

TABLE OF CONTENTS

September 9, 2016 Volume 40, Issue 37

PROPOSED RULES

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Permits

35 Ill. Adm. Code 652.....12868

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition, and Supervision

23 Ill. Adm. Code 1.....12896

Charter Schools

23 Ill. Adm. Code 650.....12908

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

State Universities Civil Service System

80 Ill. Adm. Code 250.....12912

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Illinois Prepaid Tuition Program

23 Ill. Adm. Code 2775.....12942

ADOPTED RULES

EMERGENCY MANAGEMENT AGENCY, ILLINOIS

General Provisions for Radiation Protection

32 Ill. Adm. Code 310.....12949

Licensing of Radioactive Material

32 Ill. Adm. Code 330.....12971

HUMAN SERVICES, DEPARTMENT OF

Developmental Disabilities Services

89 Ill. Adm. Code 144.....13016

RACING BOARD, ILLINOIS

Entries, Subscriptions, and Declarations

11 Ill. Adm. Code 1413.....13022

EMERGENCY RULES

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Illinois Prepaid Tuition Program

23 Ill. Adm. Code 2775.....13029

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....13036

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

Summer Food Service Program Day

2016-192.....13038

Blood Drive Coordinator Month

2016-193.....13038

Parents Day

2016-194.....	13039
Chicago Defender Charities Inc. Bud Billiken Day	
2016-195.....	13040
Concrete Pipe Week	
2016-196.....	13041
Illinois Steel Day	
2016-197.....	13042
Chiropractic Health Care Month	
2016-198.....	13042
Hydrocephalus Awareness Month and Day	
2016-199.....	13043
Infant Mortality Awareness Month	
2016-200.....	13044
International Assistance Dog Week	
2016-201.....	13045
Lions and Lioness Clubs Candy Day	
2016-202.....	13046
National Health Center Week	
2016-203.....	13046
Principals Week and Day	
2016-204.....	13048
Student Council Week	
2016-205.....	13049
Tee It Up for the Troops Day	
2016-206.....	13050
Campus Fire Safety Month	
2016-207.....	13050
Child Support Awareness Month	
2016-208.....	13052
Careers in Construction Month	
2016-209.....	13052
M.S. Subbulakshmi Day	
2016-210.....	13053
Prostate Cancer Awareness Month	
2016-211.....	13054
Veterans' Day at the State Fair	
2016-212.....	13055
William Schubert Day	
2016-213.....	13056
Illinois Fairgrounds Foundation	
2016-214.....	13057
Freedom to Rock Day	
2016-215.....	13058
Childhood Cancer Awareness Month	
2016-216.....	13059

Food Pantry Awareness Day	
2016-217.....	13060
National Park Service Centennial Day	
2016-218.....	13060
Sheriff David Mahon Day	
2016-219.....	13061
We Card Awareness Month	
2016-220.....	13062
Workforce Development Week	
2016-221.....	13063

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 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 ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
652.101	Repealed
652.102	Repealed
652.103	Repealed
652.104	Repealed
652.105	Repealed
652.106	Repealed
652.107	Repealed
652.108	Repealed
652.109	Repealed
652.110	Repealed
652.111	Repealed
652.112	Repealed
652.113	Repealed
652.114	Repealed
652.201	Repealed
652.202	Repealed
652.203	Repealed
652.204	Repealed
652.205	Repealed
652.301	Repealed
652.401	Repealed
652.402	Repealed
652.501	Repealed
652.502	Repealed
652.503	Repealed
652.601	Repealed
652.602	Repealed
652.603	Repealed
652.604	Repealed
652.605	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 19]

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 5) A Complete Description of the Subjects and Issues Involved: The Illinois EPA filed a proposed rulemaking, R15-22, to amend Parts 601, 602, and 603 of the Illinois Pollution Control Board's ("Board") public drinking water rules. Part of the amendments consolidated the community water supply permitting rules in Parts 652 and 602. When the Board's Part 602 amendments were adopted, the Illinois EPA planned to repeal Part 652. During the Second Notice of the Board's Part 602 amendments JCAR issued a formal recommendation dated March 8, 2016 to Illinois EPA to repeal Part 652. This amendment of Part 652 is now in response to JCAR's recommendation. The Illinois EPA plans to retain Part 652, Subpart G, Public Water Supply Capacity, which has not been incorporated into Part 602.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield IL 62794-9276

217/782-5544
stephanie.flowers@illinois.gov

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small businesses, small municipalities or not-for-profit corporations that are community water supplies as defined by the Illinois Environmental protection Act, 415 ILCS 5/ 3.145, may be affected by these proposed rules.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The proposed amendments to Part 652, Subparts A-F are in response to a recommendation from JCAR and were not placed on the Agency regulatory agenda.

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 652

PUBLIC WATER SUPPLY CAPACITY PERMITS

SUBPART A: CONSTRUCTION PERMITS

Section

- 652.101 Construction Permit Requirements ([Repealed](#))
- 652.102 Submission of Plans and Specifications ([Repealed](#))
- 652.103 Preliminary Plans ([Repealed](#))
- 652.104 Supporting Data for Construction Permit Applications ([Repealed](#))
- 652.105 Plans – General Layout ([Repealed](#))
- 652.106 Specifications ([Repealed](#))
- 652.107 Revisions to Plan Documents ([Repealed](#))
- 652.108 Alterations ([Repealed](#))
- 652.109 Filing of Applications and Final Action by Agency ([Repealed](#))
- 652.110 Permit Application Review ([Repealed](#))
- 652.111 Standards for Issuance ([Repealed](#))
- 652.112 Duration of Permits ([Repealed](#))
- 652.113 Permit Limitations ([Repealed](#))
- 652.114 Right of Inspection ([Repealed](#))

SUBPART B: OPERATING PERMITS

Section

- 652.201 Operating Permit Requirements ([Repealed](#))
- 652.202 Certified Operator or Registered Person ([Repealed](#))
- 652.203 Projects Requiring Disinfection ([Repealed](#))
- 652.204 Projects Not Requiring Disinfection ([Repealed](#))
- 652.205 Partial Operating Permits ([Repealed](#))

SUBPART C: EMERGENCY PERMITS

Section

- 652.301 Permits Under Emergency Conditions ([Repealed](#))

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: RESTRICTED STATUS AND CRITICAL REVIEW

Section	
652.401	Basis of Restricted Status and Critical Review (Repealed)
652.402	Notification of Restricted Status or Critical Review Status (Repealed)

SUBPART E: ALGICIDE PERMITS

Section	
652.501	Algicide Permit Requirements (Repealed)
652.502	Permit Applications (Repealed)
652.503	Sampling (Repealed)

SUBPART F: AQUATIC PESTICIDE PERMITS

Section	
652.601	Aquatic Pesticide Permit Requirements (Repealed)
652.602	Permit Application Contents (Repealed)
652.603	Permits Under Public Health Related Emergencies (Repealed)
652.604	State Agency Programs (Repealed)
652.605	Extension of Permit Duration (Repealed)

SUBPART G: PUBLIC WATER SUPPLY CAPACITY

Section	
652.701	System Capacity
652.702	Supporting Data for Public Water Supply Capacity Demonstration

AUTHORITY: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/Title IV].

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: CONSTRUCTION PERMITS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 652.101 Construction Permit Requirements (Repealed)

- a) ~~Construction permits shall be obtained by the official custodian of a community water supply prior to beginning construction of any proposed community water supply and prior to all alterations, changes or additions to an existing community water supply which may affect the sanitary quality, mineral quality or adequacy of the supply including changes pursuant to 35 Ill. Adm. Code 653.115.~~
- b) ~~A construction permit is not needed for normal work items such as:~~
 - 1) ~~installation of customer service connections to distribution system water mains;~~
 - 2) ~~installation or replacement of hydrants and valves in the distribution system;~~
 - 3) ~~replacement of water mains with mains of equivalent size and material in the same location;~~
 - 4) ~~routine maintenance of equipment such as painting, reconditioning, servicing; or~~
 - 5) ~~replacement of waterworks equipment such as chemical feeders, pumps or controls with equivalent equipment.~~

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

Section 652.102 Submission of Plans and Specifications (Repealed)

- a) ~~Plans and specifications shall be prepared by an engineer or architect registered to practice in the State of Illinois.~~
- b) ~~Two copies of the completed application, plans, specifications and supplemental schedules shall be submitted to the Division of Public Water Supplies for review and approval. Construction permit application forms are available upon request from the Division of Public Water Supplies Permit Section.~~
 - 1) ~~The Application for Construction Permit form shall be completed and submitted for each proposed project.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~Schedule A—Engineer's Cost Estimate form may be submitted for each project.~~
 - 3) ~~Schedule B—Water Main Construction form shall be completed and submitted for water main extension projects.~~
 - 4) ~~Schedule CI—Well Construction form shall be submitted for construction of a water well and Schedule CII—Well Completion form shall be submitted for completion of a water well. Both schedules may be submitted at the same time if technical data sufficient to complete Schedule CII is available.~~
- e) ~~The Agency shall acknowledge in writing receipt of submitted documents.~~

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

Section 652.103 Preliminary Plans (Repealed)

- a) ~~Preliminary plans may be submitted prior to application to expedite review of subsequent construction permit application plan documents. No approval for construction shall be issued until the completed application, plans and specifications have been submitted.~~
- b) ~~If preliminary plans are submitted, the plans shall include a description of alternate solutions, a discussion of the alternatives and reasons for selecting the alternative recommended.~~

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

Section 652.104 Supporting Data for Construction Permit Applications (Repealed)

- a) ~~General Information: Describe the existing waterworks, sewerage facilities and the municipality or area to be served. Submit the name and mailing address of the owner or official custodian.~~
- b) ~~Extent of Community Water Supply System: Describe the nature and extent of the area to be served with water and any provisions for extending the community water supply system. Include additional areas to be served and an appraisal of the~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~future requirements for service. Describe present and prospective industrial and commercial water supply needs which are to be met by the water supply system or which are likely to be required in the near future.~~

- e) ~~Sites for Proposed Community Water Supply Structures: Indicate the maximum level of flood waters where pertinent, the proximity of residences and industrial or commercial establishments. Identify all existing and potential sources of pollution and other factors which may influence the quality of the supply or may interfere with the effective operation of the system (See 35 Ill. Adm. Code 653.118—Table A for some types of sources).~~
- d) ~~Soil, Ground Water Conditions and Foundation Problems: Briefly describe the character of the soil through which water mains are to be laid and foundation conditions prevailing at sites of proposed structures. Describe the approximate elevation of ground water in relation to sub-surface structures.~~
- e) ~~Water Consumption: Describe population trends as indicated by available records and estimated number of consumers who will be served by the proposed or expanded water supply system 25 years in the future. Give present and future water consumption values used as the basis of design. Include present and estimated future yield of the sources of supply.~~
- f) ~~Fire Flow Requirements: Describe and outline design parameters if Illinois Insurance Services Office recommendations for improving system fire flows are to be met.~~
- g) ~~Sources of Raw Water: Briefly describe the proposed source or sources of raw water to be developed, estimated safe yield and reasons for selection.~~
- h) ~~Quality of Raw Water: Provide a summary of analytical data which describes the character and quality of the proposed raw water supply with special reference to known or anticipated fluctuations in quality, impact of point and non-point sources of pollutant discharges, effects of changing meteorological conditions and any violations of the quality standards of 35 Ill. Adm. Code 604.501. Indicate which parameters will need adjustment to conform to the finished water standards in 35 Ill. Adm. Code 604.~~
- i) ~~Proposed Treatment Processes: Briefly describe all proposed treatment for providing the quality desired from the specific raw water under consideration and~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~any available data proving the capability of providing the treatment.~~

- j) ~~Power: Describe the main source of power, auxiliary power equipment to be provided and outside emergency power sources which are available. Include provisions for standby power in facilities where power outages may result in pressure loss in the distribution system.~~
- k) ~~Water Plant Wastes: Estimate the amount and type of waste which will be generated and its proposed disposition. Include data regarding waste residues and disposition in a preliminary engineering report and/or the basis of design summary. When water plant waste treatment facilities are necessary, those facilities shall be included as part of the engineering plans and specifications. Data shall include character and volume of waste (including contaminant concentration in milligrams per liter), waste treatment, discharge location and frequency of discharge.~~
- 1) ~~Approval for operation of waste treatment facilities will be the National Pollutant Discharge Elimination System (NPDES) permit. Application for an NPDES permit shall be filed at least 180 days prior to the proposed construction of the waste treatment facility.~~
- 2) ~~An NPDES permit is not required when water plant wastes are discharged to a sewage treatment plant or a recycling (closed loop) waste treatment system. A construction permit for connection of water plant waste piping to a sewer system or construction of a recycling system shall be obtained from the Division of Public Water Supplies.~~
- l) ~~Sewerage System Available:~~
- 1) ~~Describe the existing sewer system and the sewage treatment facilities. Include the relationship to existing or proposed community water supply structures.~~
- 2) ~~If water plant wastes are to be discharged to a sanitary sewerage system, a copy of the approval letter from the owners of the sewer system and/or sewage treatment works shall be submitted with the plan documents. Data pertaining to the waste discharge shall include:~~
- A) ~~data requested in (k) above;~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~B) sewer system plant map showing location, size and slope of sewer lines from the point of connection at the water plant to the sewage treatment works;~~
- ~~C) location of manholes, lift stations and overflows along the route; and~~
- ~~D) capacity of lift stations.~~

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

Section 652.105 Plans – General Layout (Repealed)

- ~~a) No original plan drawings or tracings shall be submitted.~~
- ~~b) The final plans for the layout shall show:
 - ~~1) title of plans and name of the municipality, water company, water district, organization, institution or area served;~~
 - ~~2) scale;~~
 - ~~3) north point; and~~
 - ~~4) engineer's or architect's professional seal.~~~~
- ~~c) Scale for general plans shall not be less than 100 feet or greater than 300 feet to the inch. The size of the plan sheets shall not exceed 24 inches by 36 inches.~~
- ~~d) Lettering, figures and symbols shall be legible and uniform throughout the plan drawings.~~
- ~~e) Borderline of the municipality, water district or area to be served shall be shown.~~
- ~~f) Existing Structures: Location, size and length of existing water mains and location and nature of existing water system structures in the area affected by the proposed construction shall be noted on one sheet.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- g) ~~Proposed Structures: Size, length and identity of proposed water mains and water system structures shall be shown.~~
- h) ~~Topography and Elevations: The datum used shall be shown. The location of existing or proposed streets; sub-surface water courses, ponds, lakes, and drains; storm, sanitary, combined and house sewers, septic tanks, disposal fields and cesspools shall be clearly shown (See 35 Ill. Adm. Code 653.118—Table A). Elevation of water mains and other water system structures shall be indicated. Contour lines shall be included on final plans for sites such as treatment plants, storage reservoirs, pumping stations and wells.~~
- i) ~~Stream Crossings: Stream crossings with elevations of the stream bed shall be shown. Indicate the normal, extreme high and extreme low water levels. Profiles shall have a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than ten feet to the inch; both scales shall be clearly shown.~~
- j) ~~Appurtenances: All appurtenances, specific structures or equipment having any connection with planned water mains and water system structures shall be shown. Detailed plans shall be drawn to a scale which will describe the proposed structures and equipment. Dimensions, elevations and explanatory notes shall be shown.~~
- k) ~~Hydraulic Profiles: Detailed hydraulic profiles of water flowing through treatment systems shall be shown.~~
- l) ~~Schematic Designs: Schematic plumbing and electrical designs for all structures and equipment shall be shown.~~
- m) ~~Water Well Design: The methods of construction to be used, geological formations to be penetrated and type of well to be constructed shall be described.~~

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

Section 652.106 Specifications (Repealed)

- a) ~~Complete detailed specifications shall be supplied for all community water supply construction.~~
- b) ~~Water main standard specifications which have been adopted by a community~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~water supply or a consulting engineer may be submitted for review by the Agency. Approved standards will be kept on file and need not be resubmitted unless changes occur. These standard specifications shall equal or exceed the requirements of Section 652.111.~~

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

Section 652.107 Revisions to Plan Documents (Repealed)

~~Revisions, changes or additions to plan documents shall be made on the master work by re-preparing the master work. Changes or additions on prints or reproductions are not acceptable.~~

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

Section 652.108 Alterations (Repealed)

- a) ~~Any proposed deviations from plans and specifications previously approved by the Agency shall receive a supplemental permit from the Agency before such changes are made. Approval by the Agency shall be in accordance with Section 652.110. Examples of changes which require a supplemental permit are those which affect the location, sanitary and/or mineral quality, capacity, hydraulic conditions, operating units or functioning of water purification units.~~
- b) ~~Revised plans or specifications shall be submitted to and approved by the Division of Public Water Supplies Permit Section before any construction which will be affected by such changes has been started.~~
- c) ~~Structural revisions for minor changes which will not affect the location, capacity, hydraulic conditions, water purification processes or the sanitary or mineral quality of the water to be delivered will be allowed without prior approval. As-built plans clearly showing such alterations shall be filed with the Agency prior to filing an application for an operating permit.~~

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

Section 652.109 Filing of Applications and Final Action by Agency (Repealed)

- a) ~~Applications for construction permits shall be submitted at least 90 days before the expected start of construction.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- b) ~~The filing date is the date when the Division of Public Water Supplies Permit Section receives the application. Notification of receipt will be by mail.~~
- e) ~~Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111½, par. 1039(a)) requires the Agency to take final action by granting or denying permits within 90 days of the filing of the application. Applicants may waive the 90 day limitation by advising the Agency in writing.~~
- d) ~~The Agency maintains a progress record of all permit applications including interim and final action dates. This information is available to the applicant upon request.~~

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

Section 652.110 Permit Application Review (Repealed)

~~The Agency shall complete a preliminary review of the permit application for compliance with Section 652.102 upon receipt. Permit Section engineers will complete detailed review of the plans for compliance with Section 652.111. If information required by this subpart is not provided, the Agency will request it. If the requested information is not received, the permit will be denied.~~

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

Section 652.111 Standards for Issuance (Repealed)

- a) ~~The Agency shall issue a construction permit if documents show that:
 - 1) ~~the community water supply will be constructed, modified or operated so that it will not cause a violation of the Illinois Environmental Protection Act [415 ILCS 5] or 35 Ill. Adm. Code: Subtitle F, Chapter I;~~
 - 2) ~~construction will be in accordance with the Agency Rules for Public Water Supplies (35 Ill. Adm. Code 651 through 654), the American Water Works Association (AWWA) Standards and the "Standards" (as defined in 35 Ill. Adm. Code 651.102); and~~
 - 3) ~~notification of ownership pursuant to 35 Ill. Adm. Code 603.101 is on file.~~~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- b) ~~In case of conflict among the documents in subsection (a)(2), the Agency Rules for Public Water Supplies shall be complied with.~~
- e) ~~The existence of a violation of the Act or a regulation will not prevent the issuance of a construction permit if:~~
- 1) ~~the applicant has been granted a variance or an adjusted standard from a regulation of the Board;~~
 - 2) ~~the permit application is for construction or installation of equipment to alleviate or correct a violation;~~
 - 3) ~~the permit application is for a water main extension to serve existing residences or commercial facilities when the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity that violates the finished water standards of 35 Ill. Adm. Code 611; or~~
 - 4) ~~the Agency determines the permit application is for construction or installation of equipment necessary to produce water that is assuredly safe, as required by 35 Ill. Adm. Code 601.101.~~

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

Section 652.112 Duration of Permits (Repealed)

- a) ~~Construction permits expire one year from the date of issuance unless construction has started. If the construction permit expires before construction is started, the official custodian or authorized agent shall request an Extension of Construction Permit.~~
- b) ~~If the construction period is expected to exceed four years, a request for extension shall be filed at least 90 days prior to the permit expiration date.~~

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

Section 652.113 Permit Limitations (Repealed)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- a) ~~Permits required from other State Agencies, other Divisions of this Agency or local governing bodies are included as special conditions of permits issued under 35 Ill. Adm. Code 602.101.~~
- b) ~~A construction permit shall not be valid until applications for all other required permits have been made.~~
- c) ~~Omission of such a condition to a permit does not exempt the applicant from the requirement for obtaining all necessary permits.~~

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

Section 652.114 Right of Inspection (Repealed)

~~The permittee shall allow any agent duly authorized by the Agency upon presentation of credentials, and in accordance with constitutional limitations, to:~~

- a) ~~enter at reasonable times the permittee's premises where treatment or distribution facilities are located or where any activity is to be conducted pursuant to a permit;~~
- b) ~~have access to and copy at reasonable times any records required to be kept under the terms and conditions of a permit;~~
- c) ~~inspect at reasonable times including during any hours of operation:~~
 - 1) ~~equipment constructed or operated under the permit;~~
 - 2) ~~equipment or monitoring methodology; or~~
 - 3) ~~equipment required to be kept, used, operated, calibrated and maintained under the permit;~~
- d) ~~obtain and remove at reasonable times samples of any raw or finished water, discharge or emission of pollutants;~~
- e) ~~enter at reasonable times to use any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any raw or finished water, activity, discharge or emission authorized by a permit.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART B: OPERATING PERMITS

Section 652.201 Operating Permit Requirements (Repealed)

~~The operating permit application shall be filed with the Division of Public Water Supplies Permit Section when construction is complete. An operating permit is required for all projects which require a construction permit. The operating permit shall be obtained before the project is placed in service.~~

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

Section 652.202 Certified Operator or Registered Person (Repealed)

~~Before an operating permit can be issued, the community water supply shall employ on its operational staff a properly qualified, certified water supply operator, or, if exempt from the operator certification requirement, a registered person in responsible charge. The official custodian must have on file with the Agency a Notification of Certified Operator in Responsible Charge form, or, if exempt from the operator certification requirement, a Registration of Person in Responsible Charge form as required by 35 Ill. Adm. Code 603.103 and 603.104.~~

- a) ~~Unless the supply is exempt from having a certified operator, the official custodian shall report the name and certificate number of the certified operator in responsible charge of the treatment and distribution facilities of the supply. This information shall be indicated on the operating permit application to verify the continued employment of the certified operator in responsible charge.~~
- b) ~~A certified operator, designated as in responsible charge of the treatment facilities only, shall not be listed as in charge on operating permit applications pertaining to distribution facility operations. A certified operator, designated as in charge of distribution facilities only, shall not be listed as in charge on operating permit applications pertaining to treatment facility operations.~~
- e) ~~A certified operator in responsible charge of both treatment and distribution facilities of the supply may be listed on all operating permit applications pertaining to the supply.~~
- d) ~~The official custodian of each supply which is exempt from having a certified~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~operator must report the name and registration number of the registered person in responsible charge of that supply. This information must be indicated on the operating permit application to verify the continued employment of the registered person in responsible charge.~~

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

Section 652.203 Projects Requiring Disinfection (Repealed)

- a) ~~Disinfection is required for projects where facilities produce, contain, treat or carry water which must be bacteriologically safe. This includes but is not limited to water mains, filters, finished water storage tanks and wells.~~
- b) ~~Satisfactory disinfection is demonstrated when two consecutive water samples collected from the completed project at least 24 hours apart indicate no bacterial growths as measured by the membrane filter technique or no tubes positive as measured by the presumptive test, fermentation tube method.~~
- e) ~~All new water mains shall be satisfactorily disinfected prior to use. All new community water supplies shall collect representative samples at least 24 hours apart and receive satisfactory results from the analyses before an operating permit will be issued.~~
- d) ~~The requirement for collecting two consecutive samples given in (b) above, may be modified for water main construction projects at existing community water supplies practicing chlorination in accordance with 35 Ill. Adm. Code 604.401. Water supplies practicing adequate chlorination are required to collect only one satisfactory sample set before issuance of the operating permit provided adequate chlorine residual is present at the point of connection.~~
 - 1) ~~Adequate chlorine residuals exist in a distribution system when there is a minimum of 0.2 mg/l free chlorine residual for water supplies practicing free chlorination or 0.5 mg/l combined chlorine residual for water supplies practicing combined chlorination.~~
 - 2) ~~Projects in these supplies shall be considered satisfactorily disinfected if one water sample set indicates no bacteria.~~
 - 3) ~~If the analyses indicate the presence of contamination, resampling at the~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~sampling point indicating contamination is required and results pursuant to (b) above shall be obtained.~~

- e) ~~Analyses of these samples shall be performed by an Agency laboratory or another certified laboratory.~~
- 1) ~~The operating permit application shall be sent to the Division of Public Water Supplies Permit Section at the same time as the water samples are sent to the Agency laboratory.~~
- 2) ~~The laboratory report sheets shall be submitted with the completed operating permit application if another certified laboratory is used.~~

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

Section 652.204 Projects Not Requiring Disinfection (Repealed)

- a) ~~Disinfection is not required for projects involving installation of equipment not in contact with finished water, which includes but is not limited to chemical feeders, coagulation basins and raw surface water transmission lines.~~
- b) ~~The operating permit application form for projects not requiring disinfection shall be completed, signed by the responsible community water supply official, and sent to the Division of Public Water Supplies Permit Section when the project has been completed.~~

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

Section 652.205 Partial Operating Permits (Repealed)

- a) ~~If all phases of a water main extension project will not be completed at one time, a partial operating permit shall be issued pursuant to 35 Ill. Adm. Code 602.105 upon receipt of:~~
- 1) ~~a cover letter describing which sections of the project are completed;~~
- 2) ~~a general layout plan sheet of the project indicating the location of all water mains to be operated;~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~3) a completed and signed operating permit application; and~~
- ~~4) bacteriological analyses results from water samples collected from the completed section of the project. The analyses shall verify satisfactory disinfection in accordance with Section 652.203.~~
- b) ~~Additional operating permits shall be obtained as other sections of the project are completed.~~

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

SUBPART C: EMERGENCY PERMITS

Section 652.301 Permits Under Emergency Conditions (Repealed)

~~The Agency may issue construction and operating permits by telephone in accordance with 35 Ill. Adm. Code 602.104, if emergency conditions exist which threaten the safety or adequacy of the water.~~

- a) ~~Emergency conditions include hazards or threats to public health caused by:~~
 - ~~1) accidents;~~
 - ~~2) equipment failures;~~
 - ~~3) human error; or~~
 - ~~4) natural disasters.~~
- b) ~~The owner, operator or person in responsible charge shall contact the Agency if an emergency permit is needed. The caller shall give the following information: name; telephone number; name of the community water supply; and nature of the emergency. The Agency can be contacted by calling:~~
 - ~~1) Division of Public Water Supplies Permit Section; or if no answer,~~
 - ~~2) the State emergency number, 217/782-3637 (STA-EMER).~~
- e) ~~Corrective action shall be taken by the official custodian of the supply if~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~modifications are required by the Agency.~~

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

SUBPART D: RESTRICTED STATUS
AND CRITICAL REVIEW**Section 652.401 Basis of Restricted Status and Critical Review (Repealed)**

~~Pursuant to Section 39(a) of the Act and 35 Ill. Adm. Code 652.111, the Agency shall not issue permits for water main extension construction where the water mains would extend an existing violation of the Environmental Protection Act, 35 Ill. Adm. Code: Subtitle F, Chapter I, or the Agency Rules for Public Water Supplies.~~

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

Section 652.402 Notification of Restricted Status or Critical Review Status (Repealed)

- a) ~~The Agency shall publish in the Environmental Register at intervals of not more than three months, a list of those community water supplies which the Agency's records indicate are subject at that time to the restriction on new water main extensions in Section 652.401. This list will be entitled the "Restricted Status List".~~
- b) ~~The Agency shall also publish at the same frequency as the Restricted Status List, a list of those community water supplies which Agency records indicate are approaching the point of violating any of the standards listed in Section 652.401. This list will be entitled the "Critical Review List".~~
- e) ~~Both lists shall include a statement of the potential or existing violation(s) in each community water supply.~~
- d) ~~Owners of community water supplies which have been placed on Restricted Status or Critical Review shall notify any person requesting construction of a water main extension of this status.~~

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

SUBPART E: ALGICIDE PERMITS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 652.501 Algicide Permit Requirements (Repealed)

~~An algicide permit shall be obtained from the Agency before copper sulfate can be applied to a surface water source.~~

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

Section 652.502 Permit Applications (Repealed)

- a) ~~Application for an algicide permit shall be made to the Division of Public Water Supplies Permit Section on forms available from the Division.~~
- b) ~~The application shall include:~~
 - 1) ~~location and volume of the body of water;~~
 - 2) ~~name of source stream (if any);~~
 - 3) ~~amount of copper sulfate to be used for each treatment;~~
 - 4) ~~time interval between treatments;~~
 - 5) ~~description of any adverse effects algae has had on the various treatment processes and on the finished water quality; and~~
 - 6) ~~a description of any fish kills that might have resulted from past use of copper sulfate.~~
- e) ~~The permit application shall include the name, certificate number and class of the certified operator in responsible charge of the water treatment plant who will supervise the application of the algicide.~~

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

Section 652.503 Sampling (Repealed)

~~The official custodian or an authorized delegate shall collect four water samples for each application of copper sulfate. Samples shall be collected in bottles supplied by the Agency in~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~accordance with specific instructions supplied with the bottles.~~

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

SUBPART F: AQUATIC PESTICIDE PERMITS

Section 652.601 Aquatic Pesticide Permit Requirements (Repealed)

- a) ~~A permit shall be obtained from this Agency except as provided in 35 Ill. Adm. Code 602.103 (Alicide Permits), before any aquatic pesticide is applied to waters of the State where the application of the pesticide will have an effect on public or food processing water supplies.~~
- ~~1) Effect shall be defined as any measurable concentration of the pesticide in the intake water of the public or food processing water supply.~~
 - ~~2) Application for an Aquatic Pesticide Permit shall be made whenever an aquatic pesticide is to be applied within 20 miles upstream of a public or food processing water supply intake.~~
 - ~~3) The person having the aquatic pesticide applied shall apply for the permit.~~
- b) ~~The 20 mile upstream distance shall be measured as follows:~~
- ~~1) for streams, the distance shall be measured from the water supply intake to the downstream edge of the area treated;~~
 - ~~2) for impoundments, the distance shall be measured as the straight line distance over water from the intake to the nearest edge of the area treated;~~
 - ~~3) when the shape of the impoundment will not allow a straight line measurement to be made, the shortest distance, over water, between the intake and the area is to be used;~~
 - ~~4) for streams tributary to the impoundments, the distance shall be the sum of the stream distance plus the shortest line distance described in (2) and (3) above.~~

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 652.602 Permit Application Contents (Repealed)

The following shall be submitted for each permit application:

- a) ~~List of reasons for controlling the aquatic plant or animal nuisance.~~
- b) ~~Applicant Information~~
 - 1) ~~The applicant shall be the official custodian of or have control over the waters receiving the aquatic pesticide.~~
 - 2) ~~The application shall contain the name, address, telephone number and signature of the applicant. If the signature cannot be obtained, the application must be accompanied by a signed statement that the applicant has requested or approved the use of the aquatic pesticide for those specific waters of the State identified in the application.~~
- e) ~~Applicator Information~~
 - 1) ~~Provide the name, address and telephone number of the applicator.~~
 - 2) ~~Provide the Illinois Department of Agriculture License Number.~~
 - 3) ~~List the limitations imposed by the license which restrict the types of pesticides which may be used by the applicator.~~
- d) ~~General Information~~
 - 1) ~~Describe the aquatic pesticide by trade name, chemical name or name of active ingredient(s), and name(s) of decomposition product(s).~~
 - 2) ~~Provide the United States Environmental Protection Agency (USEPA) Registration Number for the pesticide.~~
 - 3) ~~Describe steps to be followed in preparing and applying the pesticide including but not limited to proportions, mixing and precautions in preparation. A copy or facsimile of the label may be used to satisfy this requirement.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- e) ~~Time and Location of Treatment~~
- 1) ~~Show the area or areas to be treated on a United States Geological Survey (USGS) topographic map reproduction or an accurately drawn map of larger scale. Include the location(s) and provide the name of the owner(s) of all water intakes for a distance of 20 miles downstream of the area to be treated.~~
 - 2) ~~Ponds under ten acres to be treated, but which are not used for public or food processing, shall be described using a map of the pond, tributaries and the surrounding area.~~
 - A) ~~Pond locations shall be given and described as the quarter section, section number, township, range, county and township name.~~
 - B) ~~Name all public and food processing water supplies for a distance of 20 miles downstream of the pond to be treated.~~
 - 3) ~~List date and time required for each treatment.~~
- f) ~~An inventory of the species, size and population of animals or plants to be controlled.~~
- g) ~~Contacts with Downstream Water Users~~
- 1) ~~Provide written documentation that all water supplies described in Section 652.601 have been notified of the proposed treatment and provided details of possible adverse effects.~~
 - 2) ~~Provide the name(s) of water supply operator(s) who will be notified within 24 hours of aquatic pesticide application.~~
- h) ~~Application and Precautions~~
- 1) ~~Describe the method to be used to apply the pesticide.~~
 - 2) ~~Describe methods to be used to protect humans and animals during the time toxic pesticide concentrations exist in the water.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 3) ~~Describe the method to be used to remove dead plants or animals should these accumulations result in water quality deterioration.~~
 - 4) ~~Describe the method to be used to retain water in the impoundment while toxic pesticide concentrations exist.~~
 - 5) ~~Describe the method to be used for detoxification in the event of water supply contamination.~~
 - 6) ~~Describe the actions to be taken to insure that tributary streams will not reintroduce the aquatic life being controlled following application of the pesticide. If these actions cannot be taken, state the anticipated frequency of retreatment.~~
 - 7) ~~Provide a copy of the contingency plan to be followed by water plant operators for emergency water plant shut down or emergency operation.~~
- i) ~~Water Characteristics and Chemistry~~
- 1) ~~Provide information regarding the expected life of the active ingredient and its decomposition products, considering characteristics of the water such as pH, dissolved oxygen and temperature.~~
 - 2) ~~List the limiting chemical constituents of the water to be treated which can hinder the effectiveness of the pesticide.~~
 - 3) ~~List the short term and chronic effects of the pesticide on people and animals.~~
 - 4) ~~Describe the weather and stream flow conditions under which the pesticide must be applied.~~
 - 5) ~~Provide a list of references used to obtain information for the preceding (1) through (4).~~
- j) ~~Pesticide Dosage and Concentration~~
- 1) ~~List the pesticide dosage.~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- ~~2) List the concentration of the pesticide in the water immediately after application. Provide a copy of the computations used to determine the concentration.~~
- k) **Stream and Impoundment Data**
 - ~~1) Provide information on the stream flow expected during pesticide application. If information is not available, provide data on high, average and low stream flow conditions. Specify quantity of discharge in cubic feet per second and average stream velocity in feet per second.~~
 - 2) **Impoundments**
 - A) ~~Provide information on the surface area, average depth, maximum depth and volume.~~
 - B) ~~Provide information on the flow expected into and out of the impoundment during the time the pesticide will be active. Include the flows attributed to contributing streams, flow over the spillway and water withdrawn by individual users.~~
 - C) ~~Provide information pertinent to the segment in question when only part of the impoundment will be treated.~~
 - D) ~~Show the water flow patterns to the water supply intake on a sketch of the impoundment. Provide an estimate of the minimum time required for the aquatic pesticide to reach the intake.~~
 - ~~3) List the reference sources or the name and qualifications of the person supplying stream flow and impoundment data.~~
- l) **Additional Information and Reports**
 - 1) ~~Additional information shall be provided to the Agency upon request to assure the safety of a water supply as required by 35 Ill. Adm. Code 302.210.~~
 - 2) ~~A report letter shall be filed with the Agency within 30 days following the~~

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

~~application of the aquatic pesticide. The report shall include but not be limited to:~~

- ~~A) names and addresses of applicant and applicator;~~
- ~~B) aquatic pesticide application permit number;~~
- ~~C) date of aquatic pesticide application;~~
- ~~D) name and amount of aquatic pesticide applied; and~~
- ~~E) a description of any mishap which endangered a water supply including the chronological steps taken to correct the problem.~~

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

Section 652.603 Permits Under Public Health Related Emergencies (Repealed)

~~The Agency may issue Aquatic Pesticide Permits by telephone whenever public health is immediately endangered by an aquatic pest such as a disease carrying organism. Aquatic Pesticide Permits issued by telephone shall have special conditions for safeguarding downstream public and food processing water supplies.~~

- ~~a) The Agency will confirm in writing the granting of an emergency Aquatic Pesticide Permit within ten days of issuance.~~
- ~~b) A written report containing information required by Section 652.602 shall be made to the Agency within 30 days following pesticide application.~~

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

Section 652.604 State Agency Programs (Repealed)

~~The Departments of Public Health, Conservation and Agriculture may place on file with the Agency information required by Section 652.602 (h), (i) and (j) for reference in future permit applications.~~

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 652.605 Extension of Permit Duration (Repealed)

~~The Agency may extend the duration of Aquatic Pesticide Permits when circumstances beyond the control of the applicant prevent the aquatic pesticide application during the time specified in the permit.~~

- a) ~~All requests for extensions of permit duration shall:~~
 - 1) ~~be in writing;~~
 - 2) ~~list the reason(s) the aquatic pesticide could not be applied on the date permitted;~~
 - 3) ~~give the new date the aquatic pesticide is to be applied;~~
 - 4) ~~contain a statement that the aquatic pesticide shall be applied in accordance with the conditions listed in the Aquatic Pesticide Permit; and~~
 - 5) ~~contain the Aquatic Pesticide Permit Number, the name and Illinois Department of Agriculture license number of the applicator and the signature of the applicant.~~

- b) ~~Requests for extensions of permit duration may be made by telephone provided:~~
 - 1) ~~the information listed in (a) above is stated; and~~
 - 2) ~~the information listed in (a) above is transmitted in writing to the Division of Public Water Supplies Permit Section within five days of the date verbal approval for an extension of permit duration is given by the Agency.~~

- e) ~~Applications for extensions of permit duration shall not be granted if more than two months have elapsed from the date of aquatic pesticide application listed in the permit.~~

- d) ~~Extensions of permit duration, if granted by the Agency, shall be in writing.~~

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Number: 1.425 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/27-6.5
- 5) A Complete Description of the Subjects and Issues Involved: Part 1 is the agency's general set of rules that governs the State Board's required supervision and evaluation of public school districts' compliance with law, rules, and policy. The rules also establish a process for identifying the recognition status awarded a school district and its schools based on the extent of its compliance; that is, fully recognized, recognized pending further review, on probation, or nonrecognized. The Part informs school districts of the requirements that apply in specific areas of operations and programming, such as school governance, instructional programs, health and safety, staff qualifications, and academic standards. Given the broad array of the rules' content, several agency divisions have been assigned responsibility for monitoring their provisions.

PA 98-859, effective August 4, 2014, charged the Enhance Physical Education Task Force with identifying an assessment to be used in schools to measure "aerobic capacity, body composition, muscular strength, muscular endurance, and flexibility" of students in order to ascertain the effectiveness of Goal 20 of the Illinois Learning Standards for physical development and health. The law further required that "health-related fitness testing" be part of a school's curriculum for students in grades 3 and above. The fitness testing used must be appropriate to the students' "developmental levels and abilities," and scores achieved on the testing may not be used as part of a student's grade or to evaluate a teacher. The law also required that rules pertaining to fitness testing be adopted by the State Board no later than December 31, 2015. The rules implementing PA 98-859 were adopted by the Board at its December 16, 2015, meeting and became effective January 27, 2016.

This rulemaking will provide a more general website address to access the FitnessGram testing protocols and, when applicable, the Brockport Physical Fitness Testing protocols all schools are required to use to assess the physical fitness levels of students. This rulemaking also extends the deadline from May 1 to June 30 for schools to report data. Schools voiced concern to staff that a May 1 reporting deadline means assessments would need to be taken by early April in order to report to districts so that districts, in

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

turn, had time to report to ISBE by May 1. Pushing the due date back to June 30 allows schools to assess closer to the end of the school year and the end of the instructional period, thus yielding more comprehensive data. Staff is extending the deadline to align with when schools are required to report dental and vision data on IWAS. Finally, this rulemaking clarifies schools must report the number of students in the "needs improvement zone" for aerobic capacity only.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: it was not anticipated at the time the July 2016 Regulatory Agenda was published.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.79 School Report Card
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Certification Quick Reference Chart (Repealed)
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27,

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; amended at 40 Ill. Reg. _____, effective _____.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.425 Additional Criteria for Physical Education

The requirements of this Section apply to a school's provision of physical education required under Section 27-6 of the School Code [\[105 ILCS 5/27-6\]](#).

- a) There shall be a definite school policy regarding credit earned each semester in physical education, with provisions for allowable variables in special cases.
- b) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- c) *The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).*
- d) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- e) Pursuant to Section 27-6(a) of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
 - 1) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but not be limited to, reliance upon religious prohibitions.
 - 2) A board shall have no authority to honor parental excuses based upon students' participation in athletic training, activities or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.
 - 3) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
- f) Pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 (or grades 3 through 12 for a student eligible for special education) from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- g) Assessment and Reporting

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

In accordance with Section 27-6.5 of the School Code [105 ILCS 5/27-6.5], each school shall *use a scientifically-based, health-related physical fitness assessment for grades 3 through 12 and periodically report fitness information to the State Board of Education to assess student fitness indicators.*

- 1) For the purposes of this subsection (g), each school shall administer the FitnessGram[®] (<http://www.fitnessgram.net/>; also see subsection (g)(3)) to students in grades 3 through 12 (except as noted in subsection (g)(1)(A)) for the components and using the test items listed in subsections (g)(1)(A) through (g)(1)(D). Beginning in school year 2016-17, the FitnessGram[®] shall be administered at least annually in the second semester of the school year; however, schools also are encouraged to administer the assessment at the start of the school year in order to receive pre- and post-results.
 - A) Aerobic Capacity, grades 4 through 12, either the PACER test or the Mile Run test.
 - B) Flexibility, either the Back-Saver Sit and Reach test or the Trunk Lift test.
 - C) Muscular Endurance, the Curl-up test.
 - D) Muscular Strength, the Push-up test.
- 2) As applicable, a school shall use the methodologies of the Brockport Physical Fitness Testing accessible at <http://www.pyfp.org/http://www.pyfp.org/assessment/free-materials.shtml> to meet the requirements of this subsection (g) for any student with disabilities whose Individualized Education Program (IEP) identifies the FitnessGram[®] as not appropriate.
- 3) In order to ensure that the FitnessGram[®] and Brockport protocols are followed, school personnel administering the assessments shall participate in training related to the proper administration and scoring of the assessment by reviewing the chapters of the FitnessGram[®] Test Administration Manual titled "Test Administration", "Aerobic Capacity", and "Muscular Strength, Endurance and Flexibility" and, if applicable, the Brockport Physical Fitness Test Manual for students with disabilities, which are accessible at <http://www.pyfp.org/http://www.pyfp.org/>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

~~assessment/free-materials.shtml~~. Each school district shall maintain evidence of an individual's successful completion of the training and make it available to the State Board of Education upon request.

- 4) *Fitness scores shall not be used for grading students or evaluating teachers* under the provisions of Article 24A of the School Code (Section 27-6.5(b) of the School Code).
- 5) Each school district shall annually report aggregate data regarding the total number of students whose fitness results for each of the components listed in subsection (g)(1) were identified as meeting the "healthy fitness zone", ~~or as~~ "needs improvement zone" or, for aerobic capacity only, "needs improvement – health risk zone".
 - A) Data shall be submitted electronically to the State Board of Education no later than ~~June 30~~May 1 of each school year, beginning in school year 2016-17, using the Illinois State Board of Education Web Application Security System (IWAS).
 - B) Data shall be reported for students in grades 5, 7 and 10 only and include:
 - i) the total number of students tested by grade and gender;
 - ii) the total number of students achieving at the "healthy fitness zone" by grade and gender; ~~and~~
 - iii) the total number of students identified as "needs improvement zone" by grade and gender; ~~and~~
 - iv) for aerobic capacity only, the total number of students identified as "needs improvement – health risk zone" by grade and gender.
- h) Each school district shall establish procedures and protocols to ensure the confidentiality of individual student assessment results consistent with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Number: 650.40 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/27-6.5
- 5) A Complete Description of the Subjects and Issues Involved: PA 98-1048, effective August 25, 2014, amended Section 27A-6(e) of the School Code regarding material revisions to a certified charter school contract. Previously, the law required the State Board to certify any proposed material revision as being "consistent with the provisions" of the Charter Schools Law before the revision could take effect. Under the revised statute, material revisions may go into effect immediately upon agreement by both parties to the charter contract. If either or both parties to the charter contract have a concern that a proposed material revision may be in conflict with the Charter Schools Law, however, they may request that the State Board review the revision and certify its compliance with the Charter Schools Law before it may go into effect.

At the time this Public Act was implemented, Section 650.40 was inadvertently left out of the rulemaking. This rulemaking will remove the obsolete language to align the Section with current statute and practices.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 650

CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section

- 650.10 Definitions
- 650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section

- 650.30 Submission to the State Board of Education: Local Boards of Education
- 650.35 Submission to the State Board of Education: Commission
- 650.40 Review by the State Superintendent of Education of Local or Commission Approvals
- 650.50 Revision of Certified Charters
- 650.55 Biennial Reporting Requirements
- 650.60 Appeal of Local School Board Decisions (Repealed)
- 650.65 Monitoring of Charter Authorizers by the State Board of Education; Corrective Action
- 650.70 Procedures for Closing a Charter School

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section

- 650.100 Appeals to, and Requests for Consideration by, the Commission
- 650.110 Review of Appeals and Requests for Consideration; Decision

650.APPENDIX A Principles and Standards for Authorizing Charter Schools

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency expired; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendments at 22 Ill. Reg. 1479, effective January 1, 1998, for a maximum of 150 days; emergency expired; emergency amendment at 22 Ill. Reg. 5104, effective February 27, 1998, for a maximum of 150 days; emergency expired; amended at 22 Ill. Reg. 16455, effective September 3, 1998; amended at 36 Ill. Reg. 14801, effective September 20, 2012; amended at 38 Ill. Reg. 21916, effective November 3, 2014; amended at 39 Ill. Reg. 8298, effective May 26, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section 650.40 Review by the State Superintendent of Education of Local or Commission Approvals

- a) The State Superintendent shall review each report of an approved application; ~~revision~~ or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements that are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. The State Superintendent shall send a certification of the charter to each local school board that is a party to the application or the Commission, as applicable, and the charter school governing body.
- b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Superintendent shall so notify each submitting school board or the Commission, as applicable, and the applicant or charter holder, identifying the areas of deficiency that must be remedied before the proposal can be considered for certification.
- c) The State Superintendent shall notify each local school board that is a party to the application or the Commission, as applicable, and the applicant or charter holder as to a determination made with respect to a report of an approved application ~~or~~; renewal ~~or revision~~ by certified mail within 30 days after receipt of the report (Section 27A-8(f) of the School Code).

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3) Section Number: 250.110 Proposed Action: Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment adds a subsection regarding job abandonment for when an employee fails to report to work after a certain amount of time; adds a subsection that further defines a layoff; adds a subsection to explain the procedures of when an employee or employer fails to appear during a scheduled discharge or demotion hearing; adds an additional option for the Merit Board in the decision making of discharge or demotion hearings; and adds several technical changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.119	New Section	40 Ill. Reg. 7537; May 20, 2016
- 11) Statement of Statewide Policy Objective: This proposed amendment will not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication in the *Illinois Register*:

David L. DeThorne

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

Legal Counsel
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802

217/278-3150, ext. 226
davidd@sucss.illinois.gov

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

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016; amended at 40 Ill. Reg. _____, effective _____.

Section 250.110 Separations and Demotions

- a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation by the employee or other evidence of intent to separate from employment, the employee will be separated from his/her employer employment. The employer shall maintain all resignations or other documentation of evidence in accordance with the employer's record retention policy. ~~The Executive Director shall be notified promptly by the employer of all resignations.~~
- b) Leave of Absence
 - 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any intern appointment, provisional appointment, and/or probationary period in the new class.
 - 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position without pay.
 - 3) Leave of Absence for Disability Leave
 - A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

~~law~~, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).

- B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.
- C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.
- D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.
- F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.
- G) Reemployment
 - i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.
 - ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
- 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal ~~laws~~law and regulations.
- 5) Notification
 - A) The employer may select:
 - i) ~~to notify the~~The Executive Director ~~shall be notified promptly by the employer~~ of all leaves of absence, including military, disability, or any other leave otherwise granted; or

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

terminated from the employer's service to become effective ~~715~~ calendar days from the date of mailing of the notification to the employee. The notification ~~shall~~must be sent, by ~~an~~certified mail ~~or by~~ overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.

B) At any time prior to the effective date of termination, the employee shall have the opportunity to provide to the employer evidence of the reason for the unauthorized absence. The employer shall revoke the termination if the employee provides satisfactory evidence of the reason for the unauthorized absence. If the employer determines that the evidence is not satisfactory, the employer shall notify the employee immediately that the termination will remain in effect.

C) Pursuant to Section 250.130 (Review Procedures), the employee may request a review of the employer's final notice~~Within 15 calendar days from the original date of notification of termination, the employee may request a review of the termination decision pursuant to Section 250.130 of this Part.~~ The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective ~~715~~ days after the original notification.

~~5) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reason for the termination.~~

d) Job Abandonment (No Call/No Show)

1) An employee who fails to report to work for 3 consecutive regularly scheduled work days will be placed in a no call/no show status and may be terminated at any point following the third day of failing to report to work pursuant to an employer making a reasonable attempt, with supporting documentation, to make contact with the employee using the employee's last known address, phone contact, email or any similar contact information.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

2) Pursuant to Section 250.130, the employee may request a review of the employer's final notice of termination. The review is limited to a determination of whether this subsection (d) has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 7 days after the original notification.

e~~d~~) Layoff

1) A layoff is defined as a stoppage of work required by management, a discontinuance of employment, or the permanent termination of employment of an employee for business reasons, such as the decision that certain positions are no longer necessary or a business slow-down or interruption in work has occurred.

2~~1~~) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates of the beginning of layoff and of return to employment from layoff status, when the layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.

3~~2~~) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (e)(4)~~(d)(3)~~, the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

4~~3~~) An employee who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position that has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

identified qualifications authorized for the incumbent's position.

- 54) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.
- 65) A status employee who is subject to layoff from a part-time position may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee who is subject to layoff may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.
- 76) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.
- fe) Disciplinary Suspension. An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.
- 1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the ~~Campus~~-Human Resource Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.
 - 2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director and shall send a copy of the notice served on the employee, along with proof of service, to the Executive Director.
 - 3) Causes justifying suspension, not for discharge as provided for in

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

subsection (gf)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job".

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution, but is not reviewable by the [State Universities Civil Service System \(University System\)](#).

gf) Discharge Proceedings and Effective Date of Discharge

1) Pre-discharge Proceedings

A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, ~~by certified mail or~~ by [an](#) overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:

- i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

- ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (gf)(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.

B) Employer's Decision

- i) Within 7 work days after compliance with the provisions of subsection (gf)(1)(A), the employer shall either:
- notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or
 - initiate proceedings before the Merit Board under this subsection (gf) seeking discharge of the employee based solely on the matters contained in the employer's notification.
- ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (fe) or some lesser penalty.

- C) An employee who has been served with an employer's notification as provided in subsection (gf)(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (gf)(1) to provide the employer an opportunity to

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

investigate serious charges.

- 2) Actual Discharge Proceedings
 - A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer by completing and filing a Written Charges for Discharge form with the Merit Board/University System, employee, legal counsel for employer, and employer, setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge form shall be set forth in separately numbered charges. Also, the employer shall develop a document that contains The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege the cause for discharge. If a breach of duty, statute, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge. Any and all exhibits that the employer plans to present at the time of the hearing shall be submitted in accordance with subsection (g)(11)(B) or as appropriate to the circumstances.
 - B) The Written Charges for Discharge form shall be accompanied bywith a certification by the employer that all procedures set forth in subsection (g~~f~~)(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge form and the certification are filed with the Merit Board/University System office, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by an overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the service with the Merit Board/University System office.
 - C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original proof of

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

~~service~~ date ~~of service~~ of the Written Charges for Discharge ~~form~~. The employer shall serve copies of the Amended Written Charges for Discharge ~~form~~ upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or~~ by ~~an~~ overnight delivery ~~service~~ that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file ~~a~~ proof of ~~the~~ service with the Merit Board/University System office.

- D) An employee who has been served with Written Charges for Discharge in accordance with subsections (g)(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on employer's operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be ~~by certified mail or~~ by ~~an~~ overnight delivery ~~service~~ that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board/University System office a copy of the Suspension Notice Pending Discharge and proof of service.

3) Hearing Request

- A) An employee who has been served with Written Charges for Discharge may request a hearing by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days from the "Proof of Service on Employee" section on the Written Charges for Discharge form that is after the date of either personal delivery or mailing of the Written Charges for Discharge form to the employee. The Secretary for the Merit Board shall immediately notify the employer that of the employee has filed for a hearing ~~filing of the written request by the employee~~. Thereafter,

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

further proceedings shall be as provided in this subsection (gf) and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.

- B) If the employee does not file a written request for hearing with the Secretary for the Merit Board within 15 calendar days from the date specified in the Proof of Service on Employee section on the Written Charges for Discharge form, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

- A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board/University System office shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (gf)(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than 3 hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following ~~the~~ conclusion of the ~~hearing~~hearings.

- B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.
- C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.
- D) Upon certification by the Executive Director, the Secretary for the Merit Board ~~shall, by an~~shall, by ~~certified mail or by~~ overnight delivery ~~service~~ that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs,

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after the date ~~of the postmark of the certified mail notice or the mailing date~~ of the overnight delivery service that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

- E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after the date ~~of the postmark of the certified mail notice or the mailing date~~ of the overnight delivery service of the certified Hearing Record~~hearing record~~, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

- A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the first day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- i) defining and simplification of the issues;
 - ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;
 - iii) reviewing each party's witness and exhibit list;
 - iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;
 - v) determining the length of time each party will need to present its case;
 - vi) exchanging exhibits; and
 - vii) discussing any matter that may aid in the efficient and timely disposition of the case.
- B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.
- 6) Order of Hearing
- A) The Executive Director, or authorized representative, shall open and convene the hearing.
 - B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.

- C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.
- D) The employer shall first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's witnesses. The employee may be called as an adverse witness during the course of the hearing.
- E) The employee shall then present his/her case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.
- F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.
- G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.
- H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.
- I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence [and exhibits](#) and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

- 7) Evidence and Motions

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- B) All testimony shall be presented under oath or affirmation. Objections to testimony or evidentiary offers shall be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.
- C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.
- D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.
- E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.
- F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

within 14 calendar days after the date of the overnight delivery service of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.

- G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.
- 8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.
- 9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.
- 10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the scheduled hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- A) The name and address of the witnesses sought;
 - B) Any specific documents the witnesses will be required to bring;
and
 - C) A brief statement of the relevant facts or testimony that the witnesses will be providing.
- 11) Request for Documents. At least 3 working days prior~~Prior~~ to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:
- A) A list of the names and addresses of the witnesses the party proposes to call; and
 - B) All documents the party proposes to offer in its case-in-chief.
- 12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.
- A) Failure to Appear by Employee
- i) A Notice of Convening of Hearing will be sent to all parties of record confirming the date, time and place of the hearing. If an employee or his/her representative is not present on the designated hearing date, the employer will try to make reasonable contact with the employee or his/her representative immediately. If, within a reasonable time on the hearing date, the employer is unable to contact the employee, the hearing will commence.
 - ii) The Executive Director or his/her authorized representative will commence the hearing with an opening statement. At the conclusion of the opening statement, if the employee or his/her representative has still failed to appear, the hearing will be suspended for 3 work days. During this 3 work day

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

period, the Executive Director or his/her authorized representative will try to make contact with the employee or his/her representative using the last known address, phone, email or any similar method as shown on the Written Charges for Discharge form.

- iii) If the employee or his/her representative cannot be reached within 3 work days or if the employee is unable to produce a reasonable explanation for failure to attend the hearing, the hearing will be closed and the employee's discharge shall become effective at the end of the 15-day period of the date on the Proof of Service on Employee, as found on the Written Charges for Discharge form, without further action by the Merit Board. The Merit Board/University System office shall notify the parties of record immediately of the action.
 - iv) If the employee or his/her representative has a reasonable explanation for not attending the hearing, the Executive Director or his/her authorized representative shall schedule a new hearing date. A new Notice of Convening of Hearing will be issued to the parties of record and the Executive Director or his/her authorized representative will appoint either the same Hearing Board or Hearing Officer or appoint a new Hearing Board or Hearing Officer to conduct the hearing.
 - v) Reasonable explanations can include, but are not limited to: injury on the day or preceding day of the scheduled hearing, traffic accident, death or significant injury of a family member, or other cause that is deemed reasonable by the Executive Director or his/her authorized representative. In any event, the employee is required to demonstrate that there was reasonable effort made to contact the employer or the Merit Board/University System office.
- B) Failure to Appear by Employer. If the employer fails to appear without reasonable cause, as determined by the Executive Director

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

or his/her authorized representative, the employee will be reinstated to his/her position without loss of compensation as of the Proof of Service on Employee date on the Written Charges for Discharge form.

- 13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.
- 14) Ex Parte Communications
 - A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after the Notice of Convening of Hearing has been issued to the parties of record, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.
 - B) Communications regarding procedure, including interpretation and application of Section 360 of the Act, subsection (g~~f~~), and related procedures, are not considered ex parte communications.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 15) Role and Responsibilities of the Hearing Board or Hearing Officer. The Hearing Board or Hearing Officer shall be responsible for the following activities:
- A) Conduct the pre-hearing conference;
 - B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;
 - C) Establish reasonable limits on the duration of witness testimony;
 - D) Limit repetitive or cumulative testimony;
 - E) Rule on motions, objections or evidentiary questions;
 - F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);
 - G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;
 - H) Prepare and transmit to the Merit Board a signed findings of fact within 15 calendar days after receipt of the transcript and exhibits of the hearing proceedings ~~to be transmitted to the Merit Board~~. The findings of fact shall set forth each of the written charges alleged in the Written Charges for Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- D) Enter any order that further carries out the purpose of this Section.
- 16) Final Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in ~~this subsections~~ ~~(g)(16)(A) and (B)~~ is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:
- A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or
- B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:
- i) Reinstatement with no loss of compensation when none of the significant charges are proven.
- ii) Reinstatement with an unpaid suspension of a minimum of 60 days to a maximum of 120 days ~~day suspension~~ when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a ~~60-day~~ suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the ~~60-day~~ suspension. The Merit Board shall not order a reinstatement with a suspension past the day of the action taken by the Merit Board.
- 17) Final Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee ~~by certified mail or~~ by an overnight delivery

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

[service](#) that requires signature upon receipt.

- 18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after the date that a copy of the final Merit Board decision has been served upon the party affected. A final decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/her last known residence or place of business.
- 19) Time Period Proceedings
- A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (~~g~~) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.
- B) No extension may be beyond a period established by statute, except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

continuance.

- C) The time periods set forth in this subsection (gf), except for the 15-day period set forth in subsection (gf)(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (gf), except for the 15-day period set forth in subsection (gf)(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.
- D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.
- 20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or equipment; immoral or indecent conduct that violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.
- 21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those expenses have been approved by the Merit Board or its Executive Director.
- hg) Demotion
- 1) Any of the actions described in this subsection (hg)(1) is considered to be a demotion when that action has been initiated by the employer. A

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

demotion may occur when a status employee:

- A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
 - B) is subject to a reduction in percentage of time worked;
 - C) is appointed to a position in a lower class in a promotional line;
 - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
 - E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (hg)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
- A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.
 - B) Without the evidence indicated in subsection (hg)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.
- 4) An employer may effectuate a demotion by filing a Notice of Demotion

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

form with the Merit Board and serving a copy of the Notice of Demotion on the employee by ~~an~~certified mail, by overnight delivery service that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion form shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the Proof of Service on Employee date on~~date of service of~~ the Notice of Demotion ~~form upon the employee~~. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (g).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion form.

- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.

ih) Dismissal

- 1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position at any time during the probationary period of employment in a class, if the employer determines, pursuant to ~~conditions of~~ Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.
- 2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for the dismissal.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2775.20	Amendment
2775.30	Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-842 (the Act) modified the definition for "eligible institution" expanding the list of eligible institutions for the College Illinois! 529 Prepaid Tuition Program to include all schools that are considered eligible educational institutions under Section 529 of the federal Internal Revenue Code. Contract holders will benefit from slightly increased flexibility in where they can use their benefits and program administration will be streamlined.

Pursuant to the Illinois Prepaid Tuition Act, ISAC is to require a program participant to be an Illinois resident for a reasonable length of time. The current administrative rule requires either the purchaser or the beneficiary to be a resident of Illinois for 12 months preceding the submission of an application. This requirement is too restrictive. A more reasonable length of time as a resident should be in line with the dependent residency requirements for other ISAC programs. Dependent students' residency is that of their parent. Their parent is required to be a resident at the time the Federal Application for Federal Student Aid (FAFSA) is filed. Similarly here, it is reasonable to require residency closer to the time of enrolling in the program. In this case, we are amending the rule to require that residency be established no later than the day the first prepaid tuition contract payment is due.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 99-842, effective August 19, 2016
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:
- Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015
- 847/948-8500, ext. 18032
email: lynn.hynes@isac.illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2775
ILLINOIS PREPAID TUITION PROGRAM

Section

2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure
2775.80	Investment Services Procurement

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. 9954, effective July 1, 2005; amended at 32 Ill. Reg. 10349, effective July 1, 2008; amended at 35 Ill. Reg. 3538, effective February 16, 2011; amended at 36 Ill. Reg. 9444, effective July 1, 2012; amended at 37 Ill. Reg. 9554, effective July 1, 2013; amended at 39 Ill. Reg. 9588, effective July 1, 2015; emergency amendment at 40 Ill. Reg. 13029, effective August 29, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. _____, effective _____.

Section 2775.20 Definitions

"Code" – The Illinois Pension Code [40 ILCS 5].

"Consultant" – The independent investment consulting firm or firms contractually engaged by the Program to provide general or specialty investment consulting services for the prudent administration of the Program's investment portfolio as a fiduciary to the Fund.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Custodian" – Pursuant to Section 35 of the Illinois Prepaid Tuition Act [110 ILCS 979], the investment custody service provider responsible for safekeeping of assets, trade processing and asset servicing, which includes a fiduciary obligation to the Fund.

"Eligible Institution" – An eligible educational institution as defined in section 529 of the federal Internal Revenue Code of 1986 (26 USC 529) and any regulations under that section.~~A public institution of higher education, or a nonpublic institution of higher education whose students are eligible to receive benefits under section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law, and that provides a minimum of an organized two-year degree program at the postsecondary level, or a program in health education directly applicable toward the attainment of a certificate, diploma or associate degree. The institution must maintain an accredited status with an accrediting agency recognized by the U.S. Department of Education for the purpose of establishing eligibility to participate in federal student assistance programs administered by the Department under Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq.), and, if the institution is for profit, must enroll a majority of its students in degree programs that it is legally authorized to offer by the appropriate agency in the state in which the institution is located.~~

"Fiduciary" or "Fiduciaries" – A person or entity is a fiduciary with respect to the Fund to the extent that the person or entity:

exercises any discretionary authority or discretionary control respecting management or disposition of its assets;

renders investment advice or renders advice on the selection of fiduciaries for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the Fund, or has any authority or responsibility to do so; or

has any discretionary authority or discretionary responsibility in the administration of the Fund.

"Fund" – The Illinois Prepaid Tuition Trust Fund.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Illinois Community College" – A public community college as defined in Section 1-2 of the Public Community College Act [110 ILCS 805].

"Illinois Prepaid Tuition Contract" or "Contract" – A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act [110 ILCS 979] to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" – The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" – The repository of all moneys received by the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" – Any campus of: the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"Investment Advisor" or "Investment Manager" – A fiduciary appointed by the Commission to manage a portion of the Fund's assets or a fiduciary to a limited partnership or commingled fund in which the Fund is an investor.

"Investment Committee" – A subcommittee of the Commission consisting of at least three members of the Commission with knowledge of investing.

"Investment Services" – Investment Manager, Consultant and Custodian services or similar services.

"Manager Database" – An industry database containing information regarding institutional quality investment management firms. The database is used to identify, screen and evaluate Investment Manager candidates. The database may be provided and maintained by the Consultant or by a third-party firm approved by the Consultant.

"Member of the Family" or "Immediate Family" – Member of the family, as defined in the Internal Revenue Code, section 529(e)(2), as amended, means an

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, ~~or~~ the spouse of any of ~~these~~~~the~~ ~~above~~; the spouse; or any first cousin. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of ~~that~~~~such~~ individual by blood.

"Minority Person", "female", "person with a disability", "minority owned business", "female owned business", "business owned by a person with a disability" – All have the ~~same~~-meaning ~~as~~-ascribed in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

"Nonpublic Institution of Higher Education" – An eligible institution, other than a public institution of higher education.

"Private Market Fund" – Any private equity fund, private equity fund of funds, venture capital fund, hedge fund, hedge fund of funds, real estate fund, or other investment vehicle that is not publicly traded.

"Program" – The Illinois Prepaid Tuition Program.

"Public Institution of Higher Education" – An Illinois public university or Illinois community college.

"Purchaser" – Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" – An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she: ~~is~~~~has been~~ a resident of this State ~~on for at least 12 months prior to~~ the date ~~the first payment is due~~~~of the~~ ~~application~~; or is a nonresident, so long as the purchaser has been a resident of the State ~~on for at least 12 months prior to~~ the date ~~the first payment is due~~~~of the~~ ~~application~~; ~~or is less than one year of age and whose parent or legal guardian has been a resident of the State for at least 12 months prior to the date of the~~ ~~application~~.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Registration Fees" – The charges derived by combining tuition and mandatory fees.

"Staff" – The professional investment staff of the Program.

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

Section 2775.30 Participant Eligibility

- a) The purchaser or qualified beneficiary must ~~behave been~~ a resident of the State of Illinois ~~for twelve continuous full months~~ on the date ~~his or her first payment is due of the application~~. Proof of residency shall be submitted to ISAC upon request. In the event either a new purchaser or new beneficiary is named pursuant to the terms of the contract, neither the new purchaser nor new beneficiary need be a resident of Illinois. (See Section 2775.50(e).)
- b) For a purchaser, a qualified beneficiary, the parent or legal guardian of a qualified beneficiary, or a member of the family of a qualified beneficiary, evidence of residency may be provided by documentation consistent with the requirements of 23 Ill. Adm. Code 2700.50(g)(3).
- c) For the purpose of establishing the residency status of a minor child as a qualified beneficiary, a progress report from the child beneficiary's day care center, preschool, or other school of attendance indicating ~~twelve months of~~ residency in Illinois will also be considered sufficient evidence.
- d) In the absence of other proof of residency for the qualified beneficiary, the parents' or legal guardians' residency shall be determinative.
- e) There is no age limit with regard to the qualified beneficiary of an Illinois prepaid tuition contract.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Provisions for Radiation Protection
- 2) Code Citation: 32 Ill. Adm. Code 310
- 3) Section Number: 310.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) Effective Date of Rule: August 25, 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 rule, including any material incorporated by reference, is on file at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 8957; July 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In 310.20 under definition for Source material restored "one twentieth of one percent".

In 310.20 under definition for Special nuclear material in quantities not sufficient to form a critical mass restored "above" and "such"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Section 31 of the Radiation Protection Act exempts from the IAPA's general rulemaking requirements IEMA rulemakings that are identical in substance to NRC rules and necessary to implement, secure or maintain federal authorization for an IEMA program.
- 13) Does this rulemaking replace an emergency rule currently in effect? No

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking amends the definition of "unrefined and unprocessed ore" as required for compatibility, category B, with the U.S. Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 40.4 pursuant to RATS ID 2013-2 (78 FR 32310, published May 29, 2013).

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is EXEMPT from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations or orders as necessary and appropriate for authorization or maintenance of the program. The USNRC has reviewed the proposed amendment and has provided comments to the Agency. Changes based on USNRC's review have been incorporated where necessary. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State, or at a date required or authorized by the relevant federal laws, regulations or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

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

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 310

GENERAL PROVISIONS FOR RADIATION PROTECTION

Section

310.10	Scope
310.15	Incorporations by Reference
310.20	Definitions
310.30	Exemptions
310.40	Records
310.50	Inspections
310.60	Tests
310.70	Additional Requirements
310.74	Cost Assessment
310.75	Emergency Response Cost Recovery
310.78	Deliberate Misconduct
310.80	Violations
310.81	Policy for Assessment of Civil Penalties
310.82	Procedures for Assessment of Civil Penalties
310.90	Impounding
310.100	Prohibited Uses
310.110	Communications
310.120	Plans and Specifications
310.130	The International System of Units (SI) (Repealed)
310.140	Units of Exposure and Radiation Dose
310.150	Units of Activity
310.APPENDIX A	Transport Grouping of Radionuclides (Repealed)
310.APPENDIX B	Tests for Special Form Licensed Material (Repealed)
310.APPENDIX C	Penalty Assessment Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

Reg. 15657; amended at 10 Ill. Reg. 17259, effective September 25, 1986; amended at 15 Ill. Reg. 10604, effective July 15, 1991; amended at 17 Ill. Reg. 18472, effective January 1, 1994; amended at 20 Ill. Reg. 15978, effective December 9, 1996; amended at 23 Ill. Reg. 14454, effective January 1, 2000; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 29 Ill. Reg. 20748, effective December 16, 2005; amended at 31 Ill. Reg. 11573, effective July 26, 2007; amended at 35 Ill. Reg. 2908, effective February 7, 2011; amended at 38 Ill. Reg. 21428, effective October 31, 2014; amended at 40 Ill. Reg. 12949, effective August 25, 2016.

Section 310.20 Definitions

As used in 32 Ill. Adm. Code: Chapter II, Subchapters b and d, the following terms have the definitions set forth in this Section. Additional definitions used only in a certain Part will be found in that Part.

"Absorbed dose" means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.

"Accelerator" or "particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV).

"Accelerator-produced material" means any material made radioactive by a particle accelerator.

"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Activity" means the rate of disintegration (transformation) or decay of radioactive material. The units of activity are the ~~bequerel~~Bequerel (Bq) and the curie (Ci).

"Adult" means an individual 18 or more years of age.

"Agency" means the Illinois Emergency Management Agency.

"Agreement State" means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954, as amended

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

(42 USC 2021(b) et seq.).

"Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.

"Airborne radioactivity area" means any room, enclosure or operating area in which airborne radioactive material, composed wholly or partly of licensed material, exists in concentrations:

in excess of the derived air concentrations (DACs) specified in appendix B to 10 CFR 20, published at 72 Fed. Reg. 55922, October 1, 2007, exclusive of subsequent amendments or editions; or

to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

"Annually" means at intervals not to exceed 1 year or once per year, at about the same time each year (plus or minus 1 month).

"As low as is reasonably achievable" or "ALARA" means making every reasonable effort to maintain exposures to radiation as far below the dose limits in 32 Ill. Adm. Code: Chapter II, Subchapters b and d as is practical consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to the state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

"Background radiation" means radiation from cosmic sources, naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material) and global fallout as it exists in the environment from the testing of nuclear explosive devices, or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. Background radiation does not include radiation from radioactive materials regulated by the Agency.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Becquerel" or "Bq" means the SI unit of activity. One becquerel (Bq) is equal to 1 disintegration (transformation) per second (dps or tps).

"Bioassay" or "radiobioassay" means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

"Brachytherapy" means a method of radiation therapy in which sealed sources are used to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal or interstitial application.

"Brachytherapy source" means a radioactive source, a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

"By-product material" means:

any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to radiation incident to the process of producing or utilizing special nuclear material;

the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes;

any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity;

any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

commercial, medical, or research activity before, on, or after August 8, 2005, and which the U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate ~~federal~~ agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source or radium-226. [420 ILCS 40/4(a-5)]

"Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him for determining calendar quarters except at the beginning of a year.

"Calibration" means the determination of:

the response or reading of an instrument relative to a series of known radiation values over the range of the instrument; or

the strength of a source of radiation relative to a standard.

"CFR" means Code of Federal Regulations.

"Chelating agent" means amine polycarboxylic acids (e.g., EDTA, DTPA), hydroxy-carboxylic acids, and polycarboxylic acids (e.g., citric acid, carboic acid, and glucinic acid).

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means, except as specified in 32 Ill. Adm. Code 601.20, taking any action defined as "construction" or any other activity at the site of a facility subject to this Part that has a reasonable nexus to radiological health and safety.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Committed dose equivalent" or " $H_{T,50}$ " means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

"Committed effective dose equivalent" or $H_{E,50}$ means the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \sum w_T H_{T,50}$).

"Construction" means the installation of foundations or in-place assembly, erection, fabrication or testing for any structure, system, or component of a facility or activity subject to this Part that is related to radiological safety or security. The term "construction" does not include:

changes for temporary use of the land for public recreational purposes;

site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion control and other environmental mitigation measures, and construction of temporary roads and borrow areas;

erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to this Part;

excavation;

erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, potable water systems, sanitary sewerage treatment facilities and transmission lines);

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

taking any other action that has no reasonable nexus to radiological health and safety.

"Critical group" means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

"Curie" or "Ci" means a unit of quantity of radioactivity. One ~~curie~~ Curie (Ci) is that quantity of radioactive material ~~that~~which decays at the rate of 3.7×10^{10} disintegrations (transformations) per second (dps or tps).

"Decommission" means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of property for unrestricted use and termination of the license.

"Declared pregnant woman" means any woman who has voluntarily informed the licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

"Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.

"Deep dose equivalent" or " H_d " means the dose equivalent at a tissue depth of 1 centimeter (1000 milligrams per square centimeter) from external whole-body exposure.

"Densitometer" means a device that is used to provide a quantitative measurement of the optical density of x-ray film to determine the response of the film to exposure and development.

"Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Director" means the Director of the Illinois Emergency Management Agency.

"Discrete source" means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical or research activities.

"Distinguishable from background" means the detectable radioactivity is statistically different from background in the vicinity of the site, or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

"Dose" or "radiation dose" means either absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

"Dose equivalent" or " H_T " means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors (e.g., a distribution factor for ~~nonuniform~~~~non-uniform~~ deposition) at the location of interest. The units of dose equivalent are the sievert (Sv) and the rem.

"Dose limits" or "limits" means the permissible upper bounds of radiation doses established by, or in accordance with, 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Dosimetry processor" means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to ~~those~~~~such~~ devices.

"Effective dose equivalent" or " H_E " means the sum of the products of the dose equivalent to each organ or tissue (H_T) and the weighting factor (W_T) applicable to each of the body organs or tissues that are irradiated ($H_E = \sum W_T H_T$).

"Embryo/fetus" means the developing human organism from conception until the time of birth.

"Entrance or access point" means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed radioactive materials. This includes entry or exit portals of sufficient size to

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

permit human entry, irrespective of their intended use.

"Exposure" means:

the quotient of dQ divided by dm where " dQ " is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass " dm " are completely stopped in air. (See Section 310.140 for SI unit coulomb per kilogram (C/kg) and the special unit roentgen (R).); or

irradiation by ionizing radiation or radioactive material.

AGENCY NOTE: The context makes clear which is the appropriate definition.

"Exposure rate" means the exposure per unit of time, such as roentgen per minute (R/min) and milliroentgen per hour (mR/h).

"External dose" means that portion of the dose equivalent received from any source of radiation outside the body.

"Extremity" means a hand, elbow, arm below the elbow, foot, knee and leg below the knee.

"Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities" means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

"Gray" or "Gy" means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (J/kg) (100 rad).

"Healing arts" means the art or science or group of arts or sciences dealing with the prevention and cure or alleviation of human ailments, diseases or infirmities, and has the same meaning as "medicine" when the latter term is used in its comprehensive sense.

"High radiation area" means any area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 mSv) in 1 hour at 30

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

"Human use" means the internal or external administration of radiation or radioactive materials to human beings.

"Individual" means any human being.

"Individual monitoring" means the assessment of:

Dose equivalent by the use of individual monitoring devices or by the use of survey data; or

Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed (i.e., DAC-hours). (For the definition of DAC-hours, see 32 Ill. Adm. Code 340.30.)

"Individual monitoring devices" (personnel dosimeter or dosimeter) means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescence dosimeters (TLDs), optically stimulated luminescence dosimeters (OSLs), pocket ionization chambers, personal air sampling devices and electronic dosimeters (e.g., silicon diode dosimeters).

"Inspection" means an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.

"Interlock" means a device arranged or connected such that the occurrence of an event or condition is required before a second event or condition can occur or continue to occur.

"Internal dose" means that portion of the dose equivalent received from radioactive material taken into the body.

"License" means any license issued by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Licensed material" means radioactive material received, possessed, used, transferred or disposed of under a general or specific license issued by the Agency.

"Licensee" means any person who is licensed by the Agency in accordance with 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Licensing State" means any state ~~that~~^{which} has been provisionally or finally designated as such by the Conference of Radiation Control Program Directors, Inc., which reviews state regulations to establish equivalency with the Suggested State Regulations and ascertains whether a state has an effective program for control of naturally occurring or accelerator-produced radioactive material (NARM). The Conference will designate as licensing states those states with regulations for control of radiation relating to, and an effective program for the regulatory control of, NARM.

"Lost or missing source of radiation" means any licensed or registered source of radiation whose location is unknown. This definition includes, but is not limited to, radioactive material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

"Major processor" means a person, other than medical programs, universities, industrial radiography services, or wireline service operations, who is licensed to process, handle, or manufacture radioactive material as unsealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20, published at 60 Fed. Reg. 20186, April 25, 1995, exclusive of subsequent amendments or editions, by a factor of at least 10^3 , or radioactive material as sealed sources in quantities exceeding the quantities specified in appendix C to 10 CFR 20 by a factor of at least 10^{10} .

"Member of the public" means any individual, except an individual who is performing assigned duties for the licensee or registrant involving exposure to sources of radiation.

"Minor" means an individual less than 18 years of age.

"Monitoring" or "radiation monitoring" or "radiation protection monitoring" means the measurement of radiation, radioactive material concentrations, surface

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

area activities or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

"NARM" means any naturally occurring or accelerator-produced radioactive material. It does not include byproduct, source or special nuclear material.

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Nuclear Regulatory Commission" or "NRC" means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

"Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation. Occupational dose does not include dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released as authorized by the Agency, from voluntary participation in medical research programs, or as a member of the public.

"Operator" means an individual, group of individuals, partnership, firm, corporation, association, or other entity conducting the business or activities carried on within a radiation installation. [420 ILCS 40/4(d-7)]

"Package" means the packaging, together with its radioactive contents, as presented for transport.

"Packaging" means the assembly of components necessary to ensure compliance with the packaging requirements of 32 Ill. Adm. Code 341. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding and devices for cooling or absorbing mechanical shocks. The vehicle, tie down system and auxiliary equipment may be designated as part of the packaging.

"Particle accelerator" means any machine capable of accelerating electrons, protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 million electron volts (MeV). For purposes of this definition, "accelerator" is an equivalent term.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto. "Person" also includes a federal entity (and its contractors) if the federal entity agrees to be regulated by the State or as otherwise allowed under federal law. [420 ILCS 40/4(e)]

"Personnel monitoring equipment" (see "Individual monitoring devices").

"PET" means positron emission tomography.

"Pharmacist" means an individual licensed by the State pursuant to the Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85] to compound and dispense drugs, prescriptions, and poisons.

"Physician" means an individual licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25] or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure.

"Positron emission tomography radionuclide production facility" means a facility operating a particle accelerator for the purpose of producing PET radionuclides.

"Protective apron" means any apron made of radiation attenuating materials, at least 0.25 millimeter lead equivalent, that may be used to reduce exposure to radiation.

"Qualified engineering expert" means any person qualified under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and/or any required combination thereof.

"Quality factor" or "Q" means the modifying factor (listed in Section 310.140, Tables 1 and 2) that is used to derive dose equivalent from absorbed dose.

"Quarterly" means at intervals not to exceed 3 months.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Rad" means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs per gram or 0.01 joule per kilogram (J/kg) (0.01 Gy).

"Radiation" or "ionizing radiation" means *gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, or electromagnetic radiations capable of producing ions directly or indirectly in their passage through matter; but does not include sound or radio waves, or visible infrared or ultraviolet light.* [420 ILCS 40/4(f)]

"Radiation area" means an area, accessible to individuals, in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

"Radiation dose" (see "Dose").

"Radiation emergency" means *the uncontrolled release of radioactive material from a radiation installation which poses a potential threat to the public health, welfare and safety.* [420 ILCS 40/4(f-5)]

"Radiation Installation" *is any location or facility where radiation machines are used or where radioactive material is produced, transported, stored, disposed or used for any purpose* [420 ILCS 40/4(g)], except ~~when the~~~~where such~~ radioactive materials or facility are subject to regulation by the NRC.

"Radiation machine" means *any device that produces radiation when in use* [420 ILCS 40/4(h)], except those that produce radiation only from radioactive materials.

"Radiation safety officer" means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned that responsibility by the licensee or registrant.

"Radioactive material" means *any solid, liquid, or gaseous substance which emits radiation spontaneously.* [420 ILCS 40/4(i)] It includes material defined as "byproduct material" in the Act.

"Radioactivity" means the disintegration (transformation) of unstable atomic

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

nuclei by the emission of radiation.

"Radiobioassay" (see "Bioassay").

"Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to the Radiation Protection Act of 1990 [420 ILCS 40] and 32 Ill. Adm. Code 320.10.

"Registration" means registration with the Agency in accordance with 32 Ill. Adm. Code 320.10.

"Regulations of the U.S. Department of Transportation" or "regulations of USDOT" means the regulations in 49 CFR 100-189, revised [November 14, 2014](#)~~October 1, 2008~~, exclusive of subsequent amendments or editions.

"Rem" means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 Sv).

"Research and development" means:

theoretical analysis, exploration, or experimentation; or

the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

"Residual radioactivity" means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 32 Ill. Adm. Code 340 or the equivalent provisions of 10 CFR 20.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

"Restricted area" means any area access to which is limited by the licensee or registrant for purposes of protecting individuals against undue risks from exposure to sources of radiation. Restricted area shall not include areas used for residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

"Roentgen" means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} coulombs per kilogram (C/kg). (See "Exposure" and Section 310.140.)

"Sealed source" means any device containing radioactive material to be used as a source of radiation which has been constructed in such a manner as to prevent the escape of any radioactive material.

"Sealed source and device registry" means the national registry that contains all the registration certificates generated by the Agency, U.S. Nuclear Regulatory Commission or an Agreement State that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.

"Sensitometer" means a device that is used to test the setup and stability of film processing procedures and equipment by providing a standard pattern of light exposure of x-ray film.

"Shallow dose equivalent" or " H_s ", which applies to the external exposure of the skin or an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 milligrams per square centimeter).

"SI" means the abbreviation for the International System of Units.

"Sievert" or "Sv" means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in ~~grays~~gray multiplied by the quality factor (1 Sv = 100 rem).

"Source material" means:

uranium or thorium, or any combination thereof, in any physical or chemical form; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

ores that contain by weight one-twentieth of one percent (0.05 percent) or more of uranium, thorium or any combination thereof.

Source material does not include special nuclear material.

"Source of radiation" means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

"Special form radioactive material" means radioactive material that satisfies the following conditions:

It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

It satisfies the test requirements specified in 10 CFR 71.75 and 71.77, published at 60 Fed. Reg. 50264, September 28, 1995, exclusive of subsequent amendments or editions, except that special form radioactive material designed or constructed prior to July 1, 1985 need only meet the requirements of 10 CFR 71.75 and 71.77 in effect on June 30, 1983.

"Special nuclear material" means:

plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Agency declares by order to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or

any material artificially enriched by any of the foregoing, but does not include source material. [420 ILCS 40/4(1)]

"Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; U-233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them, except source material, in accordance with the following formula: For each kind

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed one. For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

"Survey" means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. Such an evaluation includes, but is not limited to, measurements or calculations of levels of radiation, or concentrations or quantities of radioactive material present.

"Test" means the process of verifying compliance with an applicable regulation.

"Total effective dose equivalent" or "TEDE" means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

"Total organ dose equivalent" or "TODE" means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in 32 Ill. Adm. Code 340.1160(a)(6).

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or, beneficiating, or any refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.

"Unrestricted area" means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive material, and any area used for residential quarters. AGENCY NOTE: Licensees or registrants may control access to certain areas for purposes other than radiation protection, but such action does not affect whether the areas are unrestricted areas as defined in this Part.

"Uranium fuel cycle" means the operations of milling of uranium ore, chemical

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

conversion of uranium, isotopic enrichment of uranium, fabrication of uranium fuel, generation of electricity by a light-water-cooled nuclear power plant using uranium fuel and reprocessing of spent uranium fuel to the extent that these activities directly support the production of electrical power for public use. Uranium fuel cycle does not include mining operations, operations at waste disposal sites, transportation of radioactive material in support of these operations and the reuse of recovered non-uranium special nuclear and byproduct materials from the cycle.

"U.S. Department of Energy" means the agency created by the Department of Energy Organization Act (established by P.L. 95-91, 91 Stat. 565, 42 USC 7101 et seq.), to the extent that the Department of Energy, or its duly authorized representatives, exercises functions formerly vested in the U.S. Atomic Energy Commission, its Chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the Administrator thereof pursuant to sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233 at 1237, 42 USC 5814) and retransferred to the Secretary of Energy pursuant to section 301(a) of the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565 at 577-578, 42 USC 7151).

"Very high radiation area" means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

AGENCY NOTE: For very high doses received at high dose rates, units of absorbed dose (e.g., gray and rad) are appropriate rather than units of dose equivalent (e.g., sievert and rem).

"Waste" means those low-level radioactive wastes containing source, special nuclear or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 4(a-5)(2) of the Act.

"Waste handling licensee" means a person licensed by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive radioactive

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENT

wastes for storage or treatment, or both storage and treatment, prior to disposal as well as any person licensed to receive radioactive waste for disposal away from the point of generation.

"Week" means 7 consecutive days starting on Sunday.

"Whole body" means, for purposes of external exposure, head, trunk (including male gonads), arms above the elbow or legs above the knee.

"Worker" means any individual engaged in work under a license or registration issued by the Agency and controlled by a licensee or registrant, but does not include the licensee or registrant.

"Working level" or "WL" means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha particle energy. The short-lived radon daughters are for:

radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and
~~for~~

radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

"Working level month" or "WLM" means an exposure to 1 working level (WL) for 170 hours. (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month.)

"Year" means the period of time beginning in January used to determine compliance with the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the decision to make the change is made not later than December 31 of the previous year. If a licensee or registrant changes a year, the licensee or registrant shall assure that no day is omitted or duplicated in consecutive years.

(Source: Amended at 40 Ill. Reg. 12949, effective August 25, 2016)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
330.30	Amendment
330.210	Amendment
330.280	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Radiation Protection Act of 1990 [420 ILCS 40/10 and 11]
- 5) Effective Date of Rules: August 25, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 8979; July 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:
 - In 330.210 a)2)A) and B) and b)2)A) change "kilogram" to "kilograms"
 - In 330.210 a)2)C) add space after "kilograms".
 - In 330.280 d)2) change "6" to "six"
 - In 330.280 e)3), delete "0001"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Section 31 of the Radiation Protection Act exempts from the IAPA's general rulemaking requirements IEMA rulemakings that are identical in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

substance to NRC rules and necessary to implement, secure or maintain federal authorization for an IEMA program.

- 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 Rulemakings: The amendments establish new requirements for distributors of source material to persons exempt from the regulations or for use under a general license. In addition, the amendments reduce certain possession limits and modify use requirements for general licensees to align the requirements with current health and safety standards. Finally, the amendment revise, clarify or delete certain exemptions to make the exemptions more current with today's market and more risk informed. These changes will affect manufacturers and distributors of products and materials containing source material and future users of some products used under exemptions from licensing and under a general license. The products include certain glass lenses, heat resistant ceramics, ceramic tableware, certain halide lamps, counterweights and certain metals.

These amendments are required for compatibility, category B, C and D with the U.S. Nuclear Regulatory Commission's (USNRC) changes to 10 CFR 40 pursuant to RATS ID 2013-2 (78 FR 32310, published May 29, 2013). The regulations are required to be adopted by the state of Illinois no later than August 27, 2016.

Section 31 of the Radiation Protection Act of 1990 [420 ILCS 40/31] provides that the Agency is EXEMPT from rulemaking procedures in the Illinois Administrative Procedure Act when regulations that are identical in substance are necessary to implement, secure or maintain federal authorization for a program. After consideration of comments from the appropriate federal agency, the Agency may adopt the verbatim text of the laws, regulations or orders as necessary and appropriate for authorization or maintenance of the program. The USNRC has reviewed these proposed amendments and has provided comments to the Agency. Changes based on USNRC's review have been incorporated where necessary. Because this rulemaking is not subject to the Illinois Administrative Procedure Act, and in accordance with Section 31, this rulemaking will become effective following the first notice period immediately upon filing for adoption with the Secretary of State, or at a date required or authorized by the relevant federal laws, regulations or orders as stated in the notice of the rulemaking, and shall be published in the *Illinois Register*.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Louise Conway
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. 5789, effective April 16, 2013; amended at 37 Ill. Reg. 7960, effective May 31, 2013; amended at 38 Ill. Reg. 21451, effective October 31, 2014; amended at 39 Ill. Reg. 11905, effective August 17, 2015; amended at 39 Ill. Reg. 15706, effective November 24, 2015; amended at 40 Ill. Reg. 12971, effective August 25, 2016.

SUBPART A: GENERAL PROVISIONS

Section 330.30 License Exemption – Source Material

- a) Any person is exempt from this Part to the extent that ~~thesueh~~ person receives, possesses, uses, owns or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than one-twentieth of one percent (0.05 percent) of the mixture, compound, solution or alloy.
- b) Any person is exempt from this Part to the extent that ~~thesueh~~ person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, ~~thesueh~~ person shall not refine or process ~~thatsueh~~ ore.
- c) Any person is exempt from the requirements for a license set forth in section 62 of the Atomic Energy Act of 1954, as amended, this Part and 32 Ill. Adm. Code 340 and 400~~from this Part~~ to the extent that ~~thesueh~~ person receives, possesses, uses or transfers:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Any quantities of thorium contained in:
 - A) Incandescent gas mantles;
 - B) Vacuum tubes;
 - C) Welding rods;
 - D) Electric lamps for illuminating purposes provided that each lamp does not contain more than 50 milligrams of thorium;
 - E) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting provided that each lamp does not contain more than 2 grams of thorium;
 - F) Rare earth metals and compounds, mixtures and products containing not more than 0.25 percent by weight thorium, uranium or any combination of these; or
 - G) Personnel neutron dosimeters, provided that each dosimeter does not contain more than 50 milligrams of thorium.

- 2) Source material contained in the following products:
 - A) Glazed ceramic tableware, manufactured before August 27, 2016, provided that the glaze contains not more than 20 percent by weight source material;
 - B) Piezoelectric ceramic containing not more than two percent by weight source material;
 - C) Glassware containing not more than two percent by weight source material or, for glassware manufactured before August 27, 2016, not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass or ceramic used in construction; and
 - D) Glass enamel or glass enamel frit containing not more than ten percent by weight source material imported or ordered for

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

importation into the United States, or initially distributed by manufacturers in the United States, before July 25, 1983.

- 3) Photographic film, negatives and prints containing uranium or thorium.
- 4) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of ~~the~~any such product or part.
- 5) Uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of ~~those~~such counterweights, provided that:

~~A)~~ ~~The counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or the Atomic Energy Commission authorizing distribution by the licensee pursuant to 10 CFR 40.13(c)(5)(i), as in effect on June 30, 1969, exclusive of subsequent amendments or editions;~~

AB) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering:
"DEPLETED URANIUM";

AGENCY NOTE: The requirement specified in subsection (c)(5)(B) ~~above~~ does not need to be met by counterweights manufactured prior to December 31, 1969; provided that ~~the~~such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION – RADIOACTIVE MATERIAL – URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or editions.

BC) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement:
"UNAUTHORIZED ALTERATIONS PROHIBITED"; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: The requirement specified in ~~subsection~~ subsection (c)(5)(A) and (B) do ~~(C) above does~~ not need to be met by counterweights manufactured prior to December 31, 1969; provided that ~~thesueh~~ counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend, "CAUTION – RADIOACTIVE MATERIAL – URANIUM", as previously required by 10 CFR 40.13(c)(5)(ii), as in effect on June 30, 1969, exclusive of subsequent amendments or editions.

- ~~CD~~) This exemption shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweights other than repair or restoration of any plating or covering.
- 6) Natural or depleted uranium metal used as shielding constituting part of any shipping container, provided that:
- A) The shipping container is conspicuously and legibly impressed with the legend, "CAUTION – RADIOACTIVE SHIELDING – URANIUM"; and
 - B) The uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of 3.2 millimeters (1/8 inch).
- 7) Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than ten percent by weight thorium or uranium or, for lenses manufactured before August 27, 2016, does not contain more than 30 percent by weight of thorium and that this exemption shall not be deemed to authorize either:
- A) The shaping, grinding or polishing of ~~thesueh~~ lens or mirror or manufacturing processes other than the assembly of ~~thesueh~~ lens or mirror into optical systems and devices without any alteration of the lens or mirror; or
 - B) The receipt, possession, use or transfer of uranium or thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 8) ~~Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 185 Bq (5 nCi) of uranium; or~~
- 89) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
- A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and
 - B) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.
- 9) No person may initially transfer for sale or distribution a product containing source material to persons exempt under this subsection (c) unless authorized by an NRC license issued under 10 CFR 40.52 to initially transfer such products for sale or distribution.
- A) Persons initially distributing source material in products covered by the exemptions in subsection (c) before August 27, 2016 without specific authorization may continue distribution for one year beyond this date. Initial distribution may also be continued until NRC takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than one year beyond this date.
 - B) Persons authorized to manufacture, process or produce these materials or products containing source material under a specific license issued by the Agency and persons who import finished products or parts, for sale or distribution, must be authorized by an NRC license issued under 10 CFR 40.52 for distribution only and are exempt from the requirements of 10 CFR 19, 20 and 40.32(b) and (c).
- d) The exemptions in subsection (c) ~~above~~ do not authorize the manufacture of any of the products described.
- e) Any licensee is exempt from the requirements of this Part to the extent that its

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

activities are subject to the requirements of 32 Ill. Adm. Code 601, except as specifically provided for in 32 Ill. Adm. Code 601.

(Source: Amended at 40 Ill. Reg. 12971, effective August 25, 2016)

SUBPART B: TYPES OF LICENSES

Section 330.210 General Licenses – Source Material

- a) A general license is hereby issued authorizing commercial and industrial firms; research, educational and medical institutions; and federal, State and local government agencies to receive, possess, use and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial or operational purposes in the following forms and quantities:
- 1) No more than 1.5 kilograms (3.3 pounds) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use and transfer source material under this subsection (a) may not receive more than a total of 7 kilograms (15.4 pounds) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2016, may continue to possess up to 7 kilograms (15.4 pounds) of uranium and thorium at any one time for one year beyond this date, or until the Agency takes final action on a pending application submitted on or before August 27, 2017, for a specific license for that material and may receive up to 70 kilograms (154 pounds) of uranium or thorium in any one calendar year until December 31, 2017, or until the Agency takes final action on a pending application submitted on or before August 27, 2017, for a specific license for that material; and
 - 2) No more than:
 - A) a total of 7 kilograms (15.4 pounds) of uranium and thorium at any one time. A person authorized to possess, use and transfer source material under this subsection (a)(2)(A) may not receive more than a total of 70 kilograms (154 pounds) of uranium and thorium in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this subsection (a)(2)(A) unless it is accounted for under the limits of subsection (a)(1); or

B) 7 kilograms (15.4 pounds) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kilograms (154 pounds) of uranium from drinking water during a calendar year under this subsection (a)(2)(B); or

C) 7 kilograms (15.4 pounds) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use and transfer source material under this subsection (a)(2)(C) may not receive more than a total of 70 kilograms (154 pounds) of source material in any one calendar year. A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions, and State and local government agencies to use, possess and transfer not more than 6.82 kilograms (15 pounds) of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use, possess or transfer source material, pursuant to this general license, may not receive more than a total of 68.2 kilograms (150 pounds) of source material in any 1 calendar year.

b) Any person who receives, possesses, uses or transfers source material in accordance with the general license in subsection (a):

1) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings, except as may be authorized by the Agency in a specific license;

2) Shall not abandon such source material. Source material may be disposed of as follows:

A) A cumulative total of 0.5 kilograms (1.1 pounds) of source material in a solid, nondispersible form may be transferred each

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

calendar year, by a person authorized to receive, possess, use and transfer source material under the general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this subsection (b)(2)(A) is exempt from the requirement to obtain a license under this Part to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under this Subchapter b; or

B) In accordance with 32 Ill. Adm. Code 340.1010;

- 3) Is subject to the provisions in 32 Ill. Adm. Code 310, 330.310(a) through (c), 330.400, 330.500 and 340.1220(a) through (d);
- 4) Shall respond to written requests from the Agency to provide information relating to the general license within 30 calendar days after the date of the request, or other time specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the Agency a written justification for the request; and
- 5) Shall not export such source material except in accordance with 10 CFR 110. ~~Persons who receive, possess, use or transfer source material pursuant to the general license issued in subsection (a) are exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this Part.~~

- c) Any person who receives, possesses, uses or transfers source material in accordance with subsection (a) shall conduct activities to minimize contamination of the facility and the environment. When activities involving the source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Agency about such contamination and may consult with the Agency as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

not likely to result in exposures that exceed the limits in Section 330.325(b)(1)(B)(ii).

- d) Any person who receives, possesses, uses or transfers source material in accordance with the general license granted in subsection (a) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that such receipt, possession, use and transfer are within the terms of this general license, except that person shall comply with the provisions of Section 330.325(b)(1)(B)(ii) and 32 Ill. Adm. Code 340.1010 to the extent necessary to meet the provisions of subsections (b)(2) and (c) of this Section. However, this exemption does not apply to any person who also holds a specific license issued under Subchapter b.
- e) No person may initially transfer or distribute source material to persons generally licensed under subsection (a)(1) or (2) unless authorized by a specific license issued in accordance with Section 330.280(o). This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by subsection (a) before August 27, 2016, without specific authorization, may continue for one year beyond that date. Distribution may also be continued until the Agency takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2017.
- f) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use or transfer source material.
- g) Depleted Uranium in Industrial Products and Devices
- 1) A general license is hereby issued to receive, acquire, possess, use or transfer, in accordance with this subsection (g)~~the provisions of subsections (d)(2) through (5)~~, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.
 - 2) The general license in subsection (g)(1) applies only to industrial products or devices ~~that~~which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to Section 330.280(1) ~~of this Part~~ or in

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

accordance with a specific license issued to the manufacturer by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes manufacture of the products or devices for distribution to persons generally licensed by ~~NRC~~the U.S. Nuclear Regulatory Commission or an Agreement State.

- 3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general license established by subsection (g~~d~~)(1) shall:
 - A) File the form, "Registration Certificate – Use of Depleted Uranium Under General License," with the ~~Agency~~Department. The form shall be submitted within 30 days after the first receipt or acquisition of ~~such~~ depleted uranium. The registrant shall furnish ~~the following information~~ on the form "~~Registration Certificate – Use of Depleted Uranium Under General License~~," ~~the following information~~:
 - i) Name and address of the registrant;
 - ii) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in subsection (g~~d~~)(1) and designed to prevent transfer of ~~the~~such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
 - iii) Name and/or title, address and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in subsection (g~~d~~)(3)(A)(ii).
 - B) Report in writing to the Agency any changes in information furnished by the registrant in the form, "~~Registration Certificate – Use of Depleted Uranium Under General License~~." The report shall be submitted within 30 days after the effective date of ~~the~~such change.
- 4) A person who receives, acquires, possesses or uses depleted uranium pursuant to the general license established by subsection (g~~d~~)(1):

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) Shall not introduce ~~the~~ depleted uranium, in any form, into a chemical, physical or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium;
- B) Shall not abandon ~~the~~ depleted uranium;
- C) Shall transfer or dispose of ~~the~~ depleted uranium only ~~by transfer~~ in accordance with ~~the provisions of~~ Section 330.400 ~~of this Part~~. ~~When~~In the case where the transferee receives the depleted uranium pursuant to the general license established by subsection (g)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "Registration Certificate – Use of Depleted Uranium Under General License". ~~When~~In the case where the transferee receives the depleted uranium pursuant to a general license contained in ~~NRC's~~the U.S. Nuclear Regulatory Commission's regulation 10 CFR 40.25(a) or Agreement State's regulation equivalent to subsection (g)(1), the transferor shall furnish the transferee a copy of this Part and a copy of the form, "~~Registration Certificate – Use of Depleted Uranium Under General License~~", accompanied by a note explaining that use of the product or device is regulated by ~~NRC~~the U.S. Nuclear Regulatory Commission or ~~an~~ Agreement State under requirements substantially the same as those in this Part;
- D) Within 30 days after any transfer, shall report in writing to the Agency the name and address of the person receiving the depleted uranium ~~through that~~pursuant to ~~such~~ transfer; and
- E) Shall not export ~~the~~ depleted uranium except in accordance with a license issued by ~~NRC~~the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 110.
- 5) Any person receiving, acquiring, possessing, using or transferring depleted uranium pursuant to the general license established by subsection (g)(1) is exempt from the requirements of 32 Ill. Adm. Code 340 and 400 with respect to the depleted uranium covered by that general license.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 12971, effective August 25, 2016)

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section 330.280 Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

- a) Licensing the Introduction of Radioactive Material into Products in Exempt Concentrations
 - 1) In addition to the requirements set forth in Section 330.250, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the radioactive material to persons exempted from this Part pursuant to Section 330.30 or 330.40(a) will be issued if:
 - A) The applicant submits:
 - i) a description of the product or material into which the radioactive material will be introduced;
 - ii) intended use of the radioactive material and the product or material into which it is introduced;
 - iii) method of introduction;
 - iv) initial concentration of the radioactive material in the product or material;
 - v) control methods to assure that no more than the specified concentration is introduced into the product or material;
 - vi) estimated time interval between introduction and transfer of the product or material; and
 - vii) estimated concentration of the radioactive material in the product or material at the time of transfer; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in Appendix A, that reconcentration of the radioactive material in concentrations exceeding those in Appendix A is not likely, that use of lower concentrations is not feasible and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
- 2) Each person licensed under this subsection (a) is required to maintain records of transfer of material and shall file a report with the Agency that shall identify the following:
- A) Type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
 - B) Name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction;
 - C) The radionuclide, activity and activity assay date of radioactive material introduced into each product or material; and
 - D) The initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee.
- 3) The licensee shall file the report within 30 days after any of the following events:
- A) 5 years have passed since the preceding report was filed; or
 - B) The licensee has:
 - i) Filed an application for renewal of the license under Section 330.320; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- ii) Notified the Agency under Section 330.325(c) that the licensee has ended activities authorized under the license issued under this subsection (a).
 - 4) The report shall cover the period between the filing of the preceding report and an occurrence specified in subsection (a)(3). If no transfers of radioactive material have been made under this subsection (a) during the reporting period, the report shall so indicate.
 - 5) The licensee shall maintain the record of a transfer for a period of one+ year after the event has been included in a report to the Agency.
 - 6) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Section 330.30 or 330.40(a) or the equivalent regulations of NRC~~the U.S. Nuclear Regulatory Commission~~ (10 CFR 30.14) or of an Agreement State, except in accordance with a specific license issued under~~pursuant to~~ this subsection (a).
- b) Licensing the Distribution of Radioactive Material in Exempt Quantities
- AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.
- c) Licensing the Incorporation of Naturally Occurring and Accelerator-Produced Radioactive Material into Gas and Aerosol Detectors.
- AGENCY NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington DC 20555.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- d) Licensing the Manufacture and Distribution of Devices to Persons Generally Licensed Under Section 330.220(a).

AGENCY NOTE: Subsection (pe) describes requirements for radioactive material transfer reports and records.

- 1) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under Section 330.220(a) or equivalent regulations of NRC or an Agreement State will be approved if:
- A) The applicant satisfies the general requirements of Section 330.250.
- B) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions and potential hazards of the device to provide reasonable assurance that:
- i) The device can be safely operated by persons not having training in radiological protection;
- ii) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device and it is unlikely that any person will receive in ~~one~~ year a dose in excess of 10 percent of the annual limits specified in 32 Ill. Adm. Code 340.210(a); and
- iii) Under accident conditions such as fire and explosion associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:
- Whole body; head and trunk; active
blood-forming organs; gonads or
lens of eye 150 mSv (15 rem)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

Hands and forearms; feet and ankles
or localized areas of skin averaged
over areas no larger than ~~one~~
square centimeter 2 Sv (200 rem)

Other organs 500 mSv (50 rem).

C) Each device bears a durable, legible, clearly visible label or labels approved by the Agency; that ~~contain~~contain in a clearly identified and separate statement:

i) Instructions and precautions necessary to assure safe installation, operation and servicing of the device. Documents such as operating and service manuals may be identified ~~on~~in the label and used to provide this information;

ii) The requirement, or lack of requirement, for testing for leakage or contamination, or for testing any on-off mechanism and indicator, including the maximum time interval for ~~the~~such testing, and the identification of radioactive material by radionuclide, activity and activity assay date; and

iii) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

The receipt, possession, use and transfer of this device, Model____, Serial No.____, are subject to a general license or the equivalent and the regulations of the U.S. Nuclear Regulatory Commission or a ~~state~~State with which the U.S. Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

OR

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

CAUTION – RADIOACTIVE MATERIAL

Name of Manufacturer or Distributor

AGENCY NOTE: The model, serial number and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

- D) Each device having a separable source housing that provides the primary shielding for the source also bears on the source housing a durable label displaying the device model and serial number, the radionuclide and activity, the words "Caution – Radioactive Material", the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A and the name of the manufacturer or distributor.
- E) Each device meeting the criteria of 10 CFR 31.5(c)(13)(i), ~~published at (73 Fed. Reg. 42673, July 23, 2008), exclusive of subsequent amendments or editions~~ bears a permanent (e.g., embossed, etched, stamped or engraved) label affixed to the source housing, if separable, or the device, if the source housing is not separable, that includes the words "Caution – Radioactive Material", and, if practicable, the radiation symbol described in 32 Ill. Adm. Code 340.Illustration A.
- F) The device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).
- 2) Except as provided in this subsection (d)(2), the interval between tests for proper operation of the on-off mechanism and indicator, if any, shall not exceed ~~six~~6 months. The interval between tests for contamination of the device or for leakage of radioactive material from the device or for both shall not exceed ~~three~~3 months for devices containing sources designed to emit alpha particles and ~~six~~6 months for all other devices. In the event the applicant desires that the device be required to be tested at ~~longer~~ longer intervals ~~longer than the above~~, the applicant shall include in the application sufficient information to demonstrate that ~~those such~~ longer intervals are justified. The information shall include a description of the performance characteristics of the device or similar devices and of design features that

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

have a significant bearing on the probability or consequences of contamination of the device or leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material or contamination of the device, the Agency will consider information that includes, but is not limited to:

- A) Primary containment or source capsule;
 - B) Protection of primary containment;
 - C) Method of sealing containment;
 - D) Containment construction materials;
 - E) Form of contained radioactive material;
 - F) Maximum temperature withstood during prototype tests;
 - G) Maximum pressure withstood during prototype tests;
 - H) Maximum activity of contained radioactive material;
 - I) Radiotoxicity of contained radioactive material; and
 - J) Operating experience with identical devices or similarly designed and constructed devices.
- 3) In the event the applicant desires that the general licensee under ~~Section~~[subsection](#) 330.220(a), or under equivalent regulations of NRC or an Agreement State, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of, or contamination by, radioactive material, service the device, test the on-off mechanism and indicator or remove the device from installation, the applicant shall include in the application written instructions to be followed by the general licensee, estimated annual doses associated with ~~the~~[such](#) activity or activities and bases for ~~the~~[such](#) estimates. The submitted information shall demonstrate that performance of ~~the~~[such](#) activity or activities by an individual untrained in radiological protection, in addition to other

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

handling, storage and use of devices under the general license, is unlikely to cause that individual to receive an annual dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 4) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(4) to each person to whom a device is to be transferred for possession and use under the general license in Section 330.220(a). This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended user prior to transfer to the intermediate person. The required information is:
 - A) A copy of Section 330.220(a);

AGENCY NOTE: If certain provisions of Section 330.220(a) do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.
 - B) A copy of 32 Ill. Adm. Code 310.40, 330.310 and 340.1210, [340.1220](#) and [340.1260](#);
 - C) A list of the services that may only be performed by a specific licensee;
 - D) Information on acceptable disposal options, including estimated costs of disposal; and
 - E) A statement of the Agency's policy to take escalated enforcement action for improper disposal.
- 5) A person licensed under this subsection (d) to distribute devices to generally licensed persons shall provide the information in this subsection (d)(5) to each person to whom a device is to be transferred for possession and use under a general license equivalent to Section 330.220(a) in the regulations of NRC or an Agreement State. This information shall be provided before a device is transferred. In the case of a transfer through an intermediate person, the information shall be provided to the intended

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

user prior to transfer to the intermediate person. The required information is:

- A) A copy of the following regulations of NRC, ~~exclusive of subsequent amendments or editions,~~ or the equivalent regulations of an Agreement State. NRC regulations are 10 CFR 31.5; ~~published at~~ (73 Fed. Reg. 42673, July 23, 2008), 10 CFR 31.2; ~~published at~~ (65 Fed. Reg. 79187, December 18, 2000), 10 CFR 30.51; ~~published at~~ (61 Fed. Reg. 24673, May 16, 1996), 10 CFR 20.2201; ~~published at~~ (67 Fed. Reg. 3585, January 25, 2002) and 10 CFR 20.2202; ~~published at~~ (63 Fed. Reg. 39483, July 23, 1998). If NRC regulations are provided to a prospective general licensee in lieu of applicable Agreement State regulations, they shall be accompanied by a note explaining that use of the device is regulated by the Agreement State;

AGENCY NOTE: If certain provisions of the regulations do not apply to a particular device, they may be omitted; e.g., tests for leakage or contamination or proper operation of an on-off mechanism and indicator.

- B) A list of the services that may only be performed by a specific licensee;
- C) Information on acceptable disposal options, including estimated costs of disposal;
- D) A statement of the policies of NRC and most Agreement States to take escalated enforcement action for improper disposal; and
- E) The name or title, address and phone number of the contact at NRC or Agreement State regulatory agency from whom additional information may be obtained.
- 6) A person licensed under this subsection (d) may propose, for approval by the Agency, an alternative method of informing customers.
- 7) Each device transferred after February 19, 2002, shall meet the labeling requirements of subsections (d)(1)(C), (D) and (E).

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 8) If a license is to be terminated or if notification of bankruptcy is required by Section 330.310(j), a person licensed under this subsection (d) shall, upon request, provide to the Agency, NRC or an Agreement State the records of final disposition required by subsection ~~(pe)~~(8).
- e) Special Requirements for the Manufacture, Assembly or Repair of Luminous Safety Devices for Use in Aircraft
 - 1) An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons generally licensed under Section 330.220(b) will be approved if:
 - A) The applicant satisfies the general requirements specified in Section 330.250; and
 - B) The applicant satisfies the requirements of the following regulations of NRC, ~~exclusive of subsequent amendments or editions~~, or their equivalent. The regulations are 10 CFR 32.53, ~~published at~~ (77 Fed. Reg. 43693, July 25, 2012), 10 CFR 32.54, ~~published at~~ (63 Fed. Reg. 39483, July 23, 1998) and 10 CFR 32.55, ~~published at~~ (77 Fed. Reg. 43693, July 25, 2012).
 - 2) Each person licensed under this subsection (e) shall file an annual report with the Agency that shall state the total activity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b) or equivalent regulations of NRC or an Agreement State. The report shall identify each general licensee by name and address, state the kinds and numbers of luminous devices transferred and specify the activity of tritium or promethium-147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the Agency.
 - 3) Each person licensed under this subsection (e) shall also file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, [U.S. Nuclear](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

[Regulatory Commission, Washington DC 20555](#), by an appropriate method listed in 32 Ill. Adm. Code 310.110, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under Section 330.220(b). The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed by July 30. If no transfers have been made to persons generally licensed under Section 330.220(b) during the reporting period, the report must so indicate.

- f) Special Requirements for License to Manufacture Calibration Sources Containing Americium-241, Plutonium or Radium-226 for Distribution to Persons Generally Licensed Under Section 330.220(d). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under Section 330.220(d) will be approved if:
- 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The applicant satisfies the requirements of 10 CFR 32.57, ~~published at (77 Fed. Reg. 43693, July 25, 2012)~~ and 10 CFR 70.39, ~~published at (43 Fed. Reg. 6925, February 17, 1978)~~. The applicant shall also certify that it will satisfy, and subsequently satisfies, the requirements of 10 CFR 32.58 and 32.59, ~~published at (77 Fed. Reg. 43694, July 25, 2012)~~, ~~exclusive of subsequent amendments or editions~~.
- g) Manufacture and Distribution of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing Under General License. An application for a specific license to manufacture or distribute radioactive material for use under the general license of Section 330.220(e), or equivalent regulations of NRC or an Agreement State, will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
 - 2) The radioactive material is to be prepared for distribution in prepackaged units of:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- A) Carbon-14 in units not exceeding 370 kBq (10 μ Ci) each.
 - B) Cobalt-57 in units not exceeding 370 kBq (10 μ Ci) each.
 - C) Hydrogen-3 (tritium) in units not exceeding 1.85 MBq (50 μ Ci) each.
 - D) Iodine-125 in units not exceeding 370 kBq (10 μ Ci) each.
 - E) Mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
 - F) Iodine-131 in units not exceeding 370 kBq (10 μ Ci) each.
 - G) Iron-59 in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75 in units not exceeding 370 kBq (10 μ Ci) each.
- 3) Each prepackaged unit bears a durable, clearly visible label:
- A) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 370 kBq (10 μ Ci) of iodine-125, iodine-131, carbon-14, cobalt-57 or selenium-75; 1.85 MBq (50 μ Ci) of hydrogen-3 (tritium); 740 kBq (20 μ Ci) of iron-59; or mock iodine-125 in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each; and
 - B) Displaying the radiation caution symbol described in 32 Ill. Adm. Code 340.910(a) and the words, "CAUTION – RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".
- 4) The following statement, or a statement that contains the information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of ~~NRC the U.S. Nuclear Regulatory Commission~~ or of a state with which ~~NRC the Commission~~ has entered into an agreement for the exercise of regulatory authority.

- 5) The label affixed to the unit, or the leaflet or brochure that accompanies the package, contains information about the precautions to be followed in handling and storing that radioactive material. In the case of the mock iodine-125 reference or calibration source, the manufacturer shall state in the directions that this item shall be disposed of in compliance with 32 Ill. Adm. Code 340.1010(a) or the equivalent regulations of NRC or an Agreement State.
- h) Licensing the Manufacture and Distribution of Ice Detection Devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under Section 330.220(f) will be approved if:
 - 1) The applicant satisfies the general requirements of Section 330.250; and
 - 2) The criteria of 10 CFR 32.61 and 32.62, ~~both published at (77 Fed. Reg. 43694, July 25, 2012), exclusive of subsequent amendments or editions,~~ are met.
- i) Manufacture and Distribution of Radiopharmaceuticals Containing Radioactive Material for Medical Use Under Specific Licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses described in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010 will be approved if:
 - 1) The applicant satisfies the general requirements specified in Section 330.250;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) The applicant submits information showing that:
 - A) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act (21 USC 301) or the Public Health Service Act (42 USC 201 et seq.); or
 - B) The manufacture and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide; chemical and physical form; ~~packaging including~~ maximum activity per vial, syringe, generator or other container of the radioactive drug; and the package and shielding provided by the packaging to show the packaging of the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by medical uses ~~specific~~ licensees; and
- 4) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, activity and activity assay date and the label affixed to each package, or the leaflet or brochure ~~that which~~ accompanies each package, contains a statement that the radiopharmaceutical is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) for radioactive material specified in 32 Ill. Adm. Code 335.3010, 335.4010 or 335.5010, as appropriate, or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (i) are in addition to the labeling required by the FDA and may be separate from, or, with the approval of FDA, may be combined with the labeling required by FDA.
- j) **Manufacture and Distribution of Generators or Reagent Kits for Preparation of Radiopharmaceuticals Containing Radioactive Material**

AGENCY NOTE: Although the Agency does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of those reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have those reagent kits approved by the Agency for use by persons licensed pursuant to Section 330.260(a), (b) or (c) for generators or reagent kits specified in 32 Ill. Adm. Code 335.4010 may submit the pertinent information specified in this subsection (j).

An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to Section 330.260(a), (b) or (c) for the uses specified in 32 Ill. Adm. Code 335.4010 will be approved if:

- 1) The applicant satisfies the general requirements specified in Section 330.250;
- 2) The applicant submits evidence that:
 - A) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act; or
 - B) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act;
- 3) The applicant submits information on the radionuclide, chemical and physical form, packaging, including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;
- 4) The label affixed to the generator or reagent kit contains information on the radionuclide, activity and activity assay date; and
- 5) The label affixed to the generator or reagent kit, or the leaflet or brochure that accompanies the generator or reagent kit, contains:
 - A) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) A statement that the generator or reagent kit, as appropriate, is approved for use by persons licensed by the Agency pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.4010 or under equivalent licenses of NRC or an Agreement State. The labels, leaflets or brochures required by this subsection (j) are in addition to the labeling required by the FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.
- k) Manufacture and Distribution of Sources or Devices Containing Radioactive Material for Medical Use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to Section 330.260(a) or (b) for use as a calibration, transmission or reference source in 32 Ill. Adm. Code 335.2040 or for the uses listed in 32 Ill. Adm. Code 335.2140, 335.6010, 335.7010 and 335.8010 will be approved if:
- 1) The applicant satisfies the general requirements in Section 330.250;
 - 2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:
 - A) The radioactive material contained and; its chemical and physical form and activity;
 - B) Details of design and construction of the source or device;
 - C) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;
 - D) For devices containing radioactive material, the radiation profile of a prototype device;
 - E) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- F) Procedures and standards for calibrating sources and devices;
 - G) Legend and methods for labeling sources and devices as to their radioactive content; and
 - H) Instructions for handling and storing sources or devices from the radiation safety standpoint. These instructions shall be included on a durable label attached to each source or device or attached to a permanent storage container for the source or device; provided, that instructions ~~that which~~ are too lengthy for ~~thesuch~~ label may be summarized on the label and printed in detail on a brochure that is referenced on the label;
- 3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, activity and activity assay date, radiation symbol and/or "~~CAUTION – RADIOACTIVE MATERIAL~~~~Caution Radioactive Material~~", serial number, model, manufacturer name or logo, and a statement that the source or device is licensed by the Agency for distribution to persons licensed pursuant to Section 330.260(a), (b) or (c) and 32 Ill. Adm. Code 335.2040, 335.2140, 335.6010, 335.7010 and 335.8010 or under equivalent licenses of NRC or an Agreement State, provided that the labeling for sources that do not require long-term storage may be on a leaflet or brochure that accompanies the source;
 - 4) In the event the applicant desires that the source or device be required to be tested for leakage of, or contamination by, radioactive material at intervals longer than 6 months, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of radioactive contamination or leakage of radioactive material from the source;
 - 5) In determining the acceptable interval for tests of leakage of, or contamination by, radioactive material, the Agency will consider information that includes, but is not limited to:
 - A) Primary containment or source capsule;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) Protection of primary containment;
 - C) Method of sealing containment;
 - D) Containment construction materials;
 - E) Form of contained radioactive material;
 - F) Maximum temperature withstood during prototype tests;
 - G) Maximum pressure withstood during prototype tests;
 - H) Maximum activity of contained radioactive material;
 - I) Radiotoxicity of contained radioactive material;
 - J) Operating experience with identical sources or devices or similarly designed and constructed sources or devices; and
 - K) Proposed use of source; and
- 6) The source or device has been registered in the Sealed Source and Device Registry in accordance with subsection (m)(2).
- 1) Requirements for License to Manufacture and Distribute Industrial Products Containing Depleted Uranium for Mass-Volume Applications. An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to Section 330.210(~~gd~~) or equivalent regulations of NRC or an Agreement State will be approved if:
- 1) The applicant satisfies the general requirements specified in Section 330.250.
 - 2) The applicant submits sufficient information relating to the design (including blueprints), manufacture (construction materials and methods), prototype testing (description of testing that will be done and the acceptance criteria), quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

assure that possession, use or transfer of the depleted uranium in the product or device will not cause any individual to receive in any period of one~~1~~ year a radiation dose in excess of 10 percent of the limits specified in 32 Ill. Adm. Code 340.210(a).

- 3) The applicant submits information assuring that the presence of depleted uranium for a mass-volume application in the product or device will provide a unique benefit to the public, i.e., a benefit that could not be achieved but for the use of depleted uranium. The applicant's methods for use and handling of the product or device will not result in uncontrolled disposal or dispersal of depleted uranium into the environment.
- 4) The Agency will deny any application for a specific license under this subsection (1) if the end uses of the industrial product or device cannot be reasonably foreseen.
- 5) Each person licensed pursuant to this subsection (1) shall:
 - A) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;
 - B) Label or mark each unit to:
 - i) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium and the activity of depleted uranium in each product or device; and
 - ii) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of NRC or an Agreement State;
 - C) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend, clearly legible through any plating or other covering: "Depleted Uranium";

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- D) Furnish:
- i) A copy of the general license contained in Section 330.210(~~g~~) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom the licensee transfers depleted uranium in a product or device for use pursuant to the general license contained in Section 330.210(~~g~~); or
 - ii) A copy of the general license contained in NRC's or Agreement State's regulation equivalent to Section 330.210(~~g~~) and a copy of NRC's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in Section 330.210(~~g~~) and a copy of the form "Registration Certificate – Use of Depleted Uranium Under General License", to each person to whom he or she transfers depleted uranium in a product or device for use pursuant to the general license of NRC or an Agreement State, with a note explaining that use of the product or device is regulated by NRC or an Agreement State under requirements substantially the same as those in Section 330.210(~~g~~);
- E) Report to the Agency all transfers of industrial products or devices to persons for use under the general license in Section 330.210(~~g~~). The report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the Agency and the general licensee, the type and model number of device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which the product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under Section 330.210(~~g~~) during the reporting period, the report shall so indicate;
- F) File a report that identifies each general licensee by name and address, an individual by name and/or position who constitutes a

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

point of contact between the Agency and the general licensee, the type and model number of the device transferred, and the activity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which ~~the~~ product or device is transferred to the generally licensed person. The licensee shall report:

- i) To NRC, all transfers of industrial products or devices to persons for use under NRC general license in 10 CFR 40.25;
 - ii) To the responsible state agency all transfers of devices manufactured and distributed pursuant to this subsection (1) for use under a general license in that state's regulations equivalent to Section 330.210(~~g~~);
 - iii) To NRC, if no transfers have been made by the licensees during the reporting period;
 - iv) To the responsible Agreement State, agency upon the request of that agency, if no transfers have been made to general licensees within a particular Agreement State during the reporting period; and
- G) Keep records showing the name, address and point of contact for each general licensee to whom the licensee transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in Section 330.210(~~g~~) or equivalent regulations of NRC or an Agreement State. The records shall be maintained for a period of 2 years and shall show the date of each transfer, the activity of depleted uranium in each product or device transferred and compliance with the report requirements of this subsection (1).
- m) Special Requirements for License to Manufacture or Initially Distribute Sealed Sources or Devices Containing Sealed Sources
- 1) An application for license to manufacture or initially distribute sealed sources or devices containing sealed sources for initial transfer to persons

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

having a specific license to receive ~~those such~~ sealed sources or devices will be approved subject to the following conditions:

- A) The applicant satisfies the general requirements specified in Section 330.250;
 - B) The licensee subject to this subsection (m) shall not transfer a sealed source or device containing a sealed source to any person, except in accordance with the requirements of Section 330.400.
- 2) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the Agency for evaluation of radiation safety information about its product and for filing an evaluation sheet in the NRC "Registry of Radioactive Sealed Sources and Devices".
 - 3) The request for review of a sealed source or a device must include sufficient information about the design, manufacture, prototype testing, quality control program, labeling, proposed uses and leak testing, and, for a device, the request must also include sufficient information about installation, service and maintenance, operating and safety instructions, and the device's potential hazards to provide reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property.
 - 4) The Agency normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the Agency formulates reasonable standards and criteria with the help of the manufacturer or distributor. The Agency shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Other subsections of this Section have specific criteria that apply to certain products.
 - 5) After completion of the evaluation, the Agency issues a certificate of registration to the person making the request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

product, or concerning use under an exemption from licensing or general license, as applicable, for the category of certificate.

- 6) The person submitting the request for evaluation and registration of safety information about the product shall manufacture and distribute the product in accordance with:
 - A) The statements and representations, including quality control program, contained in the request; and
 - B) The provisions of the registration certificate.
- 7) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:
 - A) Calibration and reference sources containing no more than:
 - i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or
 - ii) 0.37 MBq (10 μ Ci), for alpha emitting radionuclides; or
 - B) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form, in the case of unregistered sources, or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment, to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and
 - i) The intended recipients are licensed under Section 330.270 or comparable provisions of NRC or an Agreement State; or
 - ii) The recipients are authorized for research and development; or

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.
- 8) After the certificate is issued, the Agency may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Agency will complete its evaluation in accordance with criteria specified in this Section. The Agency may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.
- 9) A certificate holder who no longer manufactures or initially transfers any of the sealed sources or devices covered by a particular certificate issued by the Agency shall request inactivation of the registration certificate. The request must be made to the Agency by an appropriate method listed in 32 Ill. Adm. Code 310.110 and must normally be made no later than two years after initial distribution of all the sources or devices covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than 2 years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days after this determination and briefly describe the circumstances of the delay.
- 10) If a distribution license is to be terminated in accordance with Section 330.325, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Agency will terminate the license. A request for inactivation of certificates must indicate that the license is being terminated and include the associated specific license number.
- 11) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer the sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- n) Manufacture and Distribution of Radioactive Material for Medical Use Under General License. A specific license authorizing the distribution of radioactive materials for diagnostic medical use by a physician under a general license shall be issued only if the applicant for the specific license satisfies the requirements of Section 330.250 and:
- 1) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with an approval by the commissioner of Food and Drugs, U.S. Food and Drug Administration, or in accordance with an approval for a biologic product issued by the Secretary, U.S. Department of Health and Human Services; and
 - 2) The following statement, or a statement that contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure that accompanies the package:

This radiopharmaceutical may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the [NRC U.S. Nuclear Regulatory Commission](#) or of a state with which [NRC the Commission](#) has entered into an agreement for the exercise of regulatory authority.
- o) [Requirements for License to Initially Transfer Source Material for Use Under the "Small Quantities of Source Material" General License](#)
- 1) [An application for a specific license to initially transfer source material for use under Section 330.210 will be approved if:](#)
 - A) [The applicant satisfies the general requirements specified in Section 330.250; and](#)
 - B) [The applicant submits adequate information on the methods to be used for quality control, labeling and providing safety instructions to recipients.](#)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 2) Each person licensed under this subsection (o) shall label the immediate container of each quantity of source material with the type and quantity of source material and the words, "radioactive material".
- 3) Each person licensed under this subsection (o) shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.
- 4) Each person licensed under this subsection (o) shall provide the information specified in this subsection (o)(4) to each person to whom source material is transferred for use under Section 330.210. This information shall be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:
 - A) A copy of Sections 330.210 and 330.400; and
 - B) Appropriate radiation safety precautions and instructions relating to handling, use, storage and disposal of the material.
- 5) Each person licensed under this subsection (o) shall report transfers as follows:
 - A) File a report with the Agency that includes the following information:
 - i) The name, address and license number of the person who transferred the source material;
 - ii) For each general licensee under Section 330.210 to whom greater than 50 grams (0.11 pounds) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.
 - B) File a report with each responsible Agreement State or NRC, as appropriate, that identifies all persons, operating under provisions equivalent to Section 330.210, to whom greater than 50 grams (0.11 pounds) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State or NRC licensees:
 - i) The name, address and license number of the person who transferred the source material;
 - ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form and quantity of source material transferred; and
 - iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State or NRC jurisdictions.
 - C) Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under Section 330.210, or equivalent Agreement State or NRC provisions, during the current period, a report shall be submitted to the Agency indicating so. If no transfers have been made to general licensees in a particular Agreement State during the reporting period, this information shall be reported to each responsible Agreement State agency or NRC upon request.
- 6) Each person licensed under this subsection (o) shall maintain all information that supports the reports required by subsection (o)(5)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

concerning each transfer to a general licensee for a period of one year after the event is included in a report to the Agreement State agency or NRC.

- p) Material Transfer Reports and Records
Each person licensed under subsection (d) to distribute devices to generally licensed persons shall comply with the requirements of this subsection (p).
- 1) The person shall report:
 - A) To the Agency and to the responsible regulatory agency all transfers of devices to persons for use under the general license in Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;
 - B) To the Agency and to the responsible regulatory agency all receipts of devices from persons generally licensed under Section 330.220(a) or the equivalent regulations of NRC or an Agreement State;
 - C) To the Agency if no transfers were made to or from general licensees during the reporting period; and
 - D) To the responsible regulatory agency upon the request of the agency if no transfers during the reporting period were made to or from general licensees in the agency's area of jurisdiction.
 - 2) The report shall be on NRC Form 653, "Transfers of Industrial Devices Report", or in a clear and legible format containing all of the information required by the form. The report shall cover each calendar quarter, shall be filed within 30 days after the end of the calendar quarter, and shall clearly indicate the period covered.
 - 3) For a transfer to a general licensee, the report shall provide:
 - A) The identity of the general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted, along with information on the actual location of use;

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- B) The name, title and phone number of the individual identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;
 - C) The date of transfer;
 - D) The type, model and serial number of the device transferred; and
 - E) The radionuclide and activity contained in the device.
- 4) If one or more intermediate persons will temporarily possess a device at the intended place of use before its possession by the user, the report shall include the same information for both the intended user and each intermediate person and shall clearly designate all intermediate persons.
 - 5) For a device received from a general licensee, the report shall provide the name and address of the general licensee and the type, model and serial number of the device and the date of receipt. For a device not initially transferred by the reporting person, the report shall provide the name of the manufacturer or distributor.
 - 6) If the person makes a change to a device possessed by a general licensee that necessitates a change in the label, the report shall identify the general licensee, the device and the changes to information on the device label.
 - 7) The report shall clearly identify the person licensed under subsection (d) that is furnishing the report and shall include the person's specific license number.
 - 8) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this subsection (p~~h~~). These records shall be maintained for 5 years following the recorded event.

(Source: Amended at 40 Ill. Reg. 12971, effective August 25, 2016)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.102 Adopted Action:
Amendment
- 4) 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]
- 5) Effective Date of Rule: August 26, 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 rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 7600; May 27, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 144.102(b), "following" was added before "criteria."

In Section 144.102(b), a colon was added after "criteria."

In Section 144.102(b), "specified in this subsection (b). As of April 1, 2016, and on a continuing basis thereafter, the facility must:" was deleted.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes, 40 Ill. Reg. 7855.
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 89 Ill. Adm. Code 144.102 provides qualifying criteria and methodology for rates for developmentally disabled clients that have high medical/high personal care needs. The rulemaking eliminates language that disqualifies dually licensed facilities from qualifying for the enhanced rate for providing care to developmentally disabled clients that have high medical/high personal care needs. The rulemaking provides parity to the Department's ICF/DD high medical/high personal needs provider community.
- 16) Information and questions regarding this adopted rule shall be directed to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: MEDICAL PROGRAMSPART 144
DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	ICF/MR Service Criteria
144.50	Inspection of Care and Rate Setting Appeal Process
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Exceptional Care Needs of Clients with Developmental Disabilities
144.102	High Medical/High Personal Care Needs of Individuals with Developmental Disabilities
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care – Behavior Development Programs
144.150	Specialized Care – Health and Sensory Disabilities
144.160	Base Nursing in Facilities Licensed as ICF/DD-16s including Small Scale (4 and 6 bed) ICF/DD-16s
144.165	Medication Administration in Facilities Licensed as ICF/DD-16s including Small Scale Residential Facilities (4 and 6 beds) ICF/DD-16s
144.175	Functional Needs
144.200	Service Needs – Medical Care (Repealed)
144.205	Service Needs – Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities (4 and 6 bed) ICF/DD-16s
144.325	Capital Rate Calculation
144.TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
144.TABLE B	Staff Intensity Scale
144.TABLE C	IPP Outcomes (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

144.TABLE D Guidelines for Determining Levels of Functioning

144.TABLE E Standardized Adaptive Functional Assessment

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].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. 6916, effective May 6, 1996; emergency amendment at 20 Ill. Reg. 7426, effective May 24, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9072, effective June 28, 1996; amended at 20 Ill. Reg. 11326, effective August 1, 1996; amended at 20 Ill. Reg. 12465, effective August 30, 1996; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 9287, effective May 15, 1998; amended at 23 Ill. Reg. 932, effective January 6, 1999; emergency amendment at 24 Ill. Reg. 6431, effective March 31, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13404, effective August 18, 2000; emergency amendment at 34 Ill. Reg. 16983, effective November 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4005, effective February 23, 2011; emergency amendment at 40 Ill. Reg. 7855, effective May 13, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 13016, effective August 26, 2016.

Section 144.102 High Medical/High Personal Care Needs of Individuals with Developmental Disabilities

- a) For services provided on or after July 1, 2010, daily rates for qualifying ICFs/MR shall have their own reimbursement rates adjusted pursuant to this Section.
- b) Qualifying Criteria

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

In order to receive rate adjustments under this Section, facilities must meet the following criteria: ~~specified in this subsection (b). As of May 1, 2010, and on a continuing basis thereafter, the facility must:~~

- 1) Be a licensed ICF/MR, as defined in 77 Ill. Adm. Code 350, with more than 16 licensed beds and is not:
 - A) An SNF/PED, as defined in 77 Ill. Adm. Code 390; or
 - B) ~~A dually licensed facility with one or more portions of the facility licensed under different Parts of Title 77 of the Illinois Administrative Code; or~~ C) A campus facility, as defined under 89 Ill. Adm. Code 140.583.
 - 2) For the immediately preceding month, as documented in the remittance advice report, have:
 - A) An occupancy level of at least 93 percent of licensed ICFDD bed capacity; and
 - B) At least 93 percent of the ICFDD facility residents eligible for, and enrolled in, medical assistance under 89 Ill. Adm. Code 120.
 - 3) Based on the most recently conducted annual inspection of care survey, at least 60 percent of the residents of the facility must qualify as Medical Level III.
- c) Adjustment Methodology
The program and support components of the per diem rate for qualifying facilities shall be replaced with the adjusted program and support components, determined as follows:
- 1) Adjustment Factor
The adjustment factor for a facility shall be the product of the difference between the Medical Level III percentage and 60 percent and:
 - A) For facilities with a Medical Level III percentage less than 80 percent – 0.600; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- B) For all other facilities – 1.700.
- 2) Adjusted Program Component
The adjusted program component shall equal the product of the following:
- A) The program component of the per diem rate, as determined under Section 144.275; and
- B) The sum of 1.000 plus the adjustment factor for the facility, as determined in subsection (c)(1).
- 3) Adjusted Support Component
The adjusted support component shall equal the SNF/PED ceiling for the geographic area in which the facility is located.
- 4) Subsequent Adjustments
Adjusted program and support components shall be redetermined when:
- A) Changes to the program or support rate components are required in accordance with 89 Ill. Adm. Code 153; and
- B) The percentage of the residents who are classified as Medical Level III changes as a result of the facility's annual inspection of care survey. The adjusted program component shall be recalculated and effective the first day of the month following the Medical Level III determinations.
- C) The percentage of residents who are classified as Medical Level III changes as a result of the facility's annual inspection of care survey. The adjusted program component shall be recalculated and effective the first day of the month following the Medical Level III determinations.
- D) All high medical/high personal care rates for residents classified as Medical Level III will be reviewed and updated for changes in the facility population at least once annually upon issuance of respective facility Inspection of Care surveys.

(Source: Amended at 40 Ill. Reg. 13016, effective August 26, 2016)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1413.130	Repealed
1413.131	New Section
1413.138	Repealed
1413.139	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rules: September 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 7295; May 13, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Only non-substantive, technical changes were made to this rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes, 40 Ill. Reg. 7482.
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 1413.131(a), expiring on June 30, 2021, states that all non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having eight or more separate interests must be

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

carded and run. The following races must be carded and run with seven or more betting interests. Illinois maiden special weights, Illinois claiming \$20,000 and above, Illinois allowance "one other than" or "other than," and "non-winners of two other than. Illinois conceived and/or foaled stake races must be carded and run with six or more betting interests. If scratches reduce the number of interests in any race to less than six, the association may run the race as a non-betting race and card and run a substitute race for wagering purposes.

Section 1413.139(a), expiring on June 30, 2021, states that whenever a posted race is cancelled, the Racing Secretary will first use the substitute races listed in the condition book and then use the extra races, except for Illinois bred races, where priority goes to the next listed Illinois bred race and then to an Illinois bred extra race.

Sections 1413.131 and 1413.139 also include the re-instatement of the current rules beginning July 1, 2021. Sections 1413.130 and 1413.138 will be permanently repealed.

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/ 814-5017
Mickey.ezzo@illinois.gov

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries (Repealed)
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Increases or Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Uncoupled Entries
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races (Repealed)
1413.131	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races (Repealed)
1413.139	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; emergency amendment at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015; amended at 39 Ill. Reg. 10636, effective July 17, 2015; emergency

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

amendment at 40 Ill. Reg. 7482, effective May 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 13022, effective September 1, 2016.

Section 1413.130 Carding Purse and Handicap Races (Repealed)

~~All non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to less than six, the association may run the race as a betless exhibition and card and run a substitute race for wagering purposes.~~

(Source: Repealed at 40 Ill. Reg. 13022, effective September 1, 2016)

Section 1413.131 Carding Purse and Handicap Races

- a) On or before June 30, 2021, except as otherwise provided in subsection (a)(1), all non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having eight or more separate interests, must be carded and run.
- 1) Exceptions
- A) The following races must be carded and run with seven or more betting interests:
- i) Illinois maiden special weights;
- ii) Illinois claiming races \$20,000 and above;
- iii) Illinois allowance "one other than" or "other than" and "non-winners of two other than".
- B) Illinois conceived and/or foaled stake races must be carded and run with six or more betting interests. If scratches reduce the number of interests in any race to fewer than six, the association may run the race as a non-wagering exhibition and card and run a substitute race for wagering purposes.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Beginning July 1, 2021, the track shall card races pursuant to this subsection. All non-claiming races (including maiden special weights, but with the exception of other maiden races) and claiming races with a claiming value of \$20,000 or more having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to fewer than six, the association may run the race as a non-wagering exhibition and card and run a substitute race for wagering purposes.

(Source: Added at 40 Ill. Reg. 13022, effective September 1, 2016)

Section 1413.138 Substitute and Extra Races (Repealed)

- a) ~~Whenever a posted race is cancelled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:~~
- ~~1) when a feature or handicap race fails to fill the extra race that can be used as a feature race shall take precedence over the other substitute and extra races, or~~
 - ~~2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible, or~~
 - ~~3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races, or~~
 - ~~4) when a posted race is split, or~~
 - ~~5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.~~
- b) ~~Nothing contained herein shall be deemed an exception to or modification of Rule B-9.6 (11 Ill. Adm. Code 409.60).~~

(Source: Repealed at 40 Ill. Reg. 13022, effective September 1, 2016)

Section 1413.139 Substitute and Extra Races

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) On or before June 30, 2021, whenever a posted race is cancelled, the Racing Secretary will first use the substitute races listed in the Condition Book and then use the extra races, except for Illinois bred races, for which priority goes to the next listed Illinois bred race and then to an Illinois bred extra race.
- b) Beginning July 1, 2021, the track shall card races pursuant to this subsection. Whenever a posted race is cancelled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:
- 1) when a feature or handicap race fails to fill, the extra race that can be used as a feature race shall take precedence over the other substitute and extra races;
 - 2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible;
 - 3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other cancelled races;
 - 4) when a posted race is split;
 - 5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.

(Source: Added at 40 Ill. Reg. 13022, effective September 1, 2016)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Number: 2775.20 Emergency Action: Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective Date of Rule: August 29, 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: None
- 7) Date Filed with the Index Department: August 29, 2016
- 8) A copy of this emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements PA 99-842, effective August 19, 2016. Emergency action is needed in order to permit the timely performance of activities necessary to implement the changes.
- 10) A Complete Description of the Subjects and Issues Involved: PA 99-842 (the Act) modified the definition for "eligible institution" expanding the list of eligible institutions for the College Illinois! 529 Prepaid Tuition Program to include all schools that are considered eligible educational institutions under section 529 of the federal Internal Revenue Code. Contract holders will benefit from slightly increased flexibility in where they can use their benefits and program administration will be streamlined.
- 11) Are there any rulemakings to the Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
2775.20	Amendment	40 Ill. Reg. 12942; September 9, 2016
2775.30	Amendment	40 Ill. Reg. 12942; September 9, 2016

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate 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 this emergency rule shall be directed to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 18032
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The full text of the Emergency Amendment begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2775
ILLINOIS PREPAID TUITION PROGRAM

Section

2775.10	Summary and Purpose
2775.20	Definitions
<u>EMERGENCY</u>	
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure
2775.80	Investment Services Procurement

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. 9954, effective July 1, 2005; amended at 32 Ill. Reg. 10349, effective July 1, 2008; amended at 35 Ill. Reg. 3538, effective February 16, 2011; amended at 36 Ill. Reg. 9444, effective July 1, 2012; amended at 37 Ill. Reg. 9554, effective July 1, 2013; amended at 39 Ill. Reg. 9588, effective July 1, 2015; emergency amendment at 40 Ill. Reg. 13029, effective August 29, 2016, for a maximum of 150 days.

Section 2775.20 DefinitionsEMERGENCY

"Code" – The Illinois Pension Code [40 ILCS 5].

"Consultant" – The independent investment consulting firm or firms contractually engaged by the Program to provide general or specialty investment consulting services for the prudent administration of the Program's investment portfolio as a

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

fiduciary to the Fund.

"Custodian" – Pursuant to Section 35 of the Illinois Prepaid Tuition Act [110 ILCS 979], the investment custody service provider responsible for safekeeping of assets, trade processing and asset servicing, which includes a fiduciary obligation to the Fund.

"Eligible Institution" – An eligible educational institution as defined in Section 529 of the federal Internal Revenue Code of 1986 and any regulations thereunder.~~A public institution of higher education, or a nonpublic institution of higher education whose students are eligible to receive benefits under section 529(a) of the Internal Revenue Code of 1986, as specified by the federal Small Business Act of 1996 and subsequent amendments to this federal law, and that provides a minimum of an organized two-year degree program at the postsecondary level, or a program in health education directly applicable toward the attainment of a certificate, diploma or associate degree. The institution must maintain an accredited status with an accrediting agency recognized by the U.S. Department of Education for the purpose of establishing eligibility to participate in federal student assistance programs administered by the Department under Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq.), and, if the institution is for profit, must enroll a majority of its students in degree programs that it is legally authorized to offer by the appropriate agency in the state in which the institution is located.~~

"Fiduciary" or "Fiduciaries" – A person or entity is a fiduciary with respect to the Fund to the extent that the person or entity:

exercises any discretionary authority or discretionary control respecting management or disposition of its assets;

renders investment advice or renders advice on the selection of fiduciaries for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the Fund, or has any authority or responsibility to do so; or

has any discretionary authority or discretionary responsibility in the administration of the Fund.

"Fund" – The Illinois Prepaid Tuition Trust Fund.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

"Illinois Community College" – A public community college as defined in Section 1-2 of the Public Community College Act [110 ILCS 805].

"Illinois Prepaid Tuition Contract" or "Contract" – A contract entered into between the Illinois Student Assistance Commission, on behalf of the State of Illinois, and a purchaser under Section 45 of the Illinois Prepaid Tuition Act [110 ILCS 979] to provide for the higher education of a qualified beneficiary.

"Illinois Prepaid Tuition Program" or "Program" – The college savings and investment program created in Section 15 of the Illinois Prepaid Tuition Act.

"Illinois Prepaid Tuition Trust Fund" – The repository of all moneys received by the Commission, including all contributions, appropriations, interest and dividend payments, gifts, or other financial assets received in connection with operation of the Illinois Prepaid Tuition Program.

"Illinois Public University" – Any campus of: the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University or Northeastern Illinois University.

"Investment Advisor" or "Investment Manager" – A fiduciary appointed by the Commission to manage a portion of the Fund's assets or a fiduciary to a limited partnership or commingled fund in which the Fund is an investor.

"Investment Committee" – A subcommittee of the Commission consisting of at least three members of the Commission with knowledge of investing.

"Investment Services" – Investment Manager, Consultant and Custodian services or similar services.

"Manager Database" – An industry database containing information regarding institutional quality investment management firms. The database is used to identify, screen and evaluate Investment Manager candidates. The database may be provided and maintained by the Consultant or by a third-party firm approved by the Consultant.

"Member of the Family" or "Immediate Family" – Member of the family, as

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

defined in the Internal Revenue Code, section 529(e)(2), as amended, means an individual who bears a relationship to a qualified beneficiary as follows: son or daughter, or a descendant of either; stepson or stepdaughter; brother, sister, stepbrother, stepsister, half-brother, or half-sister; father or mother or an ancestor of either; stepfather or stepmother; son or daughter of a brother or sister; brother or sister of the father or mother; son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law, the spouse of any of the above; the spouse; or any first cousin. In determining whether any of these relationships exist, a legally adopted child of an individual shall be treated as a child of such individual by blood.

"Minority Person", "female", "person with a disability", "minority owned business", "female owned business", "business owned by a person with a disability" – All have the same meaning as ascribed in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

"Nonpublic Institution of Higher Education" – An eligible institution, other than a public institution of higher education.

"Private Market Fund" – Any private equity fund, private equity fund of funds, venture capital fund, hedge fund, hedge fund of funds, real estate fund, or other investment vehicle that is not publicly traded.

"Program" – The Illinois Prepaid Tuition Program.

"Public Institution of Higher Education" – An Illinois public university or Illinois community college.

"Purchaser" – Any person that has contracted to make payments under an Illinois prepaid tuition contract in accordance with State and federal laws.

"Qualified Beneficiary" – An individual designated as the recipient of the benefits of a prepaid tuition contract, provided he/she: has been a resident of this State for at least 12 months prior to the date of the application; or is a nonresident, so long as the purchaser has been a resident of the State for at least 12 months prior to the date of the application; or is less than one year of age and whose parent or legal guardian has been a resident of the State for at least 12 months prior to the date of the application.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

"Registration Fees" – The charges derived by combining tuition and mandatory fees.

"Staff" – The professional investment staff of the Program.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 13029, effective August 29, 2016, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 23, 2016 through August 29, 2016. The rulemakings are scheduled for review at the Committee's September 6, 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
10/7/16	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	7/8/16 40 Ill. Reg. 9024	9/6/16
10/7/16	<u>Illinois Department of Agriculture</u> , Motor Fuel and Petroleum Standards Act (8 Ill. Adm. Code 850)	7/8/16 40 Ill. Reg. 8880	9/6/16
10/7/16	<u>Illinois Commerce Commission</u> , Submission of Rate Case Testimony (83 Ill. Adm. Code 286)	3/25/16 40 Ill. Reg. 5157	9/6/16
10/8/16	<u>State Board of Education</u> , Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)	4/29/16 40 Ill. Reg. 6743	9/6/16
10/2/16	<u>State Board of Education</u> , Programs for the Preparation of Superintendents in Illinois (23 Ill. Adm. Code 33)	4/29/16 40 Ill. Reg. 6752	9/6/16
10/5/16	<u>Department of Children and Family Services</u> , Service Appeal Process (89 Ill. Adm. Code 337)	9/18/16 39 Ill. Reg. 12658	9/6/16

10/9/16

State Universities Civil Service System, State
Universities Civil Service System (80 Ill. Adm.
Code 250)

5/20/16

40 Ill. Reg.
7537

9/6/16

PROCLAMATIONS

2016-192**Summer Food Service Program Day**

WHEREAS, more than 14 percent of Illinoisans struggle to provide enough food for their families and more than 21 percent of Illinois children are food insecure, meaning they do not have consistent access to adequate food; and,

WHEREAS, no child deserves to go without food, and children who are food insecure suffer from increased risk of chronic diseases, increased rates of behavioral problems, decreased academic achievement, and long-term social and economic impacts; and,

WHEREAS, there are children in every county of the State of Illinois who experience food insecurity and summer meals reach just 14 percent of eligible children who receive free or reduced priced National School Lunch Program meals during the school year; and,

WHEREAS, there are 30 counties in Illinois that have zero Summer Food Service Program sites in 2016; and,

WHEREAS, Summer Food Service Program sites are an ideal model for summer food delivery and provide on-site adult supervision and enrichment activities for children; however, more SFSP sites are needed; and,

WHEREAS, USDA, Illinois State Board of Education, No Kid Hungry Illinois, Illinois Hunger Coalition, and Illinois Summer Meals Partners continue to work together to increase participation in the Summer Food Service Program;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 11, 2016, as **SUMMER FOOD SERVICE PROGRAM DAY** throughout the state of Illinois, and call upon Summer Food Service Program sites to operate as open sites to the community so that all children can access healthy, nutritious meals during the summer.

Issued by the Governor July 8, 2016

Filed by the Secretary of State August 24, 2016

2016-193**Blood Drive Coordinator Month**

WHEREAS, patients in Illinois hospitals require a year-round supply of donated blood; and,

WHEREAS, blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply; and,

PROCLAMATIONS

WHEREAS, a single trauma patient can use more than 100 units of blood; and,

WHEREAS, donated blood only has a shelf life of 42 days; and,

WHEREAS, blood centers rely heavily on blood donated on their premises and at blood drives organized throughout their communities by volunteers; and,

WHEREAS, though there are many honors for donors, volunteer blood drive coordinators are often the "unsung heroes" who are responsible for hundreds of donations and are invaluable to the blood centers; and,

WHEREAS, blood drive coordinators play a vital role in educating the public on the importance of blood donation; and,

WHEREAS, many blood drive coordinators are responsible for the recruitment of first-time blood donors, many of whom become regular donors over the course of their lifetimes; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act, and the Organ Donor Act; and,

WHEREAS, the Illinois Coalition of Community Blood Centers presents annual awards throughout the state to individuals who have made a major impact in their communities through their blood drive collection efforts;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim July 2016 as **BLOOD DRIVE COORDINATOR MONTH** in Illinois, and encourage Illinoisans to consider volunteering to coordinate a blood drive in their community, and encourage blood centers, units of local government, civic organizations and businesses, and others to honor volunteers in their community who coordinate local blood drives.

Issued by the Governor July 13, 2016

Filed by the Secretary of State August 24, 2016

2016-194
Parents Day

WHEREAS, through a bi-partisan effort in Congress and the signature of President William Jefferson Clinton, Parents Day was established as a holiday to be celebrated on the fourth Sunday every July; and,

PROCLAMATIONS

WHEREAS, the strength of the American family is directly related to the moral strength of our great nation; and,

WHEREAS, the family is the school of love, where children learn to be good citizens, good siblings, good friends and eventually responsible parents themselves; and,

WHEREAS, the Family Federation for World Peace and Unification is celebrating this holiday in Washington, D.C. and will be sending its Illinois "Parents of the Year" to the National celebration;

THEREFORE, I, Bruce Rauner, the Governor of the State of Illinois do hereby declare, Sunday, July 24, 2016, as **PARENTS DAY** in Illinois.

Issued by the Governor July 13, 2016
Filed by the Secretary of State August 24, 2016

2016-195**Chicago Defender Charities Inc. Bud Billiken® Day**

WHEREAS, Chicago Defender Charities Inc. has a long tradition of helping Illinoisans in need through charitable aid such as financial assistance and scholarships to students and gift baskets to public housing residents during seasons; and,

WHEREAS, Chicago Defender Charities Inc. also sponsors the historic 87th Annual Bud Billiken® Parade and Picnic to be held this year on August, 13th 2016; and

WHEREAS, For the past 87 years, the Bud Billiken® Parade and Picnic has provided wholesome fun and safe entertainment without charge to thousands of children; and,

WHEREAS, the Chicago Defender Charities Inc. Bud Billiken® Parade and Picnic has become one of Chicago's most celebrated rites of summer for thousands of children returning to school, and a greatly anticipated event for families throughout the state; and,

WHEREAS, the Chicago Defender Charities Inc. has always been committed to the support, encouragement and education of our youth; and,

WHEREAS, the Chicago Defender Charities will continue the green initiative Green Team Conservation & Recycling Program to train, employ and prepare our youth for the emerging green economy; and,

PROCLAMATIONS

WHEREAS, organizations and events such as Chicago Defender Charities Inc. and the Bud Billiken® Parade promote community service and unity, which are vital to the strength and success of communities throughout the Land of Lincoln;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 13th, 2016 as **CHICAGO DEFENDER CHARITIES INC. BUD BILLIKEN® DAY** in Illinois, and urge all citizens to join in the festivities.

Issued by the Governor July 15, 2016

Filed by the Secretary of State August 24, 2016

2016-196
Concrete Pipe Week

WHEREAS, reinforced concrete pipe and precast concrete products are of vital importance to sustainable communities and to the health, safety, and well-being of the people of Illinois; and,

WHEREAS, reinforced concrete pipes and precast concrete products and services could not be provided without the dedicated efforts of the concrete pipe and precast industry manufacturers, professionals, engineers, managers, and employees; and,

WHEREAS, these individuals design, manufacture, distribute, educate, and supply precast concrete pipe to public and private owners who build, design, and maintain our transportation infrastructure, water supply, water treatment systems, solid waste systems, and other structures and facilities essential to serve our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in Illinois to learn about the importance of the reinforced concrete pipe and precast industry in their communities; and,

WHEREAS, 2016 marks the 102nd year of the American Concrete Pipe Association and the second year of National Concrete Pipe Week sponsored by the American Concrete Pipe Association; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 14-20, 2016, as **CONCRETE PIPE WEEK** in Illinois, and urge all citizens to join with representatives of the Illinois Concrete Pipe Association of the American Concrete Pipe Association in activities and ceremonies designed to pay tribute to our concrete pipe and precast industry manufactures, professionals, engineers, managers, and employees, and to recognize the substantial contributions they make to our national health, safety, welfare, and quality of life.

PROCLAMATIONS

Issued by the Governor July 18, 2016
Filed by the Secretary of State August 24, 2016

2016-197
Illinois Steel Day

WHEREAS, the structural steel industry annually provides structural steel framing systems for more than 500 million square feet of new building construction throughout Illinois and other states; and,

WHEREAS, the structural steel industry provides employment for more than 160,000 workers in Illinois and other states; and,

WHEREAS, the structural steel industry demonstrates a significant commitment to sustainable construction through the use of structural steel products made from 93 percent recycled materials from old cars, appliances, stoves, manufacturing waste, curb-side recycling, and deconstructed buildings; and,

WHEREAS, 98 percent of the structural steel in a building is recycled at the end of the building's life; and,

WHEREAS, structural steel's high strength-to-weight ratio and low carbon footprint help minimize environmental impacts; and,

WHEREAS, the American Institute of Steel Construction has declared Friday, September 30, 2016, Steel Day throughout the United States with more than 150 events nationwide; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 30, 2016, as **ILLINOIS STEEL DAY** in recognition of the contribution of the Illinois structural steel industry to the economy and infrastructure of the State of Illinois.

Issued by the Governor July 18, 2016
Filed by the Secretary of State August 24, 2016

2016-198
Chiropractic Health Care Month

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractic physicians who locate and help correct joint and spinal problems; and,

PROCLAMATIONS

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essentials to proper growth, development, and health maintenance; and,

WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and,

WHEREAS, chiropractic is a safe, conservative approach to pain relief and wellness, and it is the most popular form of natural healthcare in the world; and,

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the health and wellbeing of the people of Illinois:

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **CHIROPRACTIC HEALTH CARE MONTH** in Illinois, to raise awareness about chiropractic care.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-199**Hydrocephalus Awareness Month and Day**

WHEREAS, hydrocephalus is a condition that has no cure, in which the primary characteristic is excessive accumulation of cerebrospinal fluid in the brain, which creates harmful pressure on the tissues of the brain and can be fatal if untreated; and

WHEREAS, there are two primary types of hydrocephalus, including congenital hydrocephalus, which is present at birth, caused by either events or influences during fetal development, or genetic abnormalities; and acquired hydrocephalus, affecting individuals of all ages, caused by injury or disease; and

WHEREAS, experts estimate hydrocephalus affects more than one million Americans and occurs in 1.5 in every 1,000 live births, and in an estimated 700,000 older Americans; and

WHEREAS, the only treatment for hydrocephalus requires brain surgery; most often, a shunt system is surgically inserted, which diverts the flow of cerebrospinal fluid to another area of the body where it can be absorbed as part of the normal circulatory process; and

WHEREAS, hydrocephalus poses risks to both cognitive and physical development and often requires repeated brain surgeries over a lifetime; however, children diagnosed with the disorder

PROCLAMATIONS

benefit from early intervention programs, rehabilitation therapies, and educational interventions, and many go on to lead lives with few limitations; and

WHEREAS, in 2009, the United States Congress passed a resolution designating the month of September as National Hydrocephalus Awareness Month; and,

WHEREAS, representatives from the national, state, and local levels, the Chicago-area community of the Hydrocephalus Association, and the national-level Hydrocephalus Association are dedicated to increasing public awareness of hydrocephalus and the needs of families, resulting in better health for all individuals in the State of Illinois and throughout the nation;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as **HYDROCEPHALUS AWARENESS MONTH** and September 1, 2016, as **HYDROCEPHALUS AWARENESS DAY** in Illinois to raise awareness about hydrocephalus for those within the community affected by the condition, and to support efforts to learn more about its causes and treatment options.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-200**Infant Mortality Awareness Month**

WHEREAS, infant mortality refers to the death of a baby before it reaches his or her first birthday; and,

WHEREAS, Illinois ranks 26th among the 50 states in the rate of infant mortality; and,

WHEREAS, 2014 provisional data shows that the Illinois infant mortality rate is 6.6 deaths per 1,000 live births, which remains relatively unchanged since 2010; and,

WHEREAS, the current infant mortality rate is a significant and troubling public health issue, especially for African-American families, Native-American families, and Hispanic families; and,

WHEREAS, the infant mortality rate among African-American women is triple that of Caucasian women, according to the Illinois Department of Public Health; and,

WHEREAS, the Illinois Department of Public Health and other stakeholders in the Collaborative Improvement & Innovation Network to Reduce Infant Mortality (CoIIN) are committed to addressing infant mortality by focusing on preconception and interconception health, sudden

PROCLAMATIONS

infant death syndrome, social determinants of health, early elective delivery, and perinatal regionalization; and,

WHEREAS, a set of goals and objectives with 10-year targets designed to guide national health promotion and disease prevention, known as Healthy People 2020, includes an objective regarding a decrease in the rate of infant mortality;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as **INFANT MORTALITY AWARENESS MONTH** in Illinois, in order to reduce health inequities, improve birth outcomes, and improve the health of all Illinois women, babies, and families so that no parent will have to endure the tragedy of infant death.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-201**International Assistance Dog Week**

WHEREAS, assistance dogs include guide dogs for the blind and visually impaired, hearing dogs for the deaf and hearing impaired, and service dogs for people with other disabilities; and,

WHEREAS, service dogs assist people with disabilities with walking, balance, dressing, transferring from place to place, retrieving and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs, and aiding with household chores such as putting in and removing clothes from the washer and dryer; and,

WHEREAS, hearing alert dogs alert people with a hearing loss to the presence of specific sounds such as doorbells, telephones, crying babies, sirens, another person, buzzing timers or sensors, knocks at the door, as well as smoke, fire, and clock alarms; and,

WHEREAS, alert/response dogs alert or respond to medical conditions such as heart attack, seizures, stroke, diabetes, epilepsy, panic attack, anxiety attack, and post-traumatic stress; and,

WHEREAS, International Assistance Dog Week, August 7-13, 2016, provides an opportunity for us to raise awareness of the selfless way all types of assistance dogs assist individuals with mitigating their disability-related limitations; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of August 7-13, 2016, as **INTERNATIONAL ASSISTANCE DOG WEEK** to raise awareness of assistance dogs and commitment to respect, celebrate, and recognize assistance dogs and their

PROCLAMATIONS

partners, puppy raisers, and trainers of assistance dogs this week and throughout the year in our State.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-202**Lions and Lioness Clubs Candy Day**

WHEREAS, in 1974, the Lions Clubs of Illinois established the Lions of Illinois Foundation as a non-profit organization for the purpose of creating permanent programs for the visually and hearing impaired; and,

WHEREAS, the Lions and Lioness Clubs of Illinois dedicate their time to helping the visually and hearing impaired with numerous services throughout the state; and,

WHEREAS, the Lions and Lioness Clubs of Illinois host numerous programs including Camp Lions, which involved more than 17,000 participants since its inception; and,

WHEREAS, Candy Day is sponsored by Lions and Lioness of Illinois Foundation in order to raise money for worthwhile projects through Candy Day sales; and,

WHEREAS, the proceeds from Candy Day will help provide detection, treatment and rehabilitation programs for the visually and hearing impaired residents of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 14-15, 2016, as **LIONS AND LIONESSE CLUBS CANDY DAY** in Illinois, and encourage all citizens to support this noble endeavor.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-203**National Health Center Week**

WHEREAS, for more than 50 years, community health centers have provided high quality, cost effective, and accessible primary and preventative care to all individuals regardless of insurance status or ability to pay; and,

PROCLAMATIONS

WHEREAS, health centers serve as the health care home for more than 24 million Americans through more than 9,000 delivery sites across the nation, and one in every 14 people living in the United States depends on their services; and,

WHEREAS, health centers are located in medically underserved areas and locally controlled by patient-majority boards, making each health center responsive to the needs of the specific community it serves; and,

WHEREAS, as locally owned and operated small businesses, health centers serve as critical economic engines, helping power local economies by generating billions of dollars in combined economic impact and creating jobs in some of the country's most economically deprived communities; and,

WHEREAS, health centers employ more than 11,200 physicians and more than 9,000 nurse practitioners, physician assistants, and certified nurse midwives as part of a multi-disciplinary clinical team designed to treat the whole patient, coordinating care and managing chronic disease, at the same time reducing unnecessary, avoidable, and wasteful use of health resources; and,

WHEREAS, the health center model continues to prove an effective means of overcoming barriers to access including geography, income, and insurance status, and in doing so, improves health care outcomes and reduces health care system costs; and,

WHEREAS, health centers save the entire health system approximately \$24 billion annually by managing chronic conditions and keeping patients out of costlier health care settings; and,

WHEREAS, health centers have worked tirelessly to grow the nation's primary care infrastructure to meet the pressing needs of Americans who still lack access to primary care services, a number that exceeds 55 million nationwide; and,

WHEREAS, the demand for health centers continues to outpace growth and expansion of the program will be essential to meet the needs of these new patients, as existing health centers are already at capacity and many communities lack any primary care services at all; and,

WHEREAS, health centers remain committed to preserving and expanding access in the communities they serve, ensuring that the promise of coverage is translated into the reality of care; and,

WHEREAS, National Health Center Week offers the opportunity to recognize America's health centers, their dedicated staff, board members, and all those responsible for the continued success and growth of the program since its creation more than 50 years ago;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 7 - 13, 2016, as **NATIONAL HEALTH CENTER WEEK** in Illinois, and encourage everyone to visit their local health center and celebrate the important partnership between America's health centers and the communities they serve.

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-204**Principals Week and Day**

WHEREAS, school principals play an important role in the education and growth of children in elementary, middle, and secondary schools across the State of Illinois; and,

WHEREAS, school principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and,

WHEREAS, it is the primary responsibility of the State of Illinois to preserve and improve resources for schools so that all students have the opportunity to receive a quality education and foundation for a successful future; and,

WHEREAS, the Illinois Principals Association, which represents more than 5,000 educational leaders statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and,

WHEREAS, for that reason, the Illinois Principals Association is dedicated to developing, supporting, and advocating for innovative school leaders; and,

WHEREAS, educational leaders face many challenges in educating our young people and it is through their perseverance and passion that Illinois is able to continue to produce quality, career ready students; and,

WHEREAS, we must continue to encourage, support, and recognize those who have a positive impact on Illinois students and the educational system in the Land of Lincoln; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of October 16-22, 2016, as **PRINCIPALS WEEK** and Friday, October 21, 2016, as **PRINCIPALS DAY** in Illinois, to recognize principals and the Illinois Principals Association for all they do to help our children learn and succeed.

PROCLAMATIONS

Issued by the Governor July 25, 2016

Filed by the Secretary of State August 24, 2016

2016-205
Student Council Week

WHEREAS, student councils provide a terrific opportunity for young leaders of tomorrow; and,

WHEREAS, student council is a hands-on experience that teaches students the fundamentals of leading; and,

WHEREAS, an important part of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges; and,

WHEREAS, finding common ground, building consensus, and inspiring cooperation to achieve a goal is the core of leadership; and,

WHEREAS, good leaders are those who know this, and the best leaders are those whose results support their vision; and,

WHEREAS, student council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service; and,

WHEREAS, student council benefits students, schools, and the entire community; and,

WHEREAS, this year, the 83rd Annual Illinois Association of Student Councils State Convention will be held from May 4-6, 2017, in Lombard; and,

WHEREAS, the conference will attract students from all across the state who will participate in seminars and workshops to exchange ideas to help them become better leaders;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of May 1-6, 2017, as **STUDENT COUNCIL WEEK** in Illinois in support of student council, and to encourage future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn.

PROCLAMATIONS

Issued by the Governor July 25, 2016
Filed by the Secretary of State August 24, 2016

2016-206
Tee It Up for the Troops Day

WHEREAS, the courageous men and women in our Armed Forces unselfishly put the defense of the United States of America ahead of their own personal safety and comfort; and,

WHEREAS, it is vital to the success of our troops that we show support for their service and display our pride in their accomplishments; and,

WHEREAS, Tee It Up for the Troops was created to help support the fallen and disabled members of our Armed Forces and their families, and to honor veterans of all wars and acknowledge their sacrifice; and,

WHEREAS, Tee It Up for the Troops deems it respectful to recognize a day specific to the State of Illinois to salute all those who answer the call to duty; numerous golf courses across the country participate by honoring American heroes and raising funds for this cause; and,

WHEREAS, Tee It Up for the Troops has been able to help thousands of our men and women in our United States Military, veterans, and their families through the generosity of grateful Americans who step up to the tee; and,

WHEREAS, in 2016, a Tee It Up for the Troops golf event will be held to support and thank those who have served and their families; and,

WHEREAS, Tee it Up for the Troops Day will continue to support programs that enhance the lives of those who serve or have served on our behalf;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 22, 2016, as **TEE IT UP FOR THE TROOPS DAY** to recognize the courage and sacrifice for all our service men and women.

Issued by the Governor July 25, 2016
Filed by the Secretary of State August 24, 2016

2016-207
Campus Fire Safety Month

PROCLAMATIONS

WHEREAS, recent student-related housing fires in Pennsylvania; South Dakota; Washington, D.C.; and at other schools across the country have tragically cut short the lives of some of the youth of our nation; and,

WHEREAS, since January 2000, at least 170 people, including students, parents, and children, have died in college-related fires; approximately 87 percent of these deaths occurred in off-campus occupancies; and,

WHEREAS, a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants; and,

WHEREAS, it is recognized that automatic fire alarm systems and smoke alarms provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken; and,

WHEREAS, it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants; and,

WHEREAS, many students live in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems or adequate smoke alarms; and,

WHEREAS, it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting property damage and loss of life; and,

WHEREAS, students do not routinely receive effective fire safety education throughout their entire college career; and,

WHEREAS, it is vital to educate future generations about the importance of fire safety behavior so that these behaviors can help ensure their safety during their college years and beyond; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as **CAMPUS FIRE SAFETY MONTH** to encourage schools and municipalities across Illinois to provide educational programs to all students, and to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and smoke alarms, and the development and enforcement of applicable codes relating to fire safety.

Issued by the Governor July 27, 2016

Filed by the Secretary of State August 24, 2016

PROCLAMATIONS

2016-208**Child Support Awareness Month**

WHEREAS, the Department of Healthcare and Family Services has been given the responsibility of offering and providing child support services to all Illinois families; and,

WHEREAS, Illinois recognizes that children need strong family support from both parents; and,

WHEREAS, Illinois continues to focus attention on children's overall needs and to encourage the involvement of both of their parents in their lives; and,

WHEREAS, Illinois continues to be a national leader in developing innovative and sound practices in child support services that assist mothers and fathers and ultimately contribute to stronger families; and,

WHEREAS, one in four children are eligible to receive child support benefits; child support income lifts about one million people out of poverty every year and promotes family well-being and self-sufficiency; and,

WHEREAS, the Illinois Department of Healthcare and Family Services continues to work closely with the Departments of Human Services, Public Health, Children and Family Services, Employment Security, Corrections, Revenue, Natural Resources, the Secretary of State, Juvenile Justice, other state and county agencies and hospitals throughout the state, as well as community groups, to increase the number of children for whom paternity is established and whose families receive child support services;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 2016 as **CHILD SUPPORT AWARENESS MONTH** in Illinois to promote the importance of child support and to affirm the continued commitment of Illinois to helping our children receive the love and care that is vital to their success and welfare.

Issued by the Governor July 27, 2016

Filed by the Secretary of State August 24, 2016

2016-209**Careers in Construction Month**

WHEREAS, Careers in Construction Month is an annual month designated to increase public awareness and appreciation of construction craft professionals and the entire construction workforce; and,

PROCLAMATIONS

WHEREAS, during this month, employers, associations, and schools are encouraged to conduct job fairs, panel discussions, and local community events to inform students of the vast employment opportunities in construction; and,

WHEREAS, the construction industry is one of our nation's largest industries, employing more than five million individuals in the United State; and,

WHEREAS, the construction industry needs two million new craft professionals by 2018; and,

WHEREAS, the National Center for Construction Education and Research (NCCER) was created by the construction industry to standardize training and enhance the industry image by promoting the hard work and dedication of our nation's craft professionals; and,

WHEREAS, the mission of NCCER's Build Your Future campaign is to narrow the skills gap by guiding America's youth and displaced workers into opportunities that lead to long-term rewarding careers in construction; and,

WHEREAS, the goal of the Build Your Future campaign is to shift the public's negative perception about careers in the construction industry and provide a path for individuals to become craft professionals;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **CAREERS IN CONSTRUCTION MONTH** in Illinois and urge all citizens to join me in recognizing the critical role construction craft professionals play in the development of our state.

Issued by the Governor August 1, 2016

Filed by the Secretary of State August 24, 2016

2016-210
M.S. Subbulakshmi Day

WHEREAS, M.S. Subbulakshmi, known affectionately as "M.S.", was a South Indian classical Carnatic music singer and a 20th century cultural icon of India; and,

WHEREAS, she was referred to as the "Queen of Music" by India's first Prime Minister, Jawaharlal Nehru, and her music influenced Mahatma Gandhi; and,

WHEREAS, she was both a musician, philanthropist, and a patriot who joined the leaders of the nation to inspire millions of Indians during India's struggle for independence; and,

PROCLAMATIONS

WHEREAS, born into humble beginnings in Madurai, deep in South India, she rose from regional prominence to national and international recognition through her many awards and accolades; and,

WHEREAS, Sankara Nethralaya, a not-for-profit eye institution based in Chennai, India, is proud to sponsor and celebrate the birth centenary of M.S. Subbulakshmi at Hindu Temple of Greater Chicago in Lemont, Illinois, on September 10, 2016, for the benefit of her Illinois fans and admirers; and,

WHEREAS, the celebration will highlight the life of M.S., and a live Carnatic classical vocal concert by the celebrated Sudha Raghunathan to sing songs popularized by M.S.; and,

WHEREAS, Illinois is the proud home to more than 100,000 Indian Americans who make significant economic, social, and cultural contributions to the great diversity of the Land of Lincoln; and,

WHEREAS, the 100th birthday of the respected M.S. Subbulakshmi falls on Friday, September 16, 2016;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim Saturday, September 16, 2016, as **M.S. SUBBULAKSHMI DAY** in Illinois and join the Indian American community to honor and celebrate M.S. Subbulakshmi's music and humanitarian mission.

Issued by the Governor August 1, 2016

Filed by the Secretary of State August 24, 2016

2016-211**Prostate Cancer Awareness Month**

WHEREAS, prostate cancer is the number one cancer among men and the second leading cause of cancer-related deaths among men in the United States; and,

WHEREAS, approximately 180,000 men will be diagnosed with prostate cancer this year, and almost 26,000 will die from it; and,

WHEREAS, African-American men, men with a family history of prostate cancer and men exposed to Agent Orange are at highest risk; and,

WHEREAS, the President of the United States proclaims September as National Prostate Cancer Awareness Month each year; and,

PROCLAMATIONS

WHEREAS, prostate cancer not only affects men but also affects their family and friends; and,

WHEREAS, prostate cancer is usually treatable if detected early; and,

WHEREAS, early stage prostate cancer usually has no symptoms; and,

WHEREAS, men who have prostate cancer and are educated about the value of early detection will be more likely to have the cancer detected when it is treatable; and,

WHEREAS, men who discuss treatment options with their healthcare provider and with their family are more likely to make good treatment decisions; and,

WHEREAS, Illinois Prostate Cancer Awareness Month will encourage men to discuss prostate cancer with their healthcare provider;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as **PROSTATE CANCER AWARENESS MONTH** in Illinois, and encourage all our men to learn their risk and to speak to their healthcare provider about screening for prostate cancer.

Issued by the Governor August 8, 2016

Filed by the Secretary of State August 24, 2016

2016-212**Veterans' Day at the State Fair**

WHEREAS, throughout our nation's history, America's men and women in uniform have demonstrated bravery and courage in the face of danger; and,

WHEREAS, our veterans answered the call to duty with honor, decency and selflessness; and,

WHEREAS, as we recall the service of our soldiers, sailors, airmen, marines and coast guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and,

WHEREAS, it is our duty to ensure that the sacrifice of these heroes is never forgotten. Our veterans represent the best of America, and they deserve the benefits they have earned; and,

PROCLAMATIONS

WHEREAS, Sunday, August 14, 2016, is Veterans' Day at the Illinois State Fair – a day to give thanks to those who have served our country, to salute our service members and to honor the men and women who have lost their lives protecting our freedom; and,

WHEREAS, it is important that we recognize these true patriots of freedom, liberty and democracy, not only on this day, but throughout the year; and,

WHEREAS, on this day, veterans and their families are admitted to the fairgrounds for free, and a number of special Veterans' Day activities will be held;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 14, 2016, as **VETERANS' DAY AT THE STATE FAIR** in Illinois, and encourage all Americans to recognize and honor the sacrifice of our veterans.

Issued by the Governor August 8, 2016

Filed by the Secretary of State August 24, 2016

2016-213**William Schubert Day**

WHEREAS, William Schubert joined Waste Management Incorporated in 1981 as Environmental Engineer Manager for the Midwest Region; and,

WHEREAS, Mr. Schubert has served in many management and director roles related to landfill engineering, environmental management and environmental protection functions for Waste Management, and he became a recognized expert and an industry leader in the field of landfill engineering and solid waste management; and,

WHEREAS, Mr. Schubert's knowledge of landfill design, construction, operation and monitoring as well as wastewater treatment system design led to his participation in several regulatory and environmental boards; and,

WHEREAS, Mr. Schubert participated in numerous meetings with the Illinois Environmental Protection Agency, representing the waste industry and sharing his practical experience related to landfill design, construction, operation and monitoring as the State of Illinois became one of the first states adopting municipal solid waste landfill regulations, promulgated as 35 Ill. Adm. Code 810-815; and,

WHEREAS, he served on several organizations and boards, including appointments to serve on the State of Illinois Greenhouse Gas Advisory Board and the State of Illinois Environmental

PROCLAMATIONS

Regulatory Review Commission, Mr. Schubert volunteered his time to support the development of environmental standards and regulations; and,

WHEREAS, Mr. Schubert has been an advocate for science and math education in Illinois schools through his participation in the Aurora University's STEM program to help facilitate teaching tools to encourage students to study math and science; and,

WHEREAS, Mr. Schubert, Senior Director of Disposal Services, is retiring from Waste Management after thirty-five years of service;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 19, 2016, as **WILLIAM SCHUBERT DAY** in Illinois.

Issued by the Governor August 12, 2016
Filed by the Secretary of State August 24, 2016

2016-214**Illinois Fairgrounds Foundation**

WHEREAS, leaders in Illinois' agriculture community have joined together to form the Illinois Fairgrounds Foundation to restore and improve Illinois' historic fairgrounds; and,

WHEREAS, agriculture drives Illinois' economy; and,

WHEREAS, the Illinois State Fairs in Springfield and Du Quoin celebrate the agriculture industry by providing a world class showcase for Illinois agriculture and Illinois Products; and,

WHEREAS, people and exhibitors from all corners of the world come to the Fairgrounds to compete in events for youth and adults, attend art exhibitions, try foods from around the world, and enjoy local and international entertainment; and,

WHEREAS, the Springfield Fairgrounds are made up of more than 170 buildings, some dating back to 1894, located on more than 360 acres, and the Du Quoin Fairgrounds are made up of more than 20 buildings, some constructed as long ago as 1923, located on more than 1200 acres; and,

WHEREAS, many of the buildings on both Fairgrounds are in dire need of restoration including painting, plumbing, roofing, and structural repairs; and,

PROCLAMATIONS

WHEREAS, the Illinois Fairgrounds Foundation will solicit and accept private funding and donations to assist in enhancing and preserving Illinois' agricultural heritage at both Fairgrounds; and,

WHEREAS, collaboration between the Department of Agriculture and the Illinois Fairgrounds Foundation will enable the State to more efficiently and effectively maintain the decades old structures in need of repair and accept donations that will allow for building upgrades, facility infrastructure improvements, and new facility construction;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby celebrate the incorporation of the **ILLINOIS FAIRGROUNDS FOUNDATION** and look forward to collaboration between the Foundation and the Department of Agriculture, and urge all Illinoisans to be part of the restoration of their Fairgrounds.

Issued by the Governor August 16, 2016

Filed by the Secretary of State August 24, 2016

2016-215
Freedom to Rock Day

WHEREAS, America's number one Gold Record Award winning group of all time, KISS is easily named as one of rock's most influential bands; and,

WHEREAS, the Rock 'N Roll Hall of Famers have released 44 albums and sold more than 100 million albums worldwide; and,

WHEREAS, KISS is dedicated to numerous Veterans Organizations including: The Wounded Warriors Project, The USO, The U.S. Chamber of Commerce "Hire a Hero" program, and many more; and,

WHEREAS, The Kiss legacy continues to grow generation after generation; and,

WHEREAS, the unparalleled devotion and loyalty of KISS fans is a testament to the band's success; and,

WHEREAS, KISS honors our Military and our Veterans with their Hiring Our Heroes "Kiss Roadie for a Day" by hiring local veteran at all of their tour stops; and.

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 17, 2016 as **FREEDOM TO ROCK DAY** in recognition of the all the work KISS does to give back to our military and veteran not only in Illinois but across the United States.

PROCLAMATIONS

Issued by the Governor August 17, 2016

Filed by the Secretary of State August 24, 2016

2016-216**Childhood Cancer Awareness Month**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection reports cancer is the leading cause of death by disease among children in the United States; and,

WHEREAS, this tragic disease is detected in nearly 15,000 of our nation's young people each year; and,

WHEREAS, one in five of our nation's children loses his or her battle with cancer; furthermore many infants, children, and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and,

WHEREAS, cancer is the second leading cause of death in children and the types of cancers that occur most often in children include leukemia, lymphoma, bone cancer, and retinoblastoma; and,

WHEREAS, childhood cancer rates have been rising slightly for the past few decades, and approximately 10,380 children in the United States under the age of 15 were diagnosed with cancer in 2015; and,

WHEREAS, three fifths of childhood cancer survivors suffer effects such as infertility, heart failure, and secondary cancers later in life; and,

WHEREAS, numerous organizations and participating hospitals in the State of Illinois and the nation are dedicated to researching and providing a variety of vital patient services to children undergoing cancer treatment, thereby enhancing the quality of life for these children and their families; and,

WHEREAS, due to major treatment advances in recent decades, more than 80 percent of children with cancer now survive five years or more; and,

WHEREAS, despite major treatment advances, it is still critically important to conduct research and increase awareness regarding childhood cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2016 as **CHILDHOOD CANCER AWARENESS MONTH** in Illinois.

PROCLAMATIONS

Issued by the Governor August 19, 2016
Filed by the Secretary of State August 24, 2016

2016-217
Food Pantry Awareness Day

WHEREAS, food insecurity is associated with a variety of negative health outcomes including lower scores on physical and mental health exams, cardiovascular risk factors and increased risk of developing diabetes, hypertension, and other chronic diseases; and,

WHEREAS, food insecurity in adults has been demonstrated to cause mental health issues and behavior problems; and,

WHEREAS, children growing up in food-insecure families are vulnerable to stunted development, poor health, behavior issues, social difficulties, and low-academic achievement; and,

WHEREAS, as a result of the rising cost of food and housing, many find themselves turning to food pantries to supply them with the nutritious food that they need to keep themselves and their families healthy; and,

WHEREAS, the goal of Food Pantry Awareness Day is to promote awareness of hunger across Illinois and to recognize the critical role of food pantries in providing food to those who are in need;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 27, 2016, as **FOOD PANTRY AWARENESS DAY** in Illinois.

Issued by the Governor August 19, 2016
Filed by the Secretary of State August 24, 2016

2016-218
National Park Service Centennial Day

WHEREAS, in 2016, the National Park Service celebrates 100 years of stewardship of America's national parks and engaging communities through recreation, conservation, and historic preservation programs; and,

WHEREAS, the State of Illinois is home to unique treasures such as Abraham Lincoln's Home in Springfield and the Pullman National Monument in Chicago; and,

PROCLAMATIONS

WHEREAS, in Illinois, more than 233,000 visitors each year contribute \$13.8 million and 216 jobs to the state's economy through visits to these protected sites; and,

WHEREAS, the National Park Service allows us to explore nature and discover the stories of America's people and places, found in more than 400 national parks, in national heritage areas, along trails and waterways, and in every neighborhood; and,

WHEREAS, the National Park Service parks and programs support an integrated conservation, education, economic, and recreational strategy for the nation; and,

WHEREAS, the goal of the National Park Service Centennial is to connect with and nurture the next generation of park visitors, supporters, and advocates, including encouraging individuals and families to take advantage of our Country's natural wonders and iconic sites as part of the "Find Your Park" initiative;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 25, 2016, as **NATIONAL PARK SERVICE CENTENNIAL DAY** in Illinois.

Issued by the Governor August 19, 2016

Filed by the Secretary of State August 24, 2016

2016-219**Sheriff David Mahon Day**

WHEREAS, Sheriff David Mahon has served the people of Effingham County and the State of Illinois in his role as Effingham County Sheriff since he was elected to office in 2014; he previously served as an Illinois State Police trooper for 25 years; and,

WHEREAS, in 2015, Sheriff Mahon was selected as the American Legion Law Enforcement Officer of the Year for the State of Illinois, which advanced him to this year's national convention, where he will receive Central Region and National awards; and,

WHEREAS, Sheriff Mahon was notified of his selection as the American Legion Central Region Law Enforcement Officer of the Year during the American Legion Department of Illinois Convention, held in Springfield in July; and,

WHEREAS, on August 31, 2016, Sheriff Mahon will travel to the American Legion 98th Annual National Convention in Cincinnati, Ohio, where he will receive the American Legion National Law Enforcement Officer of the Year Award for 2016; and,

PROCLAMATIONS

WHEREAS, Sheriff Mahon should be commended for going above and beyond the duties expected of his position, and for demonstrating exemplary community service as well as professional achievement;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim August 31, 2016, as **SHERIFF DAVID MAHON DAY** in Illinois.

Issued by the Governor August 19, 2016

Filed by the Secretary of State August 24, 2016

2016-220**We Card Awareness Month**

WHEREAS, Illinois law prohibits the sale of tobacco products to persons under the age of 18; and,

WHEREAS, We Card Awareness Month is a retail education and training effort to boost Illinois retailers' awareness of and participation in responsible retailing efforts to comply with federal, state, and local laws, and to identify, prevent, and deny tobacco and other age-restricted product sales to minors; and,

WHEREAS, 2016 is the 21st anniversary year of the national non-profit organization, THE "WE CARD" PROGRAM INC., providing training and education to the retail community to help retailers comply with age-restricted product laws and serve their communities as responsible retailers; and,

WHEREAS, We Card in-store training and education materials, its online training program, and its mystery shopping service "ID Check-Up" are available to all Illinois retailers through We Card's website; and,

WHEREAS, We Card is endorsed by the Associated Food and Petroleum Dealers and Illinois will benefit from a responsible retailing community that successfully prevents tobacco and other age-restricted product sales to minors; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of September 2016 to be **WE CARD AWARENESS MONTH** and encourage all Illinois retailers to participate in "We Card Awareness Month" and to let their customers know that "In Illinois, we don't sell tobacco and other age-restricted products to kids!"

Issued by the Governor August 19, 2016

Filed by the Secretary of State August 24, 2016

PROCLAMATIONS

2016-221**Workforce Development Week**

WHEREAS, Illinois' workforce of 6.6 million is one of the state's greatest assets; specialists agree that one of the most important assets for attracting investment is a highly skilled and available workforce; and,

WHEREAS, Illinois is committed to developing cradle-to-career education, from quality early childhood education to coordinated job and technical training, and bringing together educators, business owners, and government to develop workforce solutions at every stage; and,

WHEREAS, implementation of the federal Workforce Innovation and Opportunity Act (WIOA) is underway in Illinois with a wide variety of programs and initiatives undertaken at both the state and local levels; and,

WHEREAS, WIOA works to promote the active engagement by private sector business employers in developing strategies and programs to be implemented by local workforce development boards; and,

WHEREAS, successful incorporation of work-based learning strategies can provide individuals with the training necessary to pursue a career in today's competitive job market and ensure a skilled, qualified workforce is available; and,

WHEREAS, the Illinois Department of Commerce and Economic Opportunity also plays a pivotal role in workforce development, partnering with 22 local workforce areas that work with local employers to help recruit, train, and retain top talent;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the week of August 29 through September 4, 2016, as **WORKFORCE DEVELOPMENT WEEK** in Illinois to promote the use of work-based learning opportunities by individuals and businesses to develop the skilled, qualified workforce needed by employers throughout the State of Illinois.

Issued by the Governor August 19, 2016

Filed by the Secretary of State August 24, 2016

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

35 - 652	.....	12868
23 - 1	.....	12896
23 - 650	.....	12908
80 - 250	.....	12912
23 - 2775	.....	12942

ADOPTED RULES

32 - 310	8/25/2016	12949
32 - 330	8/25/2016	12971
89 - 144	8/26/2016	13016
11 - 1413	8/26/2016	13022

EMERGENCY RULES

23 - 2775	8/29/2016	13029
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**EXECUTIVE ORDERS AND
PROCLAMATIONS**

16 - 192	7/8/2016	13038
16 - 193	7/13/2016	13038
16 - 194	7/13/2016	13039
16 - 195	7/15/2016	13040
16 - 196	7/18/2016	13041
16 - 197	7/18/2016	13042
16 - 198	7/25/2016	13042
16 - 199	7/25/2016	13043
16 - 200	7/25/2016	13044
16 - 201	7/25/2016	13045
16 - 202	7/25/2016	13046
16 - 203	7/25/2016	13046
16 - 204	7/25/2016	13048
16 - 205	7/25/2016	13049
16 - 206	7/25/2016	13050
16 - 207	7/27/2016	13050
16 - 208	7/27/2016	13052
16 - 209	8/1/2016	13052
16 - 210	8/1/2016	13053
16 - 211	8/8/2016	13054
16 - 212	8/8/2016	13055
16 - 213	8/12/2016	13056
16 - 214	8/16/2016	13057
16 - 215	8/17/2016	13058
16 - 216	8/19/2016	13059
16 - 217	8/19/2016	13060

16 - 218	8/19/2016	13060
16 - 219	8/19/2016	13061
16 - 220	8/19/2016	13062
16 - 221	8/19/2016	13063

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