There are no related rulemakings.

q) Part (Heading and Code Citations): County School Facility Retailers' Occupation Tax, 86 Ill. Adm. Code 600

1) Rulemaking:

A) Description: A new Part will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Retailers' Occupation Tax. Regulations are also anticipated in response to PA 98-584 which changes the date for ordinance submission to the Department for local taxes approved by referenda. On November 21, 2013, the Illinois Supreme Court, in Hartney Fuel Oil Co. v. Hamer 2013 IL 115130, invalidated Department rules that retailers had long relied on upon to determine which locally-imposed sales taxes they were required to pay. Proposed rules will provide guidance for retailers to determine what local

taxes they incur based on the location where they are "engaged in the business of selling tangible personal property."

B) Statutory Authority: 55 ILCS 5/5-1006.7

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Counties imposing this tax and retailers located in such jurisdictions will be affected by this rulemaking.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: New Part 605 implementing a County School Facility Service Occupation Tax is related.

r) Part (Heading and Code Citations): County School Facility Service Occupation Tax, 86 Ill. Adm. Code 605

1) Rulemaking:

A) Description: A new Part will be promulgated to implement the provisions of PA 95-675 imposing a County School Facility Service Occupation Tax. Regulations are also anticipated in response to PA 98-584, which changes the date for ordinance submission to the Department for local taxes approved by referenda.

B) Statutory Authority: 55 ILCS 5/5-1006.7

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Businesses making sales of service in counties imposing the tax will be minimally affected.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: New Part 600 implementing a County School Facility Retailers' Occupation Tax is related.

s) Part (Heading and Code Citations): Tobacco Products Tax Act of 1995, 86 Ill. Adm. Code 660

1) Rulemaking:

A) Description: Amendments will be made to update the Tobacco Products Tax Act regulations to reflect new statutory developments, decisional law and Department policies. These amendments will include changes made by PA 97-688 which increased the tax rate for tobacco products and imposed a new weight-based tax rate on moist snuff. Provisions will also be added to reflect the provisions of PA 98-273, which added a definition of little cigars, taxed these items under the Tobacco Products Tax Act at the rate established for cigarettes, and established specific provisions

governing their distribution and reporting. Rules will also be amended to reflect the provisions of PA 98-1055, which establishes Tobacco Product Retailer Licensing provisions and associated enforcement and recordkeeping requirements. Rulemakings are also promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings.

B) Statutory Authority: 35 ILCS 143/10-1 et seq

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Minimal; general bookkeeping/accounting and registration for tobacco retailers.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citations): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act and Department policies.

B) Statutory Authority: 20 ILCS 2505/2505-795

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities and not-for-profit corporations: These rulemakings will provide guidance for any business or not for profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.

F) Agency contact person for information:

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217/524-3951

G) Related rulemakings and other pertinent information: None

u) Part (Heading and Code Citations): General Rules for All Taxes, 86 Ill. Adm. Code 800

1) Rulemaking:

A) Description: Rules will be proposed in either a new Part Governing Payment of Taxes by Credit Cards, 86 Ill. Adm. Code 780 or in Part 800 in response to PA 98-425, which authorizes the Department to promulgate rules allowing payment of taxes by credit cards.

B) Statutory Authority: PA 98-425 and applicable provisions of 20 ILCS 2505/1 et seq. (rulemaking authority for various taxes).

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses or not for profit corporations may be affected positively by these rules, since they offer an alternative method of tax payment.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

v) Part (Heading and Code Citations): Coin-Operated Amusement Device and Redemption Machine Tax, 86 Ill. Adm. Code 460.

1) Rulemaking:

A) Description: The rules will be amended in response to PA 97-1126, which changed the definition of "redemption machine." The regulations will also be updated to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 35 ILCS 510; 20 ILCS 2505/2505-105.

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: Businesses offering redemption machines will be affected by this rulemaking.

F) Agency contact person for information:

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217/524-3951

G) Related rulemakings and other pertinent information: None

w) Part (Heading and Code Citations): Medical Cannabis Cultivation Privilege Tax Law, 86 Ill. Adm. Code 429

1) Rulemaking:

A) Description: Rules governing the Medical Cannabis Cultivation Privilege Tax Law will be updated as necessary to reflect new procedures and Department policies.

B) Statutory Authority: Medical Cannabis Cultivation Privilege Tax Law, 410 ILCS 130/215

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of the year.

E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses may be included in the persons required to file returns, pay taxes and maintain books and records.

F) Agency contact person for information:

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217/782-2844

G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citations): Real Estate Transfer Tax, 86 Ill. Adm. Code 120

1) Rulemaking:

A) Description: Part 120 will be amended with respect 120.5 for the Illinois Transfer Tax and the Illinois Department of Revenue's electronic revenue stamp and electronic reporting system. The proposed changes will detail the requirements for counties utilizing electronic revenue stamps or alternative indicia and for the use of the electronic reporting system.

Part 120 will be amended with respect 120.10 for the Illinois Transfer Tax and the Illinois Department of Revenue's electronic revenue stamp and electronic reporting system. The proposed changes will detail the requirements for counties utilizing electronic revenue stamps or alternative indicia and for the use of the electronic reporting system.

B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]; 35 ILCS 200/6; 35 ILCS 200/6-10; 35 ILCS 200/6-32; and 35 ILCS 200/31-10, 15, 20, 25, 30 and 70

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of the year.

E) Effect on small business, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

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217/524-4886

G) Related rulemakings and other pertinent information: None

SECRETARY OF STATE

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a) Part (Heading and Code Citations): The Illinois State Library System Act (23 Ill. Adm. Code 3030)

1) Rulemaking:

A) Description: This Part was adopted as new effective March 20, 2015. A rulemaking could arise as a result of the implementation of the new rules.

B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citations): The Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)

1) Rulemaking:

A) Description: In an ongoing effort to streamline grant rules and to promote efficiencies in the grant process, the Illinois State Library will continue to amend this Part.

B) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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

217/558-4185
jnatale@ilsos.net

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Cancellation, Revocation or Suspension of Licenses (92 Ill. Adm. Code 1040)

1) Rulemaking:

A) Description: The General Assembly passed several bills during the Fall 2015 Legislative Session. The Governor signed the following bills into law, requiring changes to Section 1040.20 Illinois Offense Table Rule as follows:

i) Correction: Offense 6-507(a)3 Description of Offense should read as follows: Driving without the proper class of Commercial Learning Permit or Commercial Driver's License or endorsement classification.

ii) Public Act 99-0438, additional new offense effective 1-1-16, 11-1431 Violation of Solicitation of Towing.

iii) Correction: Offenses 18-3 and 18-4 EDPM Offense Codes: delete first zero. Should display as follows: 018003 and 018004.

iv) Public Act 97-0597, offense addition to rule effective 1-1-12, 16-25A1, EDPM Offense Code: 162511; Abstract Description Code 16-25A1. Description of Offense: Theft of Motor Fuel.

v) Correction: Offenses 705 and 707 should have an EDPM Offense Codes of: 000705 and 000707.

vi) Correction: Offenses 335-14ab10, 335-14ab11 and 335-14bb10 should have an EDPM Offense Codes of: 141210, 141211 and 142210.

vii) Public Act 99-0212, offenses added to rule effective 1-1-16, 11-605(e)5.1, 11-605(d-5)(1), 11-605(d-5(2), and 11-605E.2 Aggravated Speeding , Aggravated Speeding Construction Zone and Aggravated Speeding School Zone. All assigned 55 points.

viii) Public Act 99- 0242, offense added to rule effective 1-1-16, 12-218(b) Motorcycle auxiliary light violation. (Type Action 95/96).

ix) Correction: Type Action 95/96 offense, 12-604.1 Driving while using prohibited video devices. (01-01-14).

x) Public Act 99-0870, 6-308; EDPM Offense Code = 308000; Abstract Description Code = 6 308 00; and Description of Offense = Failure to Appear - Traffic Violation.

xi) Public Act 98-1172, 11-501.9; EDPM Offense Code = 050109; Abstract Description Code = 1 501 09 and Description of Offenses = Medical Cannabis Suspension.

xii) Public Act 99-0438, 11-1431(b); EDPM Offense Code = 114312; Abstract Description Code = 1 1431 B and Description of Offense = Suspension of Towing.

SECRETARY OF STATE

JANUARY 2016 REGULATORY AGENDA

xiii) ACD Codes: Changes to definitions for Type Action 68: D02, F34, U02, Type Action 82: B27, Type Action 83: A41, B19, B51, B56, B91 D30, D31, Type Action 85: E34, Type Action 87: A35 B57, E31, E36, M86,S01 – S81, S92, Type Action 89: A35. B19, B27, B51, B56, B57, B91, D30, D31, E31 – E37, F34, F66, M86, S01 – S92, U02 and W51.

B) Statutory Authority: 625 ILCS 5/2-104, 625 ILCS 5/6-204 and 625 ILCS 6-521.

C) Scheduled meeting/hearing dates: None.

D) Date agency anticipates First Notice: January 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: None known.

F) Agency contact person for information:

Jennifer Egizii
Office of the Secretary of State
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

G) Related rulemakings and other pertinent information: None

STATE EMPLOYEES' RETIREMENT SYSTEM

JANUARY 2016 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): The Administrative and Operation of the State Employees' Retirement System of Illinois; 80 Ill. Adm. Code 1540

1) Rulemaking:

A) Description: The System is considering a rule in regards to suspension of benefit payments when paper check benefit payments remain uncashed for a period of time. The System is also considering a change to the disability claims rule section. Finally, the System is considering rule changes to its board election rules.

B) Statutory Authority: 40 ILCS 5/14-135-03

C) Scheduled meeting/hearing dates: None have been scheduled

D) Date agency anticipates First Notice: Within 6 months

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jeff Houch, Senior Public Service Administrator
State Employees' Retirement System
2101 South Veterans Parkway
P.O. Box 19255
Springfield IL 62794-9276

217/524-8105
Fax: 217/557-3943

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Public Information, Rulemaking, and Organization, 2 Ill. Adm. Code 2375

1) Rulemaking:

STATE EMPLOYEES' RETIREMENT SYSTEM

JANUARY 2016 REGULATORY AGENDA

A) Description: The System is considering rule changes to its board election rules.

B) Statutory Authority: 40 ILCS 5/14-135.03

C) Scheduled meeting/hearing dates: None have been scheduled

D) Date agency anticipates First Notice: Within 6 months

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jeff Houch, Senior Public Service Administrator
State Employees' Retirement System
2101 South Veterans Parkway
P.O. Box 19255
Springfield IL 62794-9276

217/524-8105
Fax: 217/557-3943

G) Related rulemakings and other pertinent information: None

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JANUARY 2016 REGULATORY AGENDA

a) Part (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System anticipates promulgating and amending rules in relation to Illinois Pension Code (40 ILCS 5/1-160) Sec. 1-160: Provisions applicable to Investment Procurement, Tier II plan participants and rules related to disability benefit definitions will be updated. New rules relative to Article 20 of the Pension Code (Reciprocal Act) are also being considered.

B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].

C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Sandy Cochran
Teachers' Retirement System
Office of Legal Counsel
P.O. Box 19253
2815 West Washington
Springfield IL 62794-9253

217/753-0375

G) Related rulemakings and other pertinent information: None

2015-335
Disaster Proclamation

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, the Mississippi River is at a moderate to major flood stage in many locations, with crests still expected; and,

WHEREAS, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms have produced an average of approximately seven inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Calhoun, Jackson, Jersey, Madison, Monroe, Randolph, and St. Clair Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor December 29, 2015
Filed by the Secretary of State December 29, 2015

2015-336
Disaster Proclamation 2

WHEREAS, between December 23 and 28, 2015, continuous waves of severe storms generating heavy rainfall moved through Illinois; and,

WHEREAS, the Mississippi River is at a moderate to major flood stage in many locations, with crests still expected; and,

WHEREAS, the high river levels have caused and continue to pose a severe risk of substantial flooding in many Illinois counties, resulting in significant property damage to homes and businesses, power outages, and impacts to transportation; and,

WHEREAS, according to the National Weather Service, these storms have produced an average of approximately seven inches of precipitation in the affected counties; and,

WHEREAS, requests for aid received by the Illinois Emergency Management Agency indicate that local resources and capabilities have been exhausted and that State resources are needed to respond to and recover from the effects of the flooding; and,

WHEREAS, these conditions provide legal justification under section 7 of the Illinois Emergency Management Act for the issuance of a proclamation of disaster;

NOW, THEREFORE, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, Bruce Rauner, Governor of the State of Illinois, hereby proclaim as follows:

Section 1. Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare Alexander, Christian, Clinton, Douglas, and Morgan Counties as disaster areas.

Section 2. The Illinois Emergency Management Agency is directed to continue the implementation of the State Emergency Operations Plan and the coordination of State resources to support local governments in disaster response and recovery operations.

Section 3. Pursuant to the provisions of Section 7(a)(1), I suspend any regulatory statute or order, rule, or regulation of any State agency that the Illinois Emergency Management Agency determines that, to best implement the State Emergency Operations Plan, strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action, including emergency purchases, to cope with this disaster.

Section 4. This proclamation can facilitate a request for Federal disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

Section 5. This proclamation shall be effective immediately and remain in effect for 30 days.

Issued by the Governor December 30, 2015
Filed by the Secretary of State December 30, 2015

ILLINOIS ADMINISTRATIVE CODE
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