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November 4, 2016 Volume 40, Issue 45

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

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

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2016 until January 3, 2017.

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003
- 2) Code Citation: 14 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
250.20	Amendment
250.30	Amendment
250.80	Amendment
- 4) Statutory Authority: 30 ILCS 167/35(c)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments add additional methods by which distributors, as that term is defined within the rules, may receive notice of the addition or removal of tobacco products manufacturers or brand family names from the various directories maintained by the Office of the Attorney General. The amendments add electronic mail and facsimile to the list of available notification options, as well as permit notice by publication on the Office of the Attorney General website. The proposed amendments also require a distributor to provide its electronic mail address to the Office of the Attorney General, if the distributor has created an electronic mail account. The proposed amendments update definitions consistent with the foregoing amendments and make other technical and clean-up changes.
- 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 does not affect or create or expand a State mandate under the State Mandates Act.

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 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 publication of this Notice.

Marilyn Kueper
Office of the Attorney General
500 South Second Street
Springfield IL 62706

217/785-8541

All written comments filed within 45 days after the date of publication of this Notice in the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendments will have no impact on small municipalities and not-for-profit corporations. The proposed amendments would only affect small businesses by expanding the procedural options available to the Office of the Attorney General for providing notice of changes to the various directories maintained by the Office to distributors, some of which may be small businesses.
 - 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 Amendments begins on the next page:

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER II: ATTORNEY GENERALPART 250
TOBACCO PRODUCTS MANUFACTURERS'
ESCROW ENFORCEMENT ACT OF 2003

Section	
250.10	General
250.20	Definitions
250.30	Distributor Filings
250.40	Prohibition of Distribution of Non-Compliant TPM Cigarettes
250.50	Appointment of Agent for Service of Process
250.60	Certification Requirements for Tobacco Product Manufacturers
250.70	NPMs Required to Make Quarterly Installment Payments
250.80	Establishment of Directory of Participating Manufacturers and Directory of Compliant NPMs
250.90	Release of Escrow Account Money
250.100	Review of AGO Determinations
250.110	Violations

AUTHORITY: Implementing and authorized by Sections 25 and 35 of the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167].

SOURCE: Adopted at 27 Ill. Reg. 7719, effective April 16, 2003; emergency amendment at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7904, effective May 28, 2004; amended at 31 Ill. Reg. 12718, effective August 24, 2007; amended at 41 Ill. Reg. _____, effective _____.

Section 250.20 Definitions

"AGO" means the Office of the Illinois Attorney General.

"Brand family" has the same meaning ~~ascribed~~ ~~prescribed~~ in Section 10 of the Escrow Enforcement Act.

"Cigarette" has the same meaning ~~ascribed~~ ~~prescribed~~ in Section 10 of the Escrow Act ~~[30 ILCS 168]~~, which includes roll-your-own ("~~RYO~~") tobacco.

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NOTICE OF PROPOSED AMENDMENTS

"Department" means the Illinois Department of Revenue.

"Director" means Director of Revenue.

"Distributor" has the same meaning ~~ascribed prescribed~~ in Section 1 of the Cigarette Tax Act [35 ILCS 130], and Section 1 of the Cigarette Use Tax Act [35 ILCS 135]. Additionally, "distributor", and, in addition, means a distributor, as defined by Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], of roll-your-own tobacco in accordance with Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], as appropriate.

"Escrow Act" means the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168].

"Escrow Enforcement Act" means the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167] ~~(see P.A. 93-446)~~.

"Filed" means received by the AGO in readable form, however transmitted, or postmarked for delivery by the U.S. mail.

"Liability year" means the calendar year in which a tobacco product manufacturer's cigarettes are sold in Illinois, and to which the requirements of the Escrow Act apply.

"Master Settlement Agreement" or "MSA" has the meaning ascribed in Section 10 of the Escrow Act.

"NPM" means a tobacco product manufacturer that is not a participating manufacturer~~Participating Manufacturer~~.

"Participating manufacturer" has the same meaning ~~ascribed prescribed~~ in Section 15(a)(1) of the Escrow Act ~~[30 ILCS 168]~~.

"Qualified Escrow Fund" has the same meaning ~~ascribed prescribed~~ in Section 10 of the Escrow Act.

"Roll-Your-Own" or "RYO" has the same meaning set out in Section 10 of the Escrow Act (definition of "cigarette").

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NOTICE OF PROPOSED AMENDMENTS

"Stamps or imprints" means revenue tax stamps or imprints as provided for in Section 3 of the Cigarette Tax Act or stamps or imprints evidencing the payment of cigarette use tax as provided for in Section 3 of the Cigarette Use Tax Act, as appropriate.

"Tobacco product manufacturer" or "TPM" has the same meaning ~~ascribed~~prescribed in Section 10 of the Escrow Act.

"Units sold" has the same meaning ~~ascribed~~prescribed in Section 10 of the Escrow Act and includes "roll-your-own" tobacco for which tobacco products tax is owed and does not bear an excise tax stamp of the State.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 250.30 Distributor Filings

- a) Each distributor shall report quarterly to the AGO on paper or electronic forms provided by the AGO such information as is necessary for the AGO to ascertain the quantity of each NPM's cigarettes sold in Illinois by the distributor during the preceding quarter. Paper forms shall be sent to: Office of the Illinois Attorney General, 500 South Second Street, Springfield, Illinois 62706. Paper forms may alternatively be faxed to (217) 524-4701. Electronic forms shall be e-mailed to tobacco@atg.state.il.us. The quarterly information to be reported shall include:
- 1) The number of each NPM's cigarettes distributed by the distributor within Illinois, by brand.
 - 2) The equivalent stick count of each NPM's RYO tobacco distributed by the distributor within Illinois, by brand.
 - 3) The NPM name and address for each brand.
 - 4) The name and address of the person or entity from whom the distributor purchased or obtained the brand.
 - 5) The name and address of the first importer of foreign NPM brands or the first purchaser of non-resident NPM brands.

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NOTICE OF PROPOSED AMENDMENTS

- b) The information required by subsection (a) shall be filed prior to the 20th day after the end of each calendar quarter. The filing for:
- 1) January, February, and March is due on or before April 20.
 - 2) April, May, and June is due on or before July 20.
 - 3) July, August, and September is due on or before October 20.
 - 4) October, November, and December is due on or before January 20 of the following year.
- c) Distributors not selling any NPM brands for the relevant time period shall timely file a form as described in subsection (a) marked "none".
- d) Distributors shall maintain and make available to the Attorney General all records, invoices, and documentation relating to or reflecting purchases and sales of NPM cigarettes, which records, invoices and documentation provide a basis for the filings under subsection (a), for a period of not less than five years after the date of sale.
- e) Distributors ~~shall~~ may provide an electronic mail address to the AGO for the purpose of receiving electronic mail updates and notifications, if the distributor has created an electronic mail account.
- f) Distributors shall provide any additional information requested by the AGO including, but not limited to, samples of packaging, labeling of each brand family, names of customers and quantities of each brand sold to them and a statement signed by an officer of the manufacturer, under penalty of perjury, certifying whether the manufacturer is, or is not, a participating tobacco manufacturer under the MSA.
- g) Distributors not complying with this Section 250.30, or filing false or inaccurate information with the AGO, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section 250.110.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

Section 250.80 Establishment of Directory of Participating Manufacturers and Directory of Compliant NPMs

- a) The AGO shall develop, maintain, and publish a directory of participating manufacturers who have generally performed their financial obligations under the MSA, and a separate directory of compliant NPMs who have established a qualified escrow account and who are otherwise in compliance with Section 15(a)(2) of the Escrow Act and Section 15(a)(2) and (3) of the Escrow Enforcement Act.
- b) The directories shall be published on the AGO's website (www.illinoisattorneygeneral.gov) and shall be revised as necessary as new information is received by the AGO.
 - 1) If the AGO intends to remove or not list a TPM from the directory, the AGO shall send a notice of intent to deny the TPM or its agent for service of process. The notice of intent to deny shall include:
 - A) the factual and legal deficiencies upon which the AGO's intended action rests;
 - B) the actions that the TPM must undertake to cure the factual or legal deficiencies upon which the intended action is based; and
 - C) a notification that the TPM shall have 10 calendar days to cure deficiencies and submit documentation or other information of its attempt to cure to the AGO.
 - 2) The AGO may extend the time period for a TPM to cure its deficiencies.
- c) If the TPM's deficiencies have been cured, a notice of approval shall be sent to the TPM or its agent for service of process. If the TPM's deficiencies have not been cured, a notice of removal or refusal to list shall be sent to the TPM or its agent for service of process. The notice of approval, removal or refusal to list shall be sent by certified or registered U.S. Mail or by other commercial mail delivery service 10 days prior to the change. The notice of approval, removal or refusal to list shall be a final administrative decision. Any TPM may request judicial review of the final administrative decision in the manner set forth in Section 250.100.

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NOTICE OF PROPOSED AMENDMENTS

- d) If the AGO decides to add or remove a TPM or brand family from the directory, a notice shall be ~~provided~~ to distributors. The notice to distributors shall be ~~provided~~ by U.S. Mail, ~~or by~~ other commercial mail delivery service, electronic mail or facsimile 10 calendar days prior to the change. In addition, notice of the directory change may be published on the AGO's website (www.illinoisattorneygeneral.gov) 10 calendar days prior to the change.
- e) The AGO shall not place an NPM on the directory of compliant NPMs unless all outstanding final judgments (including interest thereon) for violations of the Escrow Act and the Escrow Enforcement Act have been fully satisfied for that brand family and NPM, and:
- 1) the NPM has had sales in one or more Liability Years prior to the date of the directory's publication and it is in full compliance with its escrow obligations under the Escrow Act and the Escrow Enforcement Act and Section 250.70 as to such sales, including the payment of any applicable penalties; or
 - 2) the NPM is a successor to a tobacco product manufacturer that has had sales in one or more Liability Years prior to the date of the directory's publication, and it has deposited funds into a qualified escrow account to fully fund all prior Liability Year obligations for all of its predecessor's brands and paid all the penalties due for all such brands for all prior Liability Years, if the NPM's predecessor has not already done so; or
 - 3) the NPM has had no sales in any prior Liability Years but has established a qualifying escrow account (as evidenced by an approved Escrow Agreement) and is otherwise compliant with the Escrow Act and the Escrow Enforcement Act.
- f) Under Section 15(a)(2) of the Escrow Act, each NPM for a particular brand family is jointly and severally liable with every other NPM for that particular brand family for all Liability Year escrow obligations and penalties.
- g) In determining compliance for purposes of placing a TPM on the directory of participating manufacturers and the directory of compliant NPMs, the AGO may consider the following factors:

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NOTICE OF PROPOSED AMENDMENTS

- 1) the requirements for placement on the directory as set forth in this Part and in the Acts;
- 2) distributor filings;
- 3) the TPM's certifications, affidavits, and supporting documents;
- 4) the lack of completeness of the TPM's certifications, affidavits, and supporting documents;
- 5) the NPM's escrow agreement;
- 6) the failure of a TPM who is a PM to generally perform its financial obligations under the MSA, or of the TPM, predecessor of the TPM, or previous TPM of the brand families to make its full MSA payments unless as otherwise provided in MSA Section XI(d);
- 7) the failure of the NPM, predecessor of the NPM, or previous NPM of the brand families to timely pay or fully fund its qualified escrow account or to timely or entirely pay judgments or penalties due to a qualified escrow account or to the AGO under the Escrow Act or other states' tobacco statutes;
- 8) whether the TPM is, in fact, the manufacturer of the brands with respect to which the TPM seeks to be listed as compliant;
- 9) whether acting on its own or through a distributor, wholesaler, retailer, or similar intermediary or intermediaries or another TPM, the TPM's having engaged in business as a distributor (as defined in the Tobacco Products Tax Act of 1995 [35 ILCS 143]) without first having obtained a license to do so from the Department;
- 10) the TPM's failure to cure the deficiencies identified in a notice of intent to deny under this Part within 10 calendar days after receiving the notice;
- 11) the TPM's failure to provide additional information as requested by the AGO;

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 12) information from any other source (e.g., U.S. Department of the Treasury, Department of Revenue, distributors) that pertains to the verification of the accuracy of the information provided by the TPM;
- 13) whether the TPM is controlled, managed, or operated by a person with a current or prior interest in any other TPM that is not or has not been compliant with the Escrow Act or that is the subject of an injunction for failure to comply with the Escrow Act; and
- 14) any other facts or circumstances that are relevant to the certification of the TPM.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.47	Amendment
310.210	Amendment
310.410	Amendment
310.Appendix A Table D	Amendment
310.Appendix A Table E	Amendment
310.Appendix A Table F	Amendment
310.Appendix A Table T	Amendment
310.Appendix A Table W	Amendment
310.Appendix A Table AA	Amendment
- 4) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.47 subsection (f)(2), the Engineering Technician II, III and/or IV titles are removed from specific NR-916 in-hire rates effective January 1, 2012 when the titles' assigned minimum salaries became greater than the in-hire rate. When the NR-916 minimum salaries changed effective January 1, 2012, the in-hire rates were no longer above the minimum salary, not meant to be in use and have not been used by the agencies.

In Section 310.210 subsection (b), a reference to 310.Appendix A Table L is added so that other Boiler Safety Specialist title information may be easily located. In the subsections (c), (f) and (g), existing language is changed to that consistent with administrative code standards and definitions in the Pay Plan.

In Section 310.410, the MS-salary range assigned to the Educator – Career and Technical title (title code 13103) is changed to MS-16 and the Educator – Career and Technical Provisional title (title code 13104) is changed to MS-15. Both changes are based solely on internal salary comparisons between classes with similar requirements and are effective June 20, 2016. The Juvenile Justice School Counselor title, its title code 21970 and its MS- salary range assignment of MS-26 are added effective April 1, 2016. The

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Public Safety Drug Screening Specialist title, its title code 37006, and salary range assignment of MS-16 are added effective August 1, 2015. The Special Education Resources Coordinator title, its title code 41680, and salary range assignment of MS-26 are effective April 1, 2016.

In Sections 310.Appendix A Tables D, E, F, T and AA Notes, existing language is changed to that consistent with administrative code standards and definitions in the Pay Plan.

In the Section 310.Appendix A Table W title table, the Gaming Operations Supervisor title, its 17181 title code, its assigned pay grade 26, the Gaming Shift Supervisor title, its 17187 title code, its assigned pay grade 24, Gaming Unit Supervisor title, its 17201 title code, its assigned pay grade 26, Public Safety Drug Screening Specialist title its 37006 title code, and its assigned pay grade 17 are added. The changes are based on two Memoranda of Understanding between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) RC-062 bargaining unit signed June 20, 2016. In one MOU, the RC-062-24 pay grade is assigned to Gaming Shift Supervisor title and the RC-062-26 pay grade is assigned to the Gaming Unit Supervisor and Gaming Operations Supervisor titles effective September 4, 2015. In the other MOU, the RC-062-17 pay grade is assigned to the Public Safety Drug Screening Specialist title effective June 24, 2015.

Also, in Section 310.Appendix A Table AA Notes, the rate table's effective date is changed to December 31, 2014 and the minimum, midpoint and maximum salaries in the range assigned to each title are changed. These changes are based on the Agreement by and between the General Teamsters/Professional and Technical Employees Local Union Number 916 and the Illinois Departments of Central Management Services, Transportation and Natural Resources effective July 1, 2012 to June 30, 2015 and signed May 23, 2013. In particular, the changes are based on the Article XXV Section 1 provision that effective December 31, 2014, the pay ranges for all salary brackets for titles covered by this Agreement shall be raised 2%.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Other than the agreements mentioned above, the studies used are the Classification Plan Review Proposal/Change Reports (CMS112) for the Juvenile Justice School Counselor, Public Safety Drug Screening Specialist and Special Education Resources Coordinator titles. The changes for the titles are in Section 310.410.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

An Illinois Department of Transportation (IDOT) attachment of minimum, midpoint and maximum salaries in ranges assigned to NR-916 titles being utilized at IDOT is used as the basis for changes in Section 310. Appendix A Table AA instead of the IDOT Technical Pay Plan. A newly effective IDOT Technical Pay Plan is not available and changes to the salaries was to have occurred December 31, 2014. The End-User Computer Services Specialist I, End-User Computer Services Specialist II, and End-User Computer Systems Analyst titles are not used at IDOT. The ranges assigned to the titles are determined by CMS in relation to the ranges set by IDOT assigned to Personnel Code and non-Personnel-Code titles represented by NR-916.

- 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: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
fax: 217/524-4570
CMS.PayPlan@Illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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: Most of the changes in this rulemaking are in the July 2016 Regulatory Agenda.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560	Merit Incentive Program
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SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

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310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
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310.670	Negotiated Rate (Repealed)
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310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
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310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
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310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' –

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310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, Educator Trainees, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and

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310.TABLE R	Law Enforcement Employees, IFPE) (Repealed) Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
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310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239,

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effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20

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Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000;

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peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective

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July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23,

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2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.47 In-Hire Rate

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an in-hire rate receives less than the in-hire rate. The in-hire rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section 310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).
- b) Request – An agency head may request in writing that the Director of Central Management Services approve or negotiate an in-hire rate. The in-hire rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated full scale rate, negotiated pay grade, merit compensation salary range

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or broad-band salary range. The in-hire rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire rate and the limitations are included in the agency request. An effective date may be included in the request.

- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, the length of vacancies, the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title. Other factors may be included in the review and negotiation of negotiated in-hire rates.
- d) Approval or Negotiated –
 - 1) Approval – The Director of Central Management Services indicates in writing the approved in-hire rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
 - 2) Negotiated – The Director of Central Management Services and the bargaining unit representative indicate in writing the in-hire rates and effective date, which is either the date indicated in the agreement, the date of the agreement's signature or the beginning of the next pay period after the signatures are secured on the agreement.
- e) Implementation – In the classification title or within the limitations of the classification title and when the in-hire rate is above the normal minimum of the assigned salary range or pay grade, an employee paid below the in-hire rate receives the in-hire rate on the approved effective date. The in-hire rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hire rate is approved by the Director of Central Management Services or negotiated by the Director of Central Management Services and the bargaining unit representative.
- f) Approved or Negotiated In-Hire Rates –
 - 1) Assigned to a Classification –
 - A) Approved and Assigned to a Pay Grade or Salary Range –

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Title	Pay Grade or Salary Range	Effective Date	In-Hire Rate
Commerce Commission Police Officer Trainee	MS-10	January 1, 2008	\$2,943
Correctional Officer	RC-006-09	January 1, 2008	Step 1
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 1
Environmental Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 5
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 4
Internal Auditor Trainee	MS-09	January 1, 2008	\$2,854

- B) Negotiated and Assigned to a Full Scale Rate – The rates are located in Appendix A Table D for bargaining unit HR-001, in Appendix A Table E for bargaining unit RC-020, in Appendix A Table F for RC-019 and in Appendix A Table G for bargaining unit RC-045.

Title	Bargaining Unit	Effective Date	In-Hire Rate
Auto & Body Repairer	RC-045	July 1, 2013	75%
Automotive Attendant I	RC-045	July 1, 2013	75%
Automotive Attendant II	RC-045	July 1, 2013	75%
Automotive Mechanic	RC-045	July 1, 2013	75%
Automotive Parts Warehouse Specialist	RC-045	July 1, 2013	75%
Automotive Parts Warehouse	RC-045	July 1, 2013	75%
Bridge Mechanic	RC-019	July 8, 2013	75%
Bridge Mechanic	RC-020	June 26, 2013	75%
Bridge Tender	RC-019	July 8, 2013	75%
Bridge Tender	RC-020	June 26, 2013	75%
Building Services Worker	HR-001	July 24, 2013	75%
Deck Hand	RC-019	July 8, 2013	75%

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Elevator Operator	HR-001	July 24, 2013	75%
Ferry Operator I	RC-019	July 8, 2013	75%
Ferry Operator II	RC-019	July 8, 2013	75%
Grounds Supervisor	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	RC-020	June 26, 2013	75%
Highway Maintainer	HR-001	November 1, 2009	75%
Highway Maintainer	RC-019	July 8, 2013	75%
Highway Maintainer	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker	HR-001	July 24, 2013	75%
Highway Maintenance Lead Worker	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-020	June 26, 2013	75%
Janitor I (Including Office of Administration)	RC-019	July 8, 2013	75%
Janitor II (Including Office of Administration)	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-020	June 26, 2013	75%
Laborer (Maintenance)	HR-001	July 24, 2013	75%
Laborer (Maintenance)	RC-019	July 8, 2013	75%
Laborer (Maintenance)	RC-020	June 26, 2013	75%
Maintenance Equipment Operator	HR-001	July 24, 2013	75%
Maintenance Equipment Operator	RC-019	July 8, 2013	75%
Maintenance Equipment Operator	RC-020	June 26, 2013	75%
Maintenance Worker	HR-001	July 24, 2013	75%

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Maintenance Worker	RC-019	July 8, 2013	75%
Maintenance Worker	RC-020	June 26, 2013	75%
Power Shovel Operator (Maintenance)	HR-001	July 24, 2013	75%
Power Shovel Operator (Maintenance)	RC-019	July 8, 2013	75%
Power Shovel Operator (Maintenance)	RC-020	June 26, 2013	75%
Security Guard I	RC-019	July 8, 2013	75%
Security Guard II	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-020	June 26, 2013	75%
Small Engine Mechanic	RC-045	July 1, 2013	75%
Storekeeper I*	RC-045	July 1, 2013	75%
Storekeeper II*	RC-045	July 1, 2013	75%

*Storekeeper I & Storekeeper II serving as Automotive Parts Warehouse in Cook County.

- 2) Based on the Position's Work Location or Employee's Credential or Residency –

Title	Pay Grade or Salary Range	Location or Residency	Credential	Effective Date	In-Hire Rate
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/quarter work experience up to 8
Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month

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Civil Engineer Trainee	NR-916	None identified	Job-Related Master's degree	January 1, 2012	Add to minimum monthly rate \$40/month for each year of full-time graduate study as a substitute for job-related experience up to two years
Clerical Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Conservation/ Historic Preservation Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/ science curriculum (60 semester /90 quarter hours credit)	January 1, 2012	\$2,845
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/ science	January 1, 2012	\$2,730

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Engineering Technician I, II, III and IV	NR-916	None identified	curriculum (90 semester /135 quarter hours credit) Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2012	\$2,975
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester /135 quarter hours credit)	January 1, 2012	\$2,975
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/science curriculum (120	January 1, 2012	\$2,845

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semester
/180 quarter
hours credit)

Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2012	\$3,095
Engineering Technician I and II, III and IV	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology,	January 1, 2012	\$3,510

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			industrial technology, and construction technology		
Forensic Scientist Trainee	RC-062- 15	None identified	Meets minimum class requirements or completed Forensic Science Residency Program at the U of I- Chicago	January 1, 2008	Step 1
Information Services Intern	RC-063- 15	Work outside Cook County	Computer Science degree at 4- year college	January 1, 2008	Step 4
Information Services Intern	RC-063- 15	Work in Cook County	Computer Science degree at 4- year college	January 1, 2008	Step 6
Information Services Intern	RC-063- 15	Work outside Cook County	Computer Science degree at 2- year technical school	January 1, 2008	Step 2
Information Services Intern	RC-063- 15	Work in Cook County	Computer Science degree at 2- year technical school	January 1, 2008	Step 4

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Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 3
Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2
Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-033	Work in Regions 1 and 6	None identified beyond class requirements	January 1, 2008	Step 1
Office Occupations Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Physician Specialist, Option C	RC-063-MD-C	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Physician Specialist, Option D	RC-063-MD-D	Work in Singer, McFarland, Choate, Chester, Alton,	None identified beyond class requirements	January 1, 2008	Step 5

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		Murray, and Mabley facilities			
Products & Standards Inspector Trainee	MS-09	Work in Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$3,057
Products & Standards Inspector Trainee	MS-09	Work in counties outside Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$2,854
Public Service Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Student Intern (includes Governor's Natural Resources Fellowship Program)	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month

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Student Intern (Governor's Natural Resources Fellowship Program)	MS-01	Department of Natural Resources	Bachelor's degree in plant or animal ecology, botany, forestry, wildlife biology, ecology or environmental zoology and enrolled in Master's program	September 16, 2013	\$1,600
Student Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Telecommunicator	RC-014- 12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014- 10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3
Telecommunicator Trainee	RC-014- 10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE OF RATES

Section 310.210 Prevailing Rate

- a) Classes – The following are prevailing rate classes:

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Baker	Plasterer
Barber	Plumber
Beautician	Roofer
Brickmason	Sewage Plant Operator
Carpenter	Sign Painter
Carpenter Foreman	Sign Painter Helper
Cement Finisher	Stationary Engineer
Electrician	Stationary Engineer – Assistant Chief
Highway Construction Equipment Operator	Stationary Engineer – Chief
Laborer	Stationary Fireman
Laborer (Building)	Steamfitter
Laborer Foreman	Teacher of Barbering
Machinist	Teacher of Beauty Culture
Maintenance Worker (Power Plant)	Tinsmith
Painter	Trades Tender
Painter Foreman	Water Plant Operator

- b) Boiler Safety Specialist – This section shall apply to employees occupying positions in the Boiler Safety Specialist class that are represented by the RC-008 bargaining unit ([see Appendix A, Table L](#)).
- c) Rate Certification Process and Effective Date – Prevailing rate means the rate of pay for each class and locality certified as being correct by the [designated representative](#) ~~Designated Representative~~ of the respective [bargaining unit or representative](#) ~~Union~~ and approved by the Director of Central Management Services or as established under the Prevailing Wage Act [820 ILCS 130]. Copies of signed [agreements](#) ~~Agreements~~ between contractors or other employers and the respective [bargaining unit or representative](#) ~~Union~~ shall be certified to the ~~Illinois~~ Department of Central Management Services ([CMS](#)) for each fiscal year of the State by the following process: The [designated representative](#) ~~Designated Representative~~ of the respective [bargaining unit or representative](#) ~~Union~~ shall certify to ~~CM~~ [the Illinois Department of Central Management Services](#) or its designee copies of signed [agreements](#) ~~Agreements~~ between contractors or other employers and the respective [bargaining unit or representative](#) ~~Union~~. These certified agreements and accompanying CMS [Prevailing Wage Certification](#) Form shall be considered adequate proof of the prevailing rate of wages to be paid, minus the per hour costs of fringe benefits so designated by [the 2015-2019 Collective Bargaining Agreement \(CBA\)](#), if any, in keeping with past practice.

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~~CMS adjusts~~The Illinois Department of Central Management Services will adjust the wages, retroactive to the effective date reflected in the certified agreements. ~~contract date;~~ and Certifications from the bargaining unit or representative ~~Union~~ will include a copy of the signed agreements ~~Agreements~~ and the negotiated ~~CMS~~ Prevailing Wage Certification Form. The effective dates of wage changes are ~~will be~~ the effective dates reflected in the certified agreements.

- d) Pension Formula Adjustment – Effective January 1, 2006, employees shall be paid an additional 4.00% above the prevailing rate of wages for employees on the standard pension formula and 5.5% above the prevailing rate of wages for employees on the alternative pension formula, minus the per hour costs of fringe benefits. Employees newly hired into a prevailing rate class on or after December 1, 2013 shall be paid the appropriate prevailing rate and shall not be eligible for this pension formula adjustment unless otherwise agreed to by the union representative and the Director of Central Management Services.
- e) Maximum Security Rates – Positions in maximum security institutions shall receive a \$50 a month adjustment to the employee's monthly wages for all employees with seven or more years of continuous service with the Department of Corrections. Employees shall receive the adjustment as long as they remain employees at a maximum security facility.
- f) Merit Incentive (including Time-Off Awards) and Gain Sharing Programs – The bargaining unit or representative and State ~~parties~~ agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of thesesuch efforts, the State shall allocate funds ~~Employer may create an annual bonus fund~~ for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from the allocated funds is ~~this bonus fund will be~~ based on the satisfaction of performance standards to be developed by the State ~~Employer~~ in consultation with the bargaining unit or representative ~~Union~~. This ~~Such~~ compensation, either for a group/unit or an individual, shall be considered a onetime bonus and will be offered only as a non-pensionable incentive. Any, and that any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation is ~~will be~~ included in any pension calculations and does ~~will~~ not affect any future calculations regarding the prevailing wage rate. As a part of thesesuch efforts, the State ~~Employer~~ may reward individual high-performing employees with time-off awards. High-performing employees may earn up to

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five ~~(5)~~ days of additional time-off in a calendar year, above and beyond the employee's accrued vacation time. Issuance of a time-off award ~~is will be~~ based on the satisfaction of performance standards to be developed by the ~~State Employer~~ in consultation with the ~~bargaining unit or representative Union~~. Scheduling the time-off requires supervisory approval. ~~Only, and only~~ a non-bargaining-unit supervisor can reward an employee with a time-off award. Time off awards can be issued by any non-bargaining-unit supervisor in the employee's evaluation chain. Time-off awards, when taken by the employee, ~~do will~~ not count against the employee's leave bank. Unused time-off awards shall not convert to a ~~cash payout cash pay out~~. ~~The, nor will the~~ hourly value of the time-off awards ~~shall not~~ be used in any calculation for future wages under the provisions of the Prevailing Wage Act. Additionally, as a part of overall efforts to improve efficiency of ~~State state~~ operations and align the incentives of the ~~State Employer~~ with its employees, the ~~State Employer~~ may develop gain sharing programs. Under ~~thesesuch~~ programs, employees or departments may propose initiatives that would achieve substantial savings for the State. Upon realization of ~~thesesuch~~ savings, the ~~State Employer~~ may elect to return a portion of ~~thesethis~~ savings to the employees who participated in the identified initiative. ~~ThisSuch~~ compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. ~~Any, and that any~~ employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is will~~ not be included in any pension calculations. The ~~State develops Employer will develop~~ specific policies for both of these programs and ~~gives will give~~ the ~~bargaining unit or representative Union~~ an opportunity to review and comment on ~~thesesuch~~ policies prior to their implementation. The ~~State's Employer's~~ intent is to develop policies that ~~will~~ reward employees or units of employees based on specific achievements and to prevent rewards that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure. Rights exercised by the State under Section 4 of the Illinois Public Labor Relations Act [5 ILCS 315], 80 Ill. Adm. Code 301 through 331, and the 2015-2019 CBA are subject to all the terms of that CBA. However, it is understood that compensation payable pursuant to merit incentive and gain sharing~~The exercise of such rights by management may not conflict with the provisions of this agreement, except that it is understood that awards payable pursuant to such~~ programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in ~~these programsthis program~~ may not be grounds for any form of discipline. The ~~bargaining unit or representative and State Parties~~

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understand that the Merit Incentive Program ~~is will be~~ effective after the Department of Central Management Services and the bargaining unit or representative Unions mutually agree to its process and procedures.

- g) FY 2016 Merit Pay – The State and bargaining unit or representative Employer and Union have agreed to the terms of a 2015-2019 CBA Collective Bargaining Agreement. The CBA Agreement states that ~~public~~ employees represented by the bargaining unit or representative Union will earn merit pay. For ~~the~~ Fiscal Year 2016, all bargaining unit employees who are in active employment status on June 30, 2016 and who have missed fewer than five ~~(5)~~ percent of their assigned work days between the effective date of the 2015-2019 CBA this Agreement and June 30, 2016 and have committed no work policy violations during that period shall receive equal shares of the performance bonus. The performance bonus shall be paid based on 2% of the annual ~~(fiscal year)~~ base salary payroll costs for the bargaining unit. The effective date of the 2015-2019 CBA this Agreement is April 1, 2016 through June 30, 2016.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to classes of positions, or positions excluded from bargaining unit representation, designated below and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

Title	Title Code	Salary Range
Account Clerk I	00111	MS-03
Account Clerk II	00112	MS-04
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-11
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-19
Accounting and Fiscal Administration Career Trainee	00140	MS-09

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Activity Program Aide I	00151	MS-04
Activity Program Aide II	00152	MS-05
Activity Therapist	00157	MS-12
Activity Therapist Coordinator	00160	MS-16
Activity Therapist Supervisor	00163	MS-23
Actuarial Assistant	00187	MS-14
Actuarial Examiner	00195	MS-14
Actuarial Examiner Trainee	00196	MS-10
Actuarial Senior Examiner	00197	MS-21
Actuary I	00201	MS-23
Actuary II	00202	MS-31
Actuary III	00203	MS-33
Administrative Assistant I	00501	MS-16
Administrative Assistant II	00502	MS-21
Administrative Services Worker Trainee	00600	MS-02
Agricultural Executive	00800	MS-23
Agricultural Land and Water Resources Supervisor	00811	MS-25
Agricultural Market News Assistant	00804	MS-09
Agricultural Marketing Generalist	00805	MS-11
Agricultural Marketing Reporter	00807	MS-19
Agricultural Marketing Representative	00810	MS-19
Agricultural Products Promoter	00815	MS-10
Agriculture Land and Water Resource Specialist I	00831	MS-11
Agriculture Land and Water Resource Specialist II	00832	MS-16
Agriculture Land and Water Resource Specialist III	00833	MS-23
Aircraft Dispatcher	00951	MS-09
Aircraft Lead Dispatcher	00952	MS-11
Aircraft Pilot I	00955	MS-21
Aircraft Pilot II	00956	MS-28
Aircraft Pilot II – Dual Rating	00957	MS-29
Animal and Animal Products Investigator	01072	MS-11
Animal and Animal Products Investigator Trainee	01075	MS-09
Apiary Inspector	01215	MS-03
Apparel/Dry Goods Specialist I	01231	MS-04
Apparel/Dry Goods Specialist II	01232	MS-05
Apparel/Dry Goods Specialist III	01233	MS-10
Appraisal Specialist I	01251	MS-11
Appraisal Specialist II	01252	MS-14
Appraisal Specialist III	01253	MS-19

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Appraisal Specialist Trainee	01255	MS-09
Arbitrator	01401	MS-33
Architect	01440	MS-28
Arson Investigations Trainee	01485	MS-12
Arson Investigator I	01481	MS-15
Arson Investigator II	01482	MS-20
Arts Council Associate	01523	MS-09
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assignment Coordinator	01530	MS-23
Assistant Automotive Shop Supervisor	01565	MS-11
Assistant Reimbursement Officer	02424	MS-05
Audio Visual Technician I	03501	MS-04
Audio Visual Technician II	03502	MS-06
Auto and Body Repairer	03680	MS-13
Automotive Attendant I	03696	MS-03
Automotive Attendant II	03697	MS-03
Automotive Mechanic	03700	MS-13
Automotive Parts Warehouse Specialist	03734	MS-11
Automotive Parts Warehouse	03730	MS-11
Automotive Shop Supervisor	03749	MS-18
Bank Examiner I	04131	MS-14
Bank Examiner II	04132	MS-21
Bank Examiner III	04133	MS-28
Behavioral Analyst Associate	04355	MS-12
Behavioral Analyst I	04351	MS-16
Behavioral Analyst II	04352	MS-21
Blasting Expert	04720	MS-27
Blasting Specialist	04725	MS-25
Blasting Supervisor	04730	MS-29
Boat Safety Inspection Supervisor	04850	MS-22
Boiler Safety Specialist	04910	MS-26
Breath Alcohol Analysis Technician	05170	MS-15
Bridge Mechanic	05310	MS-17
Bridge Tender	05320	MS-18
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building Services Worker	05616	MS-05
Building/Grounds Laborer	05598	MS-08

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Building/Grounds Lead I	05601	MS-10
Building/Grounds Lead II	05602	MS-12
Building/Grounds Maintenance Worker	05613	MS-09
Building/Grounds Supervisor	05605	MS-12
Business Administrative Specialist	05810	MS-14
Business Manager	05815	MS-19
Buyer	05900	MS-19
Buyer Assistant	05905	MS-07
Cancer Registrar I	05951	MS-11
Cancer Registrar II	05952	MS-14
Cancer Registrar III	05953	MS-23
Cancer Registrar Assistant Manager	05954	MS-27
Cancer Registrar Manager	05955	MS-31
Canine Specialist	06500	MS-20
Capital Development Board Account Technician	06515	MS-08
Capital Development Board Art In Architecture Technician	06533	MS-09
Capital Development Board Construction Support Analyst	06520	MS-08
Capital Development Board Media Technician	06525	MS-11
Capital Development Board Project Technician	06530	MS-09
Cartographer III	06673	MS-28
Chaplain I	06901	MS-14
Chaplain II	06902	MS-21
Check Issuance Machine Operator	06920	MS-06
Check Issuance Machine Supervisor	06925	MS-08
Chemist I	06941	MS-14
Chemist II	06942	MS-21
Chemist III	06943	MS-25
Child Development Aide	07184	MS-07
Child Protection Advanced Specialist	07161	MS-21
Child Protection Associate Specialist	07162	MS-14
Child Protection Specialist	07163	MS-19
Child Support Specialist I	07198	MS-14
Child Support Specialist II	07199	MS-16
Child Support Specialist Trainee	07200	MS-09
Child Welfare Administrative Case Reviewer	07190	MS-28
Child Welfare Advanced Specialist	07215	MS-21
Child Welfare Associate Specialist	07216	MS-14
Child Welfare Court Facilitator	07196	MS-28
Child Welfare Nurse Specialist	07197	MS-22

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Child Welfare Senior Specialist	07217	MS-28
Child Welfare Specialist	07218	MS-19
Child Welfare Staff Development Coordinator I	07201	MS-16
Child Welfare Staff Development Coordinator II	07202	MS-21
Child Welfare Staff Development Coordinator III	07203	MS-23
Child Welfare Staff Development Coordinator IV	07204	MS-28
Children and Family Service Intern, Option 1	07241	MS-09
Children and Family Service Intern, Option 2	07242	MS-12
Civil Engineer I	07601	MS-22
Civil Engineer II	07602	MS-26
Civil Engineer III	07603	MS-30
Civil Engineer IV	07604	MS-31
Civil Engineer Trainee	07607	MS-16
Clerical Trainee	08050	MS-01
Clinical Laboratory Associate	08200	MS-05
Clinical Laboratory Phlebotomist	08213	MS-04
Clinical Laboratory Technician I	08215	MS-07
Clinical Laboratory Technician II	08216	MS-09
Clinical Laboratory Technologist I	08220	MS-19
Clinical Laboratory Technologist II	08221	MS-21
Clinical Laboratory Technologist Trainee	08229	MS-11
Clinical Pharmacist	08235	MS-32
Clinical Psychologist	08250	MS-29
Clinical Psychology Associate	08255	MS-19
Clinical Services Supervisor	08260	MS-31
Commerce Commission Police Officer I	08451	MS-18
Commerce Commission Police Officer II	08452	MS-22
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Commodities Inspector	08770	MS-08
Communications Dispatcher	08815	MS-06
Communications Equipment Technician I	08831	MS-16
Communications Equipment Technician II	08832	MS-21
Communications Equipment Technician III	08833	MS-23
Communications Systems Specialist	08860	MS-29
Community Management Specialist I	08891	MS-12
Community Management Specialist II	08892	MS-16
Community Management Specialist III	08893	MS-21
Community Planner I	08901	MS-12

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Community Planner II	08902	MS-16
Community Planner III	08903	MS-21
Compliance Officer	08919	MS-11
Computer Evidence Recovery Specialist	08980	MS-32
Conservation Education Representative	09300	MS-09
Conservation Grant Administrator I	09311	MS-19
Conservation Grant Administrator II	09312	MS-23
Conservation Grant Administrator III	09313	MS-28
Conservation Police Lieutenant	09339	MS-23
Conservation Police Officer I	09341	MS-18
Conservation Police Officer II	09342	MS-19
Conservation Police Officer Trainee	09345	MS-06
Conservation Police Sergeant	09347	MS-22
Conservation/Historic Preservation Worker	09317	MS-01
Construction Program Assistant	09525	MS-09
Construction Supervisor I	09561	MS-10
Construction Supervisor II	09562	MS-14
Cook I	09601	MS-04
Cook II	09602	MS-07
Correctional Casework Supervisor	09655	MS-25
Correctional Counselor I	09661	MS-12
Correctional Counselor II	09662	MS-16
Correctional Counselor III	09663	MS-21
Correctional Lieutenant	09673	MS-24
Correctional Officer	09675	MS-11
Correctional Officer Trainee	09676	MS-08
Correctional Sergeant	09717	MS-16
Corrections Apprehension Specialist	09750	MS-21
Corrections Clerk I	09771	MS-11
Corrections Clerk II	09772	MS-13
Corrections Clerk III	09773	MS-18
Corrections Command Center Supervisor	09500	MS-32
Corrections Family Services Coordinator	09600	MS-32
Corrections Food Service Supervisor I	09793	MS-13
Corrections Food Service Supervisor II	09794	MS-18
Corrections Food Service Supervisor III	09795	MS-21
Corrections Grounds Supervisor	09796	MS-16
Corrections Identification Supervisor	09800	MS-24
Corrections Identification Technician	09801	MS-13

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Corrections Industries Marketing Representative	09803	MS-16
Corrections Industry Lead Worker	09805	MS-16
Corrections Industry Supervisor	09807	MS-21
Corrections Intelligence Program Unit Manager	09798	MS-31
Corrections Investigations Program Administrator	09799	MS-31
Corrections Laundry Manager I	09808	MS-18
Corrections Laundry Manager II	09809	MS-20
Corrections Law Library Assistant	09819	MS-11
Corrections Leisure Activities Specialist I	09811	MS-12
Corrections Leisure Activities Specialist II	09812	MS-16
Corrections Leisure Activities Specialist III	09813	MS-21
Corrections Leisure Activities Specialist IV	09814	MS-25
Corrections Locksmith	09818	MS-16
Corrections Maintenance Craftsman	09821	MS-16
Corrections Maintenance Supervisor	09822	MS-20
Corrections Maintenance Worker	09823	MS-12
Corrections Medical Technician	09824	MS-12
Corrections Nurse I	09825	MS-20
Corrections Nurse II	09826	MS-25
Corrections Nurse Trainee	09836	MS-16
Corrections Parole Agent	09842	MS-16
Corrections Placement Resources Regional Supervisor	09839	MS-31
Corrections Program Administrator	09849	MS-31
Corrections Psychologist Administrator	09855	MS-32
Corrections Regional Mental Health Services Administrator	09857	MS-32
Corrections Residence Counselor I	09837	MS-13
Corrections Residence Counselor II	09838	MS-20
Corrections Senior Parole Agent	09844	MS-21
Corrections Supply Supervisor I	09861	MS-13
Corrections Supply Supervisor II	09862	MS-18
Corrections Supply Supervisor III	09863	MS-21
Corrections Training Program Supervisor	09860	MS-32
Corrections Transportation Officer I	09871	MS-13
Corrections Transportation Officer II	09872	MS-20
Corrections Unit Superintendent	09868	MS-32
Corrections Utilities Operator	09875	MS-16
Corrections Vocational Instructor	09879	MS-16
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter	09900	MS-12

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Court Reporter Supervisor	09903	MS-26
Crime Scene Investigator	09980	MS-25
Criminal Intelligence Analyst I	10161	MS-19
Criminal Intelligence Analyst II	10162	MS-23
Criminal Intelligence Analyst Specialist	10165	MS-28
Criminal Intelligence Analyst Supervisor	10169	MS-32
Criminal Justice Specialist I	10231	MS-14
Criminal Justice Specialist II	10232	MS-23
Criminal Justice Specialist Trainee	10236	MS-10
Curator Of The Lincoln Collection	10750	MS-14
Data Processing Administrative Specialist	11415	MS-11
Data Processing Assistant	11420	MS-04
Data Processing Operator	11425	MS-03
Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Supervisor I	11435	MS-08
Data Processing Supervisor II	11436	MS-11
Data Processing Supervisor III	11437	MS-19
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04
Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19
Deck Hand	11500	MS-15
Dental Assistant	11650	MS-07
Dental Hygienist	11700	MS-11
Dentist I	11751	MS-29
Dentist II	11752	MS-33
Developmental Disabilities Council Program Planner I	12361	MS-09
Developmental Disabilities Council Program Planner II	12362	MS-14
Developmental Disabilities Council Program Planner III	12363	MS-19
Developmental Psychological Services Administrator	12380	MS-32
Dietary Manager I	12501	MS-14
Dietary Manager II	12502	MS-19
Dietitian	12510	MS-12
Disability Appeals Officer	12530	MS-28
Disability Claims Adjudicator I	12537	MS-14
Disability Claims Adjudicator II	12538	MS-19
Disability Claims Adjudicator Trainee	12539	MS-10
Disability Claims Analyst	12540	MS-25

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Disability Claims Specialist	12558	MS-21
Disaster Services Planner	12585	MS-21
Document Examiner	12640	MS-28
Drafting Worker	12749	MS-08
Drug Compliance Investigator	12778	MS-31
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
Economist Associate	12940	MS-12
Educational Diagnostician	12965	MS-09
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-26
Educator – Career and Technical	13103	MS-16 MS-13
Educator – Career and Technical Provisional	13104	MS-15 MS-12
Educator Aide	13130	MS-08
Educator Intern	13135	MS-10
Educator Trainee	13148	MS-09
Electrical Engineer	13180	MS-28
Electroencephalograph Technician	13300	MS-05
Electronic Equipment Installer/Repairer	13340	MS-07
Electronic Equipment Installer/Repairer Lead Worker	13345	MS-09
Electronics Technician	13360	MS-12
Elevator Inspector	13495	MS-21
Elevator Operator	13500	MS-05
Emergency Response Lead Telecommunicator	13540	MS-10
Emergency Response Telecommunicator	13543	MS-08
Employment Security Field Office Supervisor	13600	MS-23
Employment Security Manpower Representative I	13621	MS-09
Employment Security Manpower Representative II	13622	MS-11
Employment Security Program Representative	13650	MS-11
Employment Security Program Representative – Intermittent	13651	MS-11
Employment Security Service Representative	13667	MS-14
Employment Security Specialist I	13671	MS-11
Employment Security Specialist II	13672	MS-14
Employment Security Specialist III	13673	MS-21
Employment Security Tax Auditor I	13681	MS-16
Employment Security Tax Auditor II	13682	MS-21
End-User Computer Services Specialist I	13691	MS-24

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End-User Computer Services Specialist II	13692	MS-28
End-User Computer Systems Analyst	13693	MS-30
Energy and Natural Resources Specialist I	13711	MS-12
Energy and Natural Resources Specialist II	13712	MS-16
Energy and Natural Resources Specialist III	13713	MS-21
Energy and Natural Resources Specialist Trainee	13715	MS-09
Engineering Technician I	13731	MS-10
Engineering Technician II	13732	MS-13
Engineering Technician III	13733	MS-20
Engineering Technician IV	13734	MS-30
Environmental Engineer I	13751	MS-12
Environmental Engineer II	13752	MS-16
Environmental Engineer III	13753	MS-21
Environmental Engineer IV	13754	MS-28
Environmental Equipment Operator I	13761	MS-09
Environmental Equipment Operator II	13762	MS-11
Environmental Health Specialist I	13768	MS-11
Environmental Health Specialist II	13769	MS-14
Environmental Health Specialist III	13770	MS-19
Environmental Protection Associate	13785	MS-09
Environmental Protection Engineer I	13791	MS-12
Environmental Protection Engineer II	13792	MS-16
Environmental Protection Engineer III	13793	MS-21
Environmental Protection Engineer IV	13794	MS-28
Environmental Protection Geologist I	13801	MS-12
Environmental Protection Geologist II	13802	MS-16
Environmental Protection Geologist III	13803	MS-21
Environmental Protection Legal Investigator I	13811	MS-10
Environmental Protection Legal Investigator II	13812	MS-11
Environmental Protection Legal Investigator Specialist	13815	MS-13
Environmental Protection Specialist I	13821	MS-11
Environmental Protection Specialist II	13822	MS-14
Environmental Protection Specialist III	13823	MS-19
Environmental Protection Specialist IV	13824	MS-28
Environmental Protection Technician I	13831	MS-05
Environmental Protection Technician II	13832	MS-07
Epidemiology Research and Investigation Scientist	13833	MS-29
Equal Pay Specialist	13837	MS-16
Equine Investigator	13840	MS-09

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Executive I	13851	MS-19
Executive II	13852	MS-23
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Explosives Inspector I	14051	MS-11
Explosives Inspector II	14052	MS-18
Facility Assistant Fire Chief	14430	MS-10
Facility Fire Chief	14433	MS-13
Facility Fire Safety Coordinator	14435	MS-09
Facility Firefighter	14439	MS-07
Ferry Operator I	14801	MS-18
Ferry Operator II	14802	MS-19
Financial Institutions Examiner I	14971	MS-14
Financial Institutions Examiner II	14972	MS-21
Financial Institutions Examiner III	14973	MS-28
Financial Institutions Examiner Trainee	14978	MS-10
Fingerprint Technician	15204	MS-10
Fingerprint Technician Supervisor	15208	MS-18
Fingerprint Technician Trainee	15209	MS-05
Firearms Eligibility Administrator	15280	MS-32
Firearms Eligibility Analyst I	15371	MS-10
Firearms Eligibility Analyst II	15372	MS-14
Firearms Eligibility Analyst Trainee	15375	MS-08
Fire Certification Specialist I	15281	MS-16
Fire Certification Specialist II	15282	MS-18
Fire Certification Specialist Supervisor	15283	MS-22
Fire Prevention Inspector I	15316	MS-13
Fire Prevention Inspector II	15317	MS-20
Fire Prevention Inspector Trainee	15320	MS-10
Fire Protection Engineer	15340	MS-28
Fire Protection Specialist I	15351	MS-14
Flight Safety Coordinator	15640	MS-28
Florist II	15652	MS-08
Food Services Program Manager	15800	MS-31
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Forensic Science Administrator I	15911	MS-31

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Forensic Science Administrator II	15912	MS-32
Forensic Science Administrator III	15913	MS-33
Forensic Scientist I	15891	MS-19
Forensic Scientist II	15892	MS-23
Forensic Scientist III	15893	MS-28
Forensic Scientist Trainee	15897	MS-12
Gaming Licensing Analyst	17171	MS-10
Gaming Senior Special Agent	17191	MS-29
Gaming Special Agent	17192	MS-21
Gaming Special Agent Trainee	17195	MS-11
Geographic Information Specialist I	17271	MS-21
Geographic Information Specialist II	17272	MS-29
Geographic Information Trainee	17276	MS-12
Governmental Career Trainee	17325	MS-09
Graduate Pharmacist	17345	MS-23
Graphic Arts Designer	17366	MS-11
Graphic Arts Designer Advanced	17370	MS-14
Graphic Arts Designer Supervisor	17365	MS-19
Graphic Arts Technician	17400	MS-09
Grounds Supervisor	17549	MS-18
Guard I	17681	MS-04
Guard II	17682	MS-06
Guard III	17683	MS-09
Guard Supervisor	17685	MS-11
Guardianship Representative	17710	MS-16
Guardianship Supervisor	17720	MS-24
Habilitation Program Coordinator	17960	MS-16
Handicapped Services Representative I	17981	MS-08
Health Facilities Surveillance Nurse	18150	MS-22
Health Facilities Surveyor I	18011	MS-14
Health Facilities Surveyor II	18012	MS-21
Health Facilities Surveyor III	18013	MS-23
Health Information Associate	18045	MS-07
Health Information Technician	18047	MS-09
Health Services Investigator I, Option A – General	18181	MS-21
Health Services Investigator I, Option B – Controlled Substance Inspector	18182	MS-23
Health Services Investigator II, Option A – General	18185	MS-28

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Health Services Investigator II, Option B – Controlled Substance Inspector	18186	MS-28
Health Services Investigator II, Option C – Pharmacy	18187	MS-32
Health Services Investigator II, Option D – Pharmacy/Controlled Substance Inspector	18188	MS-32
Hearing and Speech Advanced Specialist	18227	MS-28
Hearing and Speech Associate	18231	MS-19
Hearing and Speech Specialist	18233	MS-23
Hearing and Speech Technician II	18262	MS-06
Hearings Referee	18300	MS-29
Hearings Referee – Intermittent	18301	MS-29
Heavy Construction Equipment Operator	18465	MS-18
Highway Construction Supervisor I	18525	MS-25
Highway Construction Supervisor II	18526	MS-30
Highway Maintainer	18639	MS-18
Highway Maintenance Lead Worker	18659	MS-18
Historical Documents Conservator I	18981	MS-10
Historical Exhibits Designer	18985	MS-12
Historical Library Chief Of Acquisitions	18987	MS-21
Historical Research Editor II	19002	MS-11
Historical Research Specialist	19008	MS-23
Housekeeper II	19602	MS-03
Human Relations Representative	19670	MS-14
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Investigator I	19774	MS-14
Human Rights Investigator II	19775	MS-19
Human Rights Investigator III	19776	MS-21
Human Rights Investigator Trainee	19768	MS-09
Human Rights Mediation Supervisor	19769	MS-23
Human Rights Mediator	19771	MS-16
Human Rights Specialist I	19778	MS-11
Human Rights Specialist II	19779	MS-14
Human Rights Specialist III	19780	MS-19
Human Services Casework Manager	19788	MS-23
Human Services Caseworker	19785	MS-14
Human Services Grants Coordinator I	19791	MS-11
Human Services Grants Coordinator II	19792	MS-16

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Human Services Grants Coordinator III	19793	MS-23
Human Services Grants Coordinator Trainee	19796	MS-09
Human Services Sign Language Interpreter	19810	MS-14
Iconographer	19880	MS-09
Industrial and Community Development Representative I	21051	MS-16
Industrial and Community Development Representative II	21052	MS-21
Industrial Commission Reporter	21080	MS-14
Industrial Commission Technician	21095	MS-08
Industrial Services Consultant I	21121	MS-11
Industrial Services Consultant II	21122	MS-14
Industrial Services Consultant Trainee	21125	MS-08
Industrial Services Hygienist	21127	MS-21
Industrial Services Hygienist Technician	21130	MS-14
Industrial Services Hygienist Trainee	21133	MS-09
Information Services Intern	21160	MS-12
Information Services Specialist I	21161	MS-16
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Information Systems Analyst III	21167	MS-32
Information Technology/Communications Systems Specialist I	21216	MS-21
Information Technology/Communications Systems Specialist II	21217	MS-31
Inhalation Therapist	21259	MS-05
Inhalation Therapy Supervisor	21260	MS-08
Institutional Helper	21460	MS-05
Institutional Maintenance Worker	21465	MS-05
Instrument Designer	21500	MS-19
Insurance Analyst I	21561	MS-06
Insurance Analyst II	21562	MS-09
Insurance Analyst III	21563	MS-11
Insurance Analyst IV	21564	MS-14
Insurance Analyst Trainee	21566	MS-04
Insurance Company Claims Examiner I	21601	MS-16
Insurance Company Claims Examiner II	21602	MS-21
Insurance Company Field Staff Examiner	21608	MS-14
Insurance Company Financial Examiner Trainee	21610	MS-10
Insurance Performance Examiner I	21671	MS-11

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Insurance Performance Examiner II	21672	MS-16
Insurance Performance Examiner III	21673	MS-23
Intermittent Clerk	21686	MS-02
Intermittent Laborer (Maintenance)	21687	MS-08
Intermittent Unemployment Insurance Representative	21689	MS-09
Intermittent Unemployment Insurance Technician	21690	MS-04
Internal Auditor I	21721	MS-16
Internal Auditor Trainee	21726	MS-09
Internal Investigations Principal Evaluation Supervisor	21735	MS-31
Internal Investigations Supervisor	21740	MS-31
Internal Security Investigator I	21731	MS-19
Internal Security Investigator II	21732	MS-25
International Marketing Representative I	21761	MS-11
Janitor I	21951	MS-13
Janitor II	21952	MS-14
Juvenile Justice Chief of Security	21965	MS-31
Juvenile Justice Psychologist Administrator	21967	MS-32
Juvenile Justice School Counselor	21970	MS-26
Juvenile Justice Specialist	21971	MS-20
Juvenile Justice Specialist Intern	21976	MS-13
Juvenile Justice Supervisor	21980	MS-27
Juvenile Justice Unit Superintendent	21985	MS-32
Juvenile Justice Youth and Family Specialist Option 1	21991	MS-19
Juvenile Justice Youth and Family Specialist Option 2	21992	MS-23
Juvenile Justice Youth and Family Specialist Supervisor	21995	MS-28
Kidcare Supervisor	22003	MS-23
Labor Conciliator	22750	MS-23
Labor Maintenance Lead Worker	22809	MS-16
Laboratory Assistant	22995	MS-03
Laboratory Associate I	22997	MS-07
Laboratory Associate II	22998	MS-09
Laboratory Equipment Specialist	22990	MS-19
Laboratory Quality Specialist I	23021	MS-21
Laboratory Quality Specialist II	23022	MS-25
Laboratory Research Scientist	23025	MS-29
Laboratory Research Specialist I	23027	MS-21
Laboratory Research Specialist II	23028	MS-25
Laborer (Maintenance)	23080	MS-15
Land Acquisition Agent I	23091	MS-12

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Land Acquisition Agent II	23092	MS-19
Land Acquisition Agent III	23093	MS-25
Land Reclamation Specialist I	23131	MS-11
Land Reclamation Specialist II	23132	MS-16
Land Reclamation Specialist Trainee	23137	MS-09
Landscape Architect	23145	MS-28
Landscape Planner	23150	MS-21
Laundry Manager I	23191	MS-10
Law Enforcement Training Administrator	23260	MS-32
Legal Research Assistant	23350	MS-10
Liability Claims Adjuster I	23371	MS-11
Liability Claims Adjuster II	23372	MS-19
Liability Claims Adjuster Trainee	23375	MS-09
Librarian I	23401	MS-14
Librarian II	23402	MS-19
Library Aide I	23421	MS-03
Library Aide II	23422	MS-04
Library Aide III	23423	MS-05
Library Associate	23430	MS-09
Library Technical Assistant	23450	MS-07
Licensed Practical Nurse I	23551	MS-09
Licensed Practical Nurse II	23552	MS-10
Licensing Assistant	23568	MS-05
Licensing Investigations Supervisor	23577	MS-32
Licensing Investigator I	23571	MS-10
Licensing Investigator II	23572	MS-13
Licensing Investigator III	23573	MS-15
Licensing Investigator IV	23574	MS-20
Life Sciences Career Trainee	23600	MS-09
Liquor Control Special Agent I	23751	MS-13
Liquor Control Special Agent II	23752	MS-14
Local Historical Services Representative	24000	MS-16
Local Housing Advisor I	24031	MS-11
Local Housing Advisor II	24032	MS-14
Local Housing Advisor III	24033	MS-19
Local Revenue and Fiscal Advisor I	24101	MS-12
Local Revenue and Fiscal Advisor II	24102	MS-16
Local Revenue and Fiscal Advisor III	24103	MS-21
Lock and Dam Tender	24290	MS-07

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Locksmith	24300	MS-16
Lottery Commodities Distributor II	24402	MS-09
Lottery Regional Coordinator	24504	MS-21
Lottery Sales Representative	24515	MS-14
Lottery Telemarketing Representative	24520	MS-06
Maintenance Equipment Operator	25020	MS-18
Maintenance Worker	25500	MS-16
Management Operations Analyst I	25541	MS-19
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Management Systems Specialist	25583	MS-25
Manpower Planner I	25591	MS-11
Manpower Planner II	25592	MS-16
Manpower Planner III	25593	MS-23
Manpower Planner Trainee	25597	MS-09
Manuscripts Manager	25610	MS-21
Meat and Poultry Inspector	26070	MS-10
Meat and Poultry Inspector Supervisor	26073	MS-13
Meat and Poultry Inspector Trainee	26075	MS-07
Mechanical Engineer I	26201	MS-12
Mechanical Engineer II	26202	MS-16
Mechanical Engineer III	26203	MS-21
Medicaid Management Analyst	26301	MS-20
Medicaid Management Intern	26305	MS-13
Medical Administrator I Option C	26400	MS-60
Medical Administrator I Option D	26401	MS-62
Medical Administrator II Option C	26402	MS-61
Medical Administrator II Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator I	26811	MS-19
Mental Health Administrator II	26812	MS-23
Mental Health Administrator Trainee	26817	MS-14
Mental Health Program Administrator	26908	MS-63
Mental Health Recovery Support Specialist I	26921	MS-16

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Mental Health Recovery Support Specialist II	26922	MS-19
Mental Health Specialist I	26924	MS-09
Mental Health Specialist II	26925	MS-11
Mental Health Specialist III	26926	MS-14
Mental Health Specialist Trainee	26928	MS-08
Mental Health Technician I	27011	MS-04
Mental Health Technician II	27012	MS-05
Mental Health Technician III	27013	MS-06
Mental Health Technician IV	27014	MS-07
Mental Health Technician V	27015	MS-08
Mental Health Technician VI	27016	MS-09
Mental Health Technician Trainee	27020	MS-03
Meteorologist	27120	MS-19
Methods and Procedures Advisor I	27131	MS-11
Methods and Procedures Advisor II	27132	MS-14
Methods and Procedures Advisor III	27133	MS-23
Methods and Procedures Career Associate I	27135	MS-08
Methods and Procedures Career Associate II	27136	MS-09
Methods and Procedures Career Associate Trainee	27137	MS-06
Metrologist Associate	27146	MS-12
Microbiologist I	27151	MS-14
Microbiologist II	27152	MS-21
Microfilm Laboratory Technician I	27175	MS-04
Microfilm Laboratory Technician II	27176	MS-06
Microfilm Operator I	27181	MS-03
Microfilm Operator II	27182	MS-04
Microfilm Operator III	27183	MS-05
Mine Rescue Station Assistant	28150	MS-07
Motorist Assistance Specialist	28490	MS-05
Musician	28805	MS-05
Narcotics and Currency Unit Supervisor	28750	MS-32
Natural Resources Advanced Specialist	28833	MS-23
Natural Resources Coordinator	28831	MS-12
Natural Resources Coordinator Trainee	28830	MS-09
Natural Resources Education Program Coordinator	28834	MS-23
Natural Resources Grant Coordinator	28835	MS-20
Natural Resources Manager I	28836	MS-23
Natural Resources Manager II	28837	MS-26
Natural Resources Manager III	28838	MS-30

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Natural Resources Site Manager I	28841	MS-23
Natural Resources Site Manager II	28842	MS-26
Natural Resources Specialist	28832	MS-19
Natural Resources Technician I	28851	MS-07
Natural Resources Technician II	28852	MS-10
Nursing Act Assistant Coordinator	29731	MS-25
Nutritionist	29820	MS-19
Occupational Therapist	29900	MS-16
Occupational Therapist Program Coordinator	29908	MS-21
Occupational Therapist Supervisor	29910	MS-25
Office Administrative Specialist	29990	MS-09
Office Administrator I	29991	MS-04
Office Administrator II	29992	MS-06
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-11
Office Administrator V	29995	MS-12
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Optometrist	30300	MS-11
Oral Health Consultant	30317	MS-19
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-09
Pension and Death Benefits Technician II	30962	MS-21
Pest Control Operator	31810	MS-07
Pharmacy Lead Technician	32009	MS-06
Pharmacy Services Coordinator	32010	MS-32
Pharmacy Technician	32011	MS-04
Pharmacy Manager	32025	MS-33
Photographer	32080	MS-11
Photographic Technician I	32091	MS-08
Photographic Technician II	32092	MS-11
Photographic Technician III	32093	MS-12
Physical Therapist	32145	MS-16
Physical Therapist Program Coordinator	32153	MS-21

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Physical Therapy Aide I	32191	MS-03
Physical Therapy Aide II	32192	MS-05
Physical Therapy Aide III	32193	MS-08
Physician	32200	MS-36
Physician Assistant	32210	MS-27
Physician Specialist – Option A	32221	MS-37
Physician Specialist – Option B	32222	MS-38
Physician Specialist – Option C	32223	MS-61
Physician Specialist – Option D	32224	MS-63
Physician Specialist – Option E	32225	MS-65
Plant and Pesticide Specialist I	32501	MS-15
Plant and Pesticide Specialist II	32502	MS-20
Plant and Pesticide Specialist Supervisor	32506	MS-20
Plumbing Consultant	32910	MS-28
Plumbing Inspector	32915	MS-22
Podiatrist	32960	MS-11
Police Lieutenant	32977	MS-31
Police Officer I	32981	MS-15
Police Officer II	32982	MS-20
Police Officer III	32983	MS-24
Police Training Specialist	32990	MS-16
Polygraph Examiner I	33001	MS-20
Polygraph Examiner II	33002	MS-24
Polygraph Examiner III	33003	MS-28
Polygraph Examiner Trainee	33005	MS-12
Power Shovel Operator	33360	MS-18
Private Secretary I	34201	MS-14
Private Secretary II	34202	MS-18
Procurement Representative	34540	MS-06
Products and Standards Inspector	34603	MS-11
Products and Standards Inspector Trainee	34605	MS-09
Program Integrity Auditor I	34631	MS-14
Program Integrity Auditor II	34632	MS-21
Program Integrity Auditor Trainee	34635	MS-09
Project Designer	34725	MS-21
Property and Supply Clerk I	34791	MS-03
Property and Supply Clerk II	34792	MS-04
Property and Supply Clerk III	34793	MS-05
Property Consultant	34900	MS-12

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Psychologist Associate	35626	MS-12
Psychologist I	35611	MS-16
Psychologist II	35612	MS-23
Psychologist III	35613	MS-28
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16
Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16
Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-21
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09
Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Safety Drug Screening Specialist	37006	MS-16
Public Safety Inspector	37007	MS-14
Public Safety Inspector Trainee	37010	MS-07
Public Service Executive	37017	MS-31
Public Service Supervisor	37016	MS-28
Public Service Trainee	37025	MS-01
Race Track Maintainer I	37551	MS-10
Race Track Maintainer II	37552	MS-12
Radiologic Technologist	37500	MS-08
Radiologic Technologist Chief	37505	MS-17
Radiologic Technologist Program Coordinator	37507	MS-09
Railroad Safety Specialist I	37601	MS-21

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Railroad Safety Specialist II	37602	MS-25
Railroad Safety Specialist III	37603	MS-29
Railroad Safety Specialist IV	37604	MS-32
Ranger	37725	MS-10
Real Estate Investigator	37730	MS-21
Real Estate Professions Examiner	37760	MS-28
Recreation Worker I	38001	MS-09
Recreation Worker II	38002	MS-11
Refrigeration and Air Conditioning Repairer	38119	MS-12
Registered Nurse – Advanced Practice	38135	MS-26
Registered Nurse I	38131	MS-18
Registered Nurse II	38132	MS-22
Rehabilitation Case Coordinator I	38141	MS-05
Rehabilitation Case Coordinator II	38142	MS-07
Rehabilitation Counselor	38145	MS-16
Rehabilitation Counselor Aide I	38155	MS-06
Rehabilitation Counselor Aide II	38156	MS-08
Rehabilitation Counselor Senior	38158	MS-21
Rehabilitation Counselor Trainee	38159	MS-12
Rehabilitation Services Advisor I	38176	MS-23
Rehabilitation Workshop Instructor I	38192	MS-05
Rehabilitation Workshop Instructor II	38193	MS-09
Rehabilitation Workshop Supervisor I	38194	MS-09
Rehabilitation Workshop Supervisor II	38195	MS-11
Rehabilitation Workshop Supervisor III	38196	MS-14
Rehabilitation/Mobility Instructor	38163	MS-21
Rehabilitation/Mobility Instructor Trainee	38167	MS-12
Reimbursement Officer I	38199	MS-11
Reimbursement Officer II	38200	MS-14
Reproduction Service Supervisor I	38201	MS-10
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician I	38203	MS-03
Reproduction Service Technician II	38204	MS-06
Reproduction Service Technician III	38205	MS-08
Research Economist	38209	MS-18
Research Fellow, Option B	38211	MS-19
Research Scientist I	38231	MS-10
Research Scientist II	38232	MS-14
Research Scientist III	38233	MS-23

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Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Residential Care Worker	38277	MS-09
Residential Care Worker Trainee	38279	MS-05
Resource Planner I	38281	MS-16
Resource Planner II	38282	MS-21
Resource Planner III	38283	MS-28
Retirement System Disability Specialist	38310	MS-21
Revenue Audit Supervisor	38369	MS-32
Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-28
Revenue Auditor Trainee	38375	MS-09
Revenue Collection Officer I	38401	MS-12
Revenue Collection Officer II	38402	MS-16
Revenue Collection Officer III	38403	MS-21
Revenue Collection Officer Trainee	38405	MS-09
Revenue Computer Audit Specialist	38425	MS-29
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Special Agent Trainee	38565	MS-11
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-11
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Safety Responsibility Analyst	38910	MS-09
Safety Responsibility Analyst Supervisor	38915	MS-11
School Psychologist	39200	MS-21
Security Guard I	39851	MS-13
Security Guard II	39852	MS-14
Security Officer	39870	MS-10
Security Officer Chief	39875	MS-13
Security Officer Lieutenant	39876	MS-11
Security Officer Sergeant	39877	MS-10
Security Therapy Aide I	39901	MS-10
Security Therapy Aide II	39902	MS-11
Security Therapy Aide III	39903	MS-13
Security Therapy Aide IV	39904	MS-16
Security Therapy Aide Trainee	39905	MS-06

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Seed Analyst I	39951	MS-09
Seed Analyst II	39952	MS-10
Seed Analyst Trainee	39953	MS-07
Senior Ranger	40090	MS-11
Sex Offender Registration Unit Supervisor	40700	MS-33
Sex Offender Therapist I	40531	MS-16
Sex Offender Therapist II	40532	MS-21
Shift Supervisor	40800	MS-31
Sign Hanger	40900	MS-16
Sign Hanger Foreman	40910	MS-18
Sign Shop Foreman	41000	MS-12
Silk Screen Operator	41020	MS-17
Site Assistant Superintendent I	41071	MS-12
Site Assistant Superintendent II	41072	MS-16
Site Interpreter	41090	MS-07
Site Interpretive Coordinator	41093	MS-10
Site Security Officer	41115	MS-06
Site Services Specialist I	41117	MS-12
Site Services Specialist II	41118	MS-16
Site Superintendent I	41211	MS-20
Site Superintendent II	41212	MS-25
Site Superintendent III	41213	MS-29
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Small Engine Mechanic	41150	MS-10
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-08
Social Service Aide Trainee	41285	MS-03
Social Service Community Planner	41295	MS-08
Social Service Consultant I	41301	MS-19
Social Service Consultant II	41302	MS-21
Social Service Program Planner I	41311	MS-12
Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-28
Social Services Career Trainee	41320	MS-09
Social Worker I	41411	MS-16
Social Worker II	41412	MS-21
Social Worker III	41413	MS-23

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Social Worker IV	41414	MS-28
Social Worker Intern	41430	MS-15
Special Education Resources Coordinator	41680	MS-26
Staff Development Specialist I	41771	MS-19
Staff Development Technician I	41781	MS-09
Staff Development Technician II	41782	MS-12
Staff Pharmacist	41787	MS-31
State Mine Inspector	42230	MS-21
State Mine Inspector-At-Large	42240	MS-31
State Police Crime Information Evaluator	41801	MS-08
State Police Evidence Technician I	41901	MS-09
State Police Evidence Technician II	41902	MS-10
State Police Field Specialist I	42001	MS-19
State Police Field Specialist II	42002	MS-23
State Police Inspector	42100	MS-33
Statistical Research Specialist I	42741	MS-09
Statistical Research Specialist II	42742	MS-11
Statistical Research Specialist III	42743	MS-16
Statistical Research Supervisor	42745	MS-23
Statistical Research Technician	42748	MS-08
Storage Tank Safety Specialist	43005	MS-19
Storekeeper I	43051	MS-11
Storekeeper II	43052	MS-12
Storekeeper III	43053	MS-13
Stores Clerk	43060	MS-03
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Coordinator I	44221	MS-07
Support Service Coordinator II	44222	MS-09
Support Service Lead	44225	MS-04
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Switchboard Operator II	44412	MS-04
Switchboard Operator III	44413	MS-06
Technical Advisor Advanced Program Specialist	45256	MS-31
Technical Advisor I	45251	MS-19
Technical Advisor II	45252	MS-23

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Technical Advisor III	45253	MS-29
Technical Manager I	45261	MS-18
Telecommunications Specialist	45295	MS-12
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Analyst	45308	MS-16
Telecommunications Systems Technician I	45312	MS-07
Telecommunications Systems Technician II	45313	MS-10
Telecommunications Systems Technician Trainee	45314	MS-05
Telecommunicator	45321	MS-09
Telecommunicator – Command Center	45316	MS-10
Telecommunicator Call Taker	45322	MS-11
Telecommunicator Lead Call Taker	45323	MS-14
Telecommunicator Lead Specialist	45327	MS-16
Telecommunicator Lead Worker	45324	MS-11
Telecommunicator Lead Worker – Command Center	45318	MS-12
Telecommunicator Specialist	45326	MS-12
Telecommunicator Trainee	45325	MS-07
Terrorism Research Specialist I	45371	MS-19
Terrorism Research Specialist II	45372	MS-23
Terrorism Research Specialist III	45373	MS-28
Terrorism Research Specialist Trainee	45375	MS-11
Transportation Officer	45830	MS-11
Truck Weighing Inspector	46100	MS-10
Unemployment Insurance Adjudicator I	47001	MS-08
Unemployment Insurance Adjudicator II	47002	MS-10
Unemployment Insurance Adjudicator III	47003	MS-12
Unemployment Insurance Revenue Analyst I	47081	MS-12
Unemployment Insurance Revenue Analyst II	47082	MS-16
Unemployment Insurance Revenue Specialist	47087	MS-10
Unemployment Insurance Special Agent	47096	MS-19
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Compliance Inspector	47570	MS-15
Vehicle Emission Compliance Inspector	47580	MS-10
Vehicle Emission Compliance Supervisor	47583	MS-12
Vehicle Emission Quality Assurance Auditor	47584	MS-10
Vehicle Permit Evaluator	47585	MS-08
Veterans Educational Specialist I	47681	MS-12
Veterans Educational Specialist II	47682	MS-16

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Veterans Educational Specialist III	47683	MS-25
Veterans Employment Representative I	47701	MS-11
Veterans Employment Representative II	47702	MS-14
Veterans Nursing Assistant – Certified	47750	MS-05
Veterans Service Officer	47800	MS-11
Veterans Service Officer Associate	47804	MS-10
Veterinarian I	47901	MS-19
Veterinarian II	47902	MS-23
Veterinarian III	47903	MS-25
Veterinary Consumer Safety Officer	47911	MS-20
Veterinary Pathologist	47916	MS-29
Veterinary Supervisor I	47917	MS-25
Veterinary Supervisor II	47918	MS-26
Vision/Hearing Consultant I	47941	MS-14
Vision/Hearing Consultant II	47942	MS-23
Vision/Hearing Consultant III	47943	MS-25
Vital Records Quality Control Inspector	48000	MS-10
Vocational Instructor	48200	MS-09
Volunteer Services Coordinator I	48481	MS-10
Volunteer Services Coordinator II	48482	MS-14
Volunteer Services Coordinator III	48483	MS-19
Wage Claims Specialist	48770	MS-06
Warehouse Claims Specialist	48780	MS-22
Warehouse Examiner	48881	MS-13
Warehouse Examiner Specialist	48882	MS-18
Warehouse Examiner Supervisor	48786	MS-20
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-19
Weatherization Specialist I	49101	MS-11
Weatherization Specialist II	49102	MS-16
Weatherization Specialist III	49103	MS-23
Weatherization Specialist Trainee	49105	MS-09
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18
Well Inspector Trainee	49425	MS-09
Workers Compensation Insurance Compliance Investigator	49640	MS-23

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20

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ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE D HR-001 (Teamsters Local #700)

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4375.00	July 1, 2014

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

Effective July 1, 2015

Title	Title Code	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.								
Building Services Worker	05616	B	2951	16.96	3148	18.09	3344	19.22	3540	20.34	3737	21.48	3934	22.61
Elevator Operator	13500	B	3011	17.30	3212	18.46	3413	19.61	3613	20.76	3814	21.92	4015	23.07
Elevator Operator – Assistant Starter	13500	B	3050	17.53	3254	18.70	3457	19.87	3660	21.03	3864	22.21	4067	23.37
Elevator Operator – Starter	13500	B	3069	17.64	3274	18.82	3478	19.99	3683	21.17	3887	22.34	4092	23.52
Grounds Supervisor	17549	B	4471	25.70	4769	27.41	5066	29.11	5365	30.83	5663	32.55	5961	34.26
Grounds Supervisor (DHS – Chicago Read)	17549	B	4633	26.63	4942	28.40	5251	30.18	5559	31.95	5868	33.72	6177	35.50
Grounds Supervisor (DHS – Supervisor)	17549	B	4854	27.90	5178	29.76	5501	31.61	5825	33.48	6149	35.34	6472	37.20

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Tractor Trailer) Heavy Construction Equipment Operator (Regular – RG)	18465	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Heavy Construction Equipment Operator (Bridge Crew – BC)	18465	Q	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
Highway Maintainer (Regular – RG)	18639	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC)	18639	Q	4711	27.07	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6282	36.10
Highway Maintainer (Drill Rig – DR)	18639	Q	4739	27.24	5054	29.05	5370	30.86	5687	32.68	6002	34.49	6318	36.31
Highway Maintainer (Emergency Patrol – EP)	18639	Q	4741	27.25	5057	29.06	5378	30.87	5689	32.70	6005	34.51	6321	36.33
Highway Maintenance Lead Worker (Regular – RG)	18659	Q	4770	27.41	5087	29.24	5405	31.06	5723	32.89	6040	34.71	6359	36.55
Highway Maintenance Lead Worker (Bridge Crew – BC)	18659	Q	4837	27.80	5159	29.65	5483	31.51	5805	33.36	6127	35.21	6449	37.06
Highway Maintenance Lead Worker (Emergency Patrol – EP)	18659	Q	4867	27.97	5192	29.84	5516	31.70	5841	33.57	6165	35.43	6489	37.29
Highway Maintenance	18659	Q	4817	27.68	5139	29.53	5459	31.37	5780	33.22	6102	35.07	6423	36.91

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Lead Worker (Lead Lead Worker) (Regular – RG)															
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC)	18659	Q	4886	28.08	5211	29.95	5537	31.82	5862	33.69	6188	35.56	6514	37.44	
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP)	18659	Q	4916	28.25	5244	30.14	5571	32.02	5899	33.90	6227	35.79	6555	37.67	
Laborer (Maintenance) (Regular – RG)	23080	B	4492	25.82	4792	27.54	5091	29.26	5391	30.98	5690	32.70	5989	34.42	
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11	
Maintenance Equipment Operator (DHS – Tractor Trailer)	25020	B	4605	26.47	4912	28.23	5219	29.99	5526	31.76	5833	33.52	6140	35.29	
Maintenance Equipment Operator (Dispatcher)	25020	B	4751	27.30	5067	29.12	5384	30.94	5701	32.76	6017	34.58	6334	36.40	
Maintenance Worker (not DOT, DHS – Chicago Read or DHS – Forensic)	25500	B	4440	25.52	4736	27.22	5032	28.92	5328	30.62	5624	32.32	5920	34.02	
Maintenance Worker (DHS – Chicago Read)	25500	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11	

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Maintenance Worker (DHS – Forensic)	25500	Q	4641	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Maintenance Worker (DOT – Regular – RG)	25500	B	4529	26.03	4831	27.76	5133	29.50	5435	31.24	5736	32.97	6038	34.70
Maintenance Worker (DOT – Emergency Patrol – EP)	25500	B	4626	26.59	4934	28.36	5242	30.13	5550	31.90	5859	33.67	6167	35.44
Power Shovel Operator (Maintenance) (Regular – RG)	33360	B	4806	27.62	5127	29.47	5448	31.31	5768	33.15	6088	34.99	6409	36.83
Sign Hanger	40900	B	4640		4950		5259		5568		5878		6187	
Sign Hanger Foreman	40910	B	4769		5087		5405		5723		6041		6359	

NOTES: Rates and Movements – Effective July 1, 2015, all current rates that are in effect ~~are will be~~ frozen for the duration of the [2015-2019 Collective Bargaining Agreement \(CBA\) agreement](#) (including contractual in-hire movements).

Merit Incentive Program and Gain Sharing Programs – The [bargaining unit and State parties](#) agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of ~~thesesuch~~ efforts, the [State shall allocate funds](#) ~~Employer may create an annual bonus fund~~ for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from [the allocated funds](#) ~~is this bonus fund will be~~ based on the satisfaction of performance standards to be developed by the [State Employer](#) in consultation with the [bargaining unit Union](#). ~~ThisSuch~~ compensation, either for a group/unit or an individual shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. ~~Any, and that any~~ employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is will~~ not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of State operations and align the incentives of the [State Employer](#) with its employees, the [State Employer](#) may develop gain sharing programs. Under ~~thesesuch~~ programs, employees or departments may propose initiatives that ~~would~~ achieve substantial savings for the State. Upon realization of ~~thesesuch~~ savings, the [State Employer](#) may elect to return a portion of

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~~these~~^{this} savings to the employees who participated in the identified initiative. ~~This~~^{Such} compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. ~~Any, and that any~~ employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~^{will} not be included in any pension calculations.

In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to ~~the 2015-2019 CBA~~^{this agreement} ~~will~~ receive some form of merit compensation under ~~thesesuch~~ programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

The ~~State develops~~^{Employer will develop} specific policies for both of these programs and ~~gives~~^{will give} the ~~bargaining unit~~^{Union} an opportunity to review and comment on ~~thesesuch~~ policies prior to their implementation. The ~~State's~~^{Employer's} intent is to develop policies that ~~will~~ reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

Rights exercised by the State under Section 4 of the Illinois Public Labor Relations Act [5 ILCS 315], 80 Ill. Adm. Code 301 through 331, and Article 3 of the 2015-2019 CBA are subject to all the terms of that CBA. However, it is understood that compensation payable pursuant to merit incentive and gain sharing~~The exercise of such rights by management (management means State and rights are defined in the Agreement Article 3) may not conflict with the provisions of this agreement, except that it is understood that compensation payable pursuant to such~~ programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in ~~these programs~~^{this program} may not be grounds for any form of discipline.

Vacation Payout Restriction – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

Shift Differential Pay – Employees (except Snowbirds) required to work a shift different than their normal day shift ~~are~~^{will be} paid a \$0.50 per hour shift premium provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions where the regular shift hours are not considered day shift hours, or snow or ice season.

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Clothing Allowance – Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

In-Hire Rate – In-hire rates are located in Section 310.47(a). The State and HR-001 Bargaining Unit agree that the in-hire rate ~~of as was amended to~~ 75% established in for the 2008-2012 and 2012-2015 CBAs ~~Collective Bargaining Agreement~~ shall continue in effect for all classifications. However, ~~The parties also agree that all classifications shall continue the 75% in-hire rate as agreed to in the 2012-2015 Agreement, however,~~ effective July 1, 2015, all employees are ~~will be~~ frozen at their current rate for the duration of the 2015-2019 CBA ~~this agreement~~. Employees within this bargaining unit who are promoted and are in the in-hire progression will ~~will~~ promote to the next step of the in-hire rate of the higher classification and would then ~~are~~ be frozen at that new in-hire rate. In addition, temporary assignments to higher ~~level~~ level classifications shall also be calculated at the in-hire rates. All full-scale employees within this collective bargaining unit are ~~will be~~ promoted to the full-scale rate as if they were promoted to the next higher classification within the series.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Locals #330 and #705)**

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	RC-020	Q	4375.00	July 1, 2014

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

Effective July 1, 2015

Title	Pay Title Code	Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.								
Bridge Mechanic	05310	Q	4674	26.86	4986	28.66	5297	30.44	5609	32.24	5920	34.02	6232	35.82
Bridge Tender Heavy	05320	B	4419	25.40	4714	27.09	5008	28.78	5303	30.48	5597	32.17	5892	33.86
Construction Equipment Operator	18465	Q	4807	27.63	5127	29.47	5448	31.31	5768	33.15	6089	34.99	6318	36.31
Heavy Construction Equipment Operator (Bridge Crew – BC)	18465	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6409	36.83
Highway Maintainer	18639	Q	4712	27.08	5026	28.89	5340	30.69	5654	32.49	5968	34.30	6187	35.56
Highway Maintainer (Bridge Crew – BC)	18639	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6282	36.10
Highway Maintainer (Drill Rig – DR)	18639	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6318	36.31

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Highway Maintenance Lead Worker	18659	Q	4886	28.08	5211	29.95	5537	31.82	5863	33.70	6188	35.56	6359	36.55
Highway Maintenance Lead Worker (Bridge Crew – BC)	18659	Q	4817	27.68	5138	29.53	5460	31.38	5781	33.22	6102	35.07	6449	37.06
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	Q	4837	27.80	5159	29.65	5482	31.51	5804	33.36	6127	35.21	6423	36.91
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC)	18659	Q	4769	27.41	5087	29.24	5405	31.06	5723	32.89	6041	34.72	6514	37.44
Labor Maintenance Lead Worker	22809	B	4547	26.13	4850	27.87	5154	29.62	5457	31.36	5760	33.10	6063	34.84
Laborer (Maintenance)	23080	B	4492	25.82	4791	27.53	5091	29.26	5390	30.98	5690	32.70	5989	34.42
Maintenance Equipment Operator	25020	B	4583	26.34	4888	28.09	5194	29.85	5499	31.60	5805	33.36	6110	35.11
Maintenance Equipment Operator	25020	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6318	36.31
Maintenance Worker (DHS)	25500	B	4529	26.03	4830	27.76	5132	29.49	5434	31.23	5736	32.97	6117	35.16
Maintenance Worker (DOT, not Emergency Patrol)	25500	B	4588	26.37	4894	28.13	5199	29.88	5505	31.64	5811	33.40	6038	34.70
Power Shovel Operator (Maintenance)	33360	Q	4807	27.63	5127	29.47	5448	31.31	5768	33.15	6089	34.99	6318	36.31
Power Shovel Operator (Maintenance) (Bridge Crew – BC)	33360	Q	4739	27.24	5054	29.05	5370	30.86	5686	32.68	6002	34.49	6409	36.83

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Silk Screen
Operator 41020 B 4681 26.90 4993 28.70 5305 30.49 5617 32.28 5929 34.07 6241 35.87

NOTES: Shift Differential Pay – Employees required to work a shift different than their normal day shift ~~are~~will be paid a \$0.50 per hour shift premium, provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal day shift or employees hired into positions for which the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Heavy Construction Equipment Operators, Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Silk Screen Operators, and Bridge Mechanics employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100. The allowance shall be applied only to certified employees who are on the active payroll effective July 1. Employees on authorized leave of absence on July 1 shall be paid the allowance on a prorated basis upon return from leave.

Rates and Movements – Effective July 1, 2015, all current rates that are in effect ~~are~~will be frozen for the duration of the [2015-2019 Collective Bargaining Agreement \(CBA\) agreement](#) (including contractual in-hire movements).

Merit Incentive Program and Gain Sharing Programs – The [bargaining unit and State parties](#) agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of ~~these efforts~~this effort, the [State employer](#) shall allocate funds for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from the allocated funds ~~is~~will be based on the satisfaction of performance standards to be developed by the employer in consultation with the bargaining [unit representative](#). This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of State operations and align the incentives of the [State employer](#) with its employees, the [State employer](#) may develop gain sharing programs. Under these programs,

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employees or departments may propose initiatives that ~~would~~ achieve substantial savings for the State. Upon realization of ~~thesethose~~ savings, the ~~Stateemployer~~ may elect to return a portion of ~~thesethose~~ savings to the employees who participated in the identified initiative. This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~iswill~~ not ~~be~~ included in any pension calculations.

In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to ~~the 2015-2019 CBAthis agreement will~~ receive some form of merit compensation under these programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

The ~~State developsemployer will develop~~ specific policies for both of these programs and ~~giveswill give~~ the bargaining ~~unitrepresentative~~ an opportunity to review and comment on these policies prior to their implementation. The ~~State'semployer's~~ intent is to develop policies that ~~will~~ reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

Rights exercised by the ~~Stateemployer~~ under Section 4 of the Illinois Public Labor Relations Act [5 ILCS 315], 80 Ill. Adm. Code 301 through 331, and Article 2 of the 2015-2019 ~~CBACollective Bargaining Agreement~~ are subject to all the terms of that CBA. However, it is understood that compensation payable pursuant to merit incentive and gain sharing programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in ~~these programsthis program~~ may not be grounds for any form of discipline.

Restriction Payment in Lieu of Vacation and Vacation Benefits on Death of Employee – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

In-Hire Rate – In-hire rates are located in Section 310.47(a). The State and RC-020 Bargaining Unit agree that the in-hire rate of 75% established in the 2008-2012 and 2012-2015 ~~CBAsCollective Bargaining Agreements~~ shall continue in effect

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for all classifications. However, effective July 1, 2015, all employees ~~are~~will be frozen at their current rate for the duration of the 2015-2019 ~~CBA~~Collective Bargaining Agreement. Employees within this bargaining unit who are promoted and are in the in-hire progression ~~will~~ promote to the next step of the in-hire rate of the higher classification and ~~would then~~ are~~be~~ frozen at that new in-hire rate. In addition, temporary assignments to higher ~~level~~ classifications shall also be calculated at the in-hire rates. All full-scale employees within this ~~collective~~ bargaining unit ~~are~~will be promoted to full-scale rate as if they were promoted to the next higher classification within the series.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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

Title	Title Code	Bargaining Unit	Pay Plan Code	Full Scale Mo.	Effective Date
Highway Maintainer (Snowbirds)	18639	RC-019	Q	4375.00	July 1, 2014

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

Effective July 1, 2015

Title	Title Code	Pay Plan Code	75%		80%		85%		90%		95%		Full Scale	
			Mo.	Hr.	Mo.	Hr.								
Bridge Mechanic (IDOT)	05310	Q	4668	26.83	4979	28.61	5290	30.40	5602	32.20	5913	33.98	6224	35.77
Bridge Tender (IDOT)	05320	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Deck Hand (IDOT)	11500	B	4512	25.93	4813	27.66	5114	29.39	5414	31.11	5715	32.84	6016	34.57
Ferry Operator I (IDOT)	14801	B	4696	26.99	5009	28.79	5322	30.59	5635	32.39	5948	34.18	6261	35.98
Ferry Operator II (IDOT)	14802	B	4736	27.22	5052	29.03	5368	30.85	5684	32.67	5999	34.48	6315	36.29
Highway Maintainer (Regular – RG) (IDOT)	18639	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Highway Maintainer (Bridge Crew – BC) (IDOT)	18639	Q	4699	27.01	5012	28.80	5325	30.60	5639	32.41	5952	34.21	6265	36.01
Highway Maintainer (Drill Rig – DR) (IDOT)	18639	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18

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Highway Maintainer (Emergency Patrol – EP) (IDOT)	18639	Q	4724	27.15	5039	28.96	5354	30.77	5669	32.58	5984	34.39	6299	36.20
Highway Maintenance Lead Worker (Regular – RG) (IDOT)	18659	Q	4748	27.29	5065	29.11	5381	30.93	5698	32.75	6014	34.56	6331	36.39
Highway Maintenance Lead Worker (Bridge Crew – BC) (IDOT)	18659	Q	4806	27.62	5126	29.46	5447	31.30	5767	33.14	6088	34.99	6408	36.83
Highway Maintenance Lead Worker (Emergency Patrol – EP) (IDOT)	18659	Q	4832	27.77	5154	29.62	5476	31.47	5798	33.32	6120	35.17	6442	37.02
Highway Maintenance Lead Worker (Lead Lead Worker) (Regular – RG) (IDOT)	18659	Q	4790	27.53	5109	29.36	5428	31.20	5747	33.03	6067	34.87	6386	36.70
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew – BC) (IDOT)	18659	Q	4847	27.86	5170	29.71	5494	31.57	5817	33.43	6140	35.29	6463	37.14
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol – EP) (IDOT)	18659	Q	4851	27.88	5174	29.74	5498	31.60	5821	33.45	6145	35.32	6468	37.17

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Janitor I (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21951	B	4349	24.99	4639	26.66	4929	28.33	5219	29.99	5509	31.66	5799	33.33
Janitor II (Including Office of Administration) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	21952	B	4375	25.14	4666	26.82	4958	28.49	5250	30.17	5541	31.84	5833	33.52
Labor Maintenance Lead Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	22809	B	4560	26.21	4864	27.95	5168	29.70	5472	31.45	5776	33.20	6080	34.94
Laborer (Maintenance) (IDOT)	23080	B	4514	25.94	4815	27.67	5116	29.40	5417	31.13	5718	32.86	6019	34.59
Maintenance Equipment Operator	25020	B	4590	26.38	4896	28.14	5202	29.90	5508	31.66	5814	33.41	6120	35.17
Maintenance Equipment Operator (DHS Forensics)	25020	Q	4640	26.67	4950	28.45	5259	30.22	5568	32.00	5878	33.78	6187	35.56
Maintenance Equipment Operator (DOC)	25020	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18
Maintenance Equipment Operator (DOC – Maximum Security)	25020	S	4764	27.38	5082	29.21	5399	31.03	5717	32.86	6034	34.68	6352	36.51

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Maintenance Worker (CMS, DOC, DHS, DJJ, DNR, IDOT, ISP and DVA)	25500	B	4544	26.11	4846	27.85	5149	29.59	5452	31.33	5755	33.07	6058	34.82
Maintenance Worker (DHS – Forensics)	25500	Q	4595	26.41	4901	28.17	5207	29.93	5513	31.68	5820	33.45	6126	35.21
Power Shovel Operator (Maintenance) (Regular – RG) (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	33360	B	4671	26.84	4982	28.63	5294	30.43	5605	32.21	5917	34.01	6228	35.79
Power Shovel Operator (Maintenance) (Regular – RG) (IDOT)	33360	Q	4722	27.14	5037	28.95	5352	30.76	5666	32.56	5981	34.37	6296	36.18
Power Shovel Operator (Maintenance) (Bridge Crew – BC) (IDOT)	33360	Q	4781	27.48	5100	29.31	5419	31.14	5738	32.98	6056	34.80	6375	36.64
Security Guard I (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39851	B	4372	25.13	4663	26.80	4955	28.48	5246	30.15	5538	31.83	5829	33.50
Security Guard II (CMS, DOC, DHS, DJJ, DNR, ISP and DVA)	39852	B	4411	25.35	4705	27.04	4999	28.73	5293	30.42	5587	32.11	5881	33.80
Silk Screen Operator (IDOT)	41020	B	4675	26.87	4986	28.66	5298	30.45	5610	32.24	5921	34.03	6233	35.82

NOTES: Shift Differential Pay – Employees required to work a shift different than their normal day shift ~~are~~will be paid a \$0.50 per hour shift premium, provided that ½ or more of their work shift falls before 6:30 a.m. or after 3:00 p.m. This shift premium does not include those employees normally working shifts other than the normal

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day shift or employees hired into positions for which the regular shift hours are not considered day shift hours, or snow or ice season.

Clothing Allowance – Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Workers, Deck Hands and Power Shovel Operator Maintenance employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100. Effective July 1, 2013, employees who are required to wear steel-toe safety shoes shall receive an additional \$100 clothing allowance. The total ~~does will~~ not exceed \$200 per contract year.

Rates and Movements – Effective July 1, 2015, all current rates that are in effect ~~are will be~~ frozen for the duration of the 2015-2019 Collective Bargaining Agreement (CBA) agreement (including contractual in-hire movements).

Merit Incentive Program and Gain Sharing Programs – The bargaining unit and State parties agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of ~~these efforts this effort~~, the State employer shall allocate funds for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from the allocated funds ~~is will be~~ based on the satisfaction of performance standards to be developed by the State employer in consultation with the bargaining unit representative. This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is will not be~~ included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of State operations and align the incentives of the State employer with its employees, the State employer may develop gain sharing programs. Under these programs, employees or departments may propose initiatives that would achieve substantial savings for the State. Upon realization of these savings, the State employer may elect to return a portion of ~~these this~~ savings to the employees who participated in the identified initiative. This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation

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does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~~~will~~ not ~~be~~ included in any pension calculations.

In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to ~~the 2015-2019 CBA~~~~this agreement~~ ~~will~~ receive some form of merit compensation under ~~these~~~~such~~ programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

The ~~State develops~~~~employer will develop~~ specific policies for both of these programs and ~~gives~~~~will give~~ the bargaining ~~unit~~~~representative~~ an opportunity to review and comment on these policies prior to their implementation. The ~~State's~~~~employer's~~ intent is to develop policies that ~~will~~ reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

Rights exercised by the ~~State~~~~employer~~ under Section 4 of the Illinois Public Labor Relations Act [5 ILCS 315], 80 Ill. Adm. Code 301 through 331, and ~~Article 2 of~~ the 2015-2019 ~~CBA~~~~Collective Bargaining Agreement~~ are subject to all the terms of that CBA. However, it is understood that compensation payable pursuant to merit incentive and gain sharing programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in ~~these~~ ~~program~~~~s~~~~this~~ ~~program~~ may not be grounds for any form of discipline.

Restriction Payment in Lieu of Vacation and Vacation Benefits on Death of Employee – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

In-Hire Rate – In-hire rates are located in Section 310.47(a). The State and the RC-019 Bargaining Unit agree that the in-hire rate of 75% established in the 2008-2012 and 2012-2015 ~~CBAs~~~~Collective Bargaining Agreements~~ shall continue in effect for all classifications. However, effective July 1, 2015, all employees ~~are~~~~will be~~ frozen at their current rate for the duration of the 2015-2019 ~~CBA~~~~Collective Bargaining Agreement~~. Employees within this bargaining unit who are promoted and are in the in-hire progression ~~will~~ promote to the next step of the in-hire rate of the higher classification and ~~would then~~ ~~are~~~~be~~ frozen at that new in-hire rate. In addition, temporary assignments to higher-~~level~~

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classifications shall also be calculated at the in-hire rates. All full-scale employees within this bargaining unit are~~will be~~ promoted to the full-scale rate of the next higher classification~~classifications~~, upon promotion.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE T HR-010 (Teachers of Deaf, IFT)

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Educator	13100	HR-010	N

Effective July 1, 2015
Bargaining Unit: HR-010

<u>Lane</u>	<u>Educational Level</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
1	BA	3135	3238	3342	3445	3635	3832	4023	4229	4427	4854	5049
2	BA + 8 Hours	3234	3341	3447	3554	3744	3949	4154	4370	4576	5014	5215
3	BA + 16 Hours	3316	3425	3535	3644	3860	4076	4288	4493	4720	5178	5385
4	BA + 24 Hours	3409	3521	3634	3746	3973	4196	4418	4648	4868	5344	5560
5	MA	3514	3630	3746	3862	4088	4317	4548	4786	5011	5501	5721
6	MA + 16 Hours	3597	3716	3834	3953	4182	4412	4646	4886	5110	5607	5828
7	MA + 32 Hours	3706	3829	3951	4073	4301	4535	4772	5010	5239	5743	5973

NOTES: Bilingual Pay – For positions for which job descriptions require the use of sign language, or which require the employee to be bilingual, bilingual pay is paid on a percentage scale based on the sign communication proficiency interview (SCPI) test. An employee is paid the following percentage of the employee's monthly base salary depending on the skill level that the employee achieved on the SCPI test and paid monthly as bilingual pay in addition to the base salary:

- 1% Survival
- 2% Survival Plus
- 3% Intermediate
- 4% Intermediate Plus
- 5% Advanced

Longevity Pay – Effective August 16, 2000, the Step 7 was increased by \$25 per month for the employees who attained 10 years of continuous service and have three or more years of creditable service on Step 7 in the same pay grade.

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Effective August 16, 2004, the Step 8 rate was increased by \$25 per month for the employees who attained 10 years of continuous service and have three years or more years of creditable service on Step 8 in the same or higher pay grade. For the employees who attained 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate was raised by \$50 per month. Longevity is paid each month per calendar year. Effective August 16, 2010, the Step 8 was raised by \$50 per month for the employees who attained 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before August 16, 2010. For the employees who attained 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before August 16, 2010, the Step 8 rate was increased by \$75 per month. Effective August 16, 2013, the Step 8 was raised by \$25 per month to \$75 per month for the employees who attained 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before August 16, 2013. For the employees who attained 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before August 16, 2013, the Step 8 rate was increased by \$25 per month to \$100 per month. Employees who are eligible for longevity on or before January 1, 2002 shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade. Employees not eligible for longevity pay on or before the date they are placed on Step 8 shall begin to receive longevity pay after three years or more of creditable service on Step 8.

Frozen Step Increases – Effective July 1, 2015, step increases shall be frozen for the duration of the [2015-2019 Collective Bargaining Agreement \(CBA\) agreement](#).

FY2016 Bonus, Merit Incentive Program and Gain Sharing Program – All bargaining unit employees who are in active employment status on June 30, 2016, and who have missed fewer than five ~~(5)~~ percent of their assigned work days between the effective date of [the 2015-2019 CBA this Agreement](#) and June 30, 2016 shall receive a one ~~(1)~~ time, non-pensionable bonus of \$1,000. This bonus shall be paid no later than 30 days from the date upon which the contract is signed by the [bargaining unit and State parties](#), subject to any Pay Plan change that is necessary to effectuate this provision.

The [bargaining unit and State parties](#) agree to develop and implement a merit incentive program [that began which will begin](#) in the Fiscal Year starting July 1,

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2016, to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of ~~thesesuch~~ efforts, the ~~StateEmployer~~ shall ~~allocate funds~~~~create an annual bonus fund~~ for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from ~~the allocated funds is~~~~this bonus fund will be~~ based on the satisfaction of performance standards to be developed by the ~~StateEmployer~~ in consultation with the ~~bargaining unit~~~~Union~~. ~~ThisSuch~~ merit compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. ~~Any, and that any~~ employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~~~will~~ not ~~be~~ included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of ~~Statestate~~ operations and align the incentives of the ~~StateEmployer~~ with its employees, the ~~StateEmployer~~ shall develop gain sharing programs. Under ~~thesesuch~~ programs, employees or agencies that achieve savings for the State ~~share~~~~will share~~ in ~~thesesuch~~ savings. Savings shall be calculated based on achieved savings for the State and shall not include savings from other funds, such as Federal funds, if the State is forbidden from disbursing ~~thesuch~~ monies as rewards. ~~ThisSuch~~ compensation, either for a group or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts gain-sharing compensation does so voluntarily and with the knowledge and on the express condition that the merit pay or gain-sharing compensation ~~is~~~~will~~ not ~~be~~ included in any pension calculations.

In each contract year in which a merit incentive program is created, and subject to annual approval as a part of the State's overall budget, the ~~StateEmployer~~ shall set aside for payments pursuant to this Section, a separate budgetary line item in an amount equal to two ~~(2)~~ percent of the budgeted base payroll costs for ~~thea~~ bargaining unit employees ("Bonus Pool"). Employee bonuses ~~are~~~~will~~ then ~~be~~ distributed as follows:

- 1) One-half (.5) percent of the Bonus Pool ~~is~~~~will be~~ distributed among all bargaining unit employees subject to ~~the 2015-2019 CBA~~~~this Agreement~~ and who meet the conditions stated in ~~subsections-(1)(a) and (b) of this Section~~ in proportion to each employee's base salary. To be eligible to receive the first one-half ~~(.5)~~ percent of the ~~Bonus Pool~~~~bonus pool~~, an employee:

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- a) ~~Shall~~ Must have missed no more than seven ~~(7)~~ of their assigned work days (or no more than 56 of their assigned work hours) in the fiscal year during which a bonus is distributed, and
 - b) ~~Shall~~ Must have committed no work policy violations during the same fiscal year.
- 2) The remaining one and one-half ~~(1.5)~~ percent of the Bonus Pool ~~is~~ will be distributed to no fewer than 25% of employees based on the satisfaction of performance standards to be developed by the ~~State~~ Employer in consultation with the ~~bargaining unit~~ Union as part of a merit incentive program described ~~in subsection B~~ above, as well as meeting the criterion set out in ~~subsection (1)(a)~~ above.

The ~~State~~ Employer shall form a joint committee with the ~~bargaining unit~~ Union comprised of at least three ~~(3)~~ representatives from the ~~bargaining unit~~ Union and a comparable number of ~~representatives from the State~~ Employer ~~representatives~~. The purpose of ~~thesuch~~ committee ~~is~~ will be to allow the ~~bargaining unit~~ Union the opportunity to consult on ~~the~~ development of specific policies and criteria for both of these programs. Further, once developed, the ~~bargaining unit is~~ Union will be given an opportunity to review and comment on ~~thesesuch~~ policies and criteria prior to their implementation. The ~~State's~~ Employer's intent is to develop policies that ~~will~~ reward employees or group of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure. Whenever the ~~State~~ Employer pays an employee or group of employees as part of the merit incentive program or gain-sharing initiatives, the payments shall be funded by the employing ~~agency's~~ Agency's operating funds. The ~~State~~ Employer shall forward all requests for payment to the Comptroller, and payments shall be issued as required by the obligations of ~~the 2015-2019 CBA~~ this Agreement.

~~The~~ This Memorandum of ~~Understanding signed May 31, 2016~~ Agreement shall remain in effect until the expiration of the ~~2015-2019 CBA~~ current collective bargaining agreement between the ~~bargaining unit and State~~ parties, or until there is a mutual agreement between the ~~bargaining unit and State~~ parties to terminate

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the Memorandum of Understanding signed May 31, 2016~~this memorandum of understanding~~ prior to thesueh expiration.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Activity Therapist Supervisor	00163	RC-062	20
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22

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Behavioral Analyst Associate	04355	RC-062	15
Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Cancer Registrar I	05951	RC-062	14
Cancer Registrar II	05952	RC-062	16
Cancer Registrar III	05953	RC-062	20
Cancer Registrar Assistant Manager	05954	RC-062	22
Cancer Registrar Manager	05955	RC-062	24
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Support Specialist I	07198	RC-062	16
Child Support Specialist II	07199	RC-062	17
Child Support Specialist Trainee	07200	RC-062	12
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15

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Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17
Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Data Processing Supervisor I	11435	RC-062	11
Data Processing Supervisor II	11436	RC-062	14
Data Processing Supervisor III	11437	RC-062	18
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietary Manager I	12501	RC-062	16
Dietary Manager II	12502	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21

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Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educational Diagnostician	12965	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Firearms Eligibility Analyst I	15371	RC-062	13

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Firearms Eligibility Analyst II	15372	RC-062	16
Firearms Eligibility Analyst Trainee	15375	RC-062	11
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Gaming Licensing Analyst	17171	RC-062	13
Gaming Operations Supervisor	17181	RC-062	26
Gaming Senior Special Agent	17191	RC-062	23
Gaming Shift Supervisor	17187	RC-062	24
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Gaming Unit Supervisor	17201	RC-062	26
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Mediator	19771	RC-062	17
Human Rights Specialist I	19778	RC-062	14

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Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Internal Security Investigator I, not Department of Corrections	21731	RC-062	18
Internal Security Investigator II, not Department of Corrections	21732	RC-062	21
International Marketing Representative I, Department of Agriculture	21761	RC-062	14
Juvenile Justice Youth and Family Specialist, Option 1	21991	RC-062	18
Juvenile Justice Youth and Family Specialist, Option 2	21992	RC-062	20
KidCare Supervisor	22003	RC-062	20
Labor Conciliator	22750	RC-062	20

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Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12

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Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Private Secretary I	34201	RC-062	16
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19

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Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21
<u>Public Safety Drug Screening Specialist</u>	<u>37006</u>	<u>RC-062</u>	<u>17</u>
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2, 6, 7 Gaming Board and Departments of Healthcare and Family Services and Revenue, 8C, 9A and 9B	37015	RC-062	24
Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22

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Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29 – Hired prior to April 1, 2013)	38369	RC-062	27
Revenue Audit Supervisor (See Note – Hired prior to April 1, 2013)	38369	RC-062	29
Revenue Auditor I	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21 – Hired prior to April 1, 2013)	38371	RC-062	19
Revenue Auditor I (See Note – Hired prior to April 1, 2013)	38371	RC-062	21
Revenue Auditor II	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24 – Hired prior to April 1, 2013)	38372	RC-062	22
Revenue Auditor II (See Note – Hired prior to April 1, 2013)	38372	RC-062	24
Revenue Auditor III	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26 – Hired prior to April 1, 2013)	38373	RC-062	24
Revenue Auditor III (See Note – Hired prior to April 1, 2013)	38373	RC-062	26
Revenue Auditor Trainee	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15 – Hired prior to April 1, 2013)	38375	RC-062	13
Revenue Auditor Trainee (See Note – Hired prior to April 1, 2013)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL and not assigned to RC-062-27 – Hired prior to April 1, 2013)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note – Hired prior to April 1, 2013)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA)	38572	RC-062	17

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or NJ)			
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Senior Public Service Administrator, Option 7 Gaming Board and Department of Revenue	40070	RC-062	26
Sex Offender Therapist I	40531	RC-062	17
Sex Offender Therapist II	40532	RC-062	19
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	17
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Mine Inspector-at-Large	42240	RC-062	21
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22

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Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTES: Shift Differential Pay – Employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. The payment shall be for all paid time. Incumbents who currently receive a percentage shift differential providing more than the cents per hour indicated in this Note based on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. This provision shall not apply to employees who, because of "flex-time" scheduling made at their request, are scheduled and work hours that would otherwise qualify them for premium pay under this provision.

Option Clarification – The positions allocated to the Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the following Options: 2; 6;

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7; 8B; 8C; 8Y; 8Z; 9A; and 9B. The positions allocated to the Senior Public Service Administrator title that are assigned to a negotiated RC-062 pay grade have the Option 7. See the definition of option in Section 310.50.

Longevity Pay – Effective January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 7 in the same or higher pay grade on or before January 1, 2002, the Step 8 rate shall be increased by \$50 per month. For employees not eligible for longevity pay on or before January 1, 2002, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$75 a month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013. For those employees who attain 15 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2013, the Step 8 rate shall be increased by \$25 per month to \$100 a month. Employees whose salaries are red-circled above the maximum Step rate continue to receive all applicable general increases and any other adjustments (except the longevity pay) provided for in the Agreement. For these employees, the longevity pay shall be limited to the amount that would increase the employee's salary to the amount that is equal to that of an employee on the maximum Step rate with the same number of years of continuous and creditable service. Employees receiving the longevity pay shall continue to receive the longevity pay as long as they remain in the same or successor classification as a result of a reclassification or reevaluation. Employees who are eligible for the increase provided for longevity pay on or before January 1, 2002, shall continue to receive longevity pay after being placed on Step 8 while they remain in the same or lower pay grade.

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For the Revenue Tax Specialist II position classification title only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade assigned to the employee holding a position within the boundaries of the State of Illinois. The pay grade assigned to the employee holding a position located within the boundaries of the State of Illinois is the pay grade with the (IL) indication next to the position classification. The pay grade assigned to the employee holding the position located outside the boundaries of the State of Illinois is determined by the location of the employee's residence or position location (e.g., IL, CA or NJ or a state other than IL, CA or NJ). If the employee's residence moves to another state while the employee is in the same position located outside the boundaries of the State of Illinois, or moves into another position located outside the boundaries of the State of Illinois in the same position classification, the base salary may change depending on the location of the employee's new residence. In all cases, change in base salary shall be on a step for step basis (e.g., if the original base salary was on Step 5 in one pay grade, the new base salary will also be on Step 5 of the newly appropriate pay grade).

For the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist position classification titles only – Effective July 1, 2010, State employees appointed to positions allocated to the Revenue Audit Supervisor, Revenue Auditor I, II and III, Revenue Auditor Trainee, and Revenue Computer Audit Specialist classifications shall be assigned to the pay grades:

Revenue Audit Supervisor, RC-062-29
Revenue Auditor I, RC-062-21
Revenue Auditor II, RC-062-24
Revenue Auditor III, RC-062-26
Revenue Auditor Trainee, RC-062-15
Revenue Computer Audit Specialist, RC-062-27

if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia. This shall not apply to employees who are hired after April 1, 2013.

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Effective July 1, 2014
Bargaining Unit: RC-062

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
9	B	3027	3127	3227	3327	3430	3539	3649	3766	3877	4061	4223
9	Q	3151	3254	3358	3462	3568	3683	3796	3920	4037	4230	4401
9	S	3215	3321	3427	3533	3641	3759	3874	3999	4116	4311	4484
10	B	3124	3227	3330	3433	3559	3664	3785	3905	4025	4231	4402
10	Q	3250	3358	3465	3572	3702	3814	3944	4067	4195	4418	4594
10	S	3318	3427	3536	3645	3776	3891	4020	4144	4280	4500	4679
11	B	3240	3347	3453	3560	3681	3800	3938	4067	4194	4416	4592
11	Q	3371	3481	3592	3704	3836	3961	4102	4240	4373	4610	4793
11	S	3436	3550	3663	3777	3910	4036	4181	4319	4456	4692	4879
12	B	3371	3481	3592	3704	3840	3965	4114	4248	4405	4641	4826
12	Q	3508	3625	3740	3856	3998	4130	4289	4435	4595	4846	5041
12	S	3577	3694	3813	3931	4074	4208	4371	4520	4681	4933	5132
12H	B	20.74	21.42	22.10	22.79	23.63	24.40	25.32	26.14	27.11	28.56	29.70
12H	Q	21.59	22.31	23.02	23.73	24.60	25.42	26.39	27.29	28.28	29.82	31.02
12H	S	22.01	22.73	23.46	24.19	25.07	25.90	26.90	27.82	28.81	30.36	31.58
13	B	3498	3612	3728	3843	3984	4136	4290	4446	4614	4871	5063
13	Q	3642	3762	3883	4002	4148	4312	4481	4645	4816	5090	5294
13	S	3711	3834	3956	4078	4229	4396	4567	4727	4902	5178	5385
14	B	3647	3767	3887	4008	4159	4321	4511	4675	4852	5137	5342
14	Q	3803	3928	4053	4178	4336	4515	4709	4886	5073	5367	5580
14	S	3872	4000	4127	4255	4422	4594	4793	4973	5159	5453	5668

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14H	B	22.44	23.18	23.92	24.66	25.59	26.59	27.76	28.77	29.86	31.61	32.87
14H	Q	23.40	24.17	24.94	25.71	26.68	27.78	28.98	30.07	31.22	33.03	34.34
14H	S	23.83	24.62	25.40	26.18	27.21	28.27	29.50	30.60	31.75	33.56	34.88
15	B	3792	3917	4042	4167	4351	4530	4706	4898	5082	5388	5601
15	Q	3957	4087	4218	4348	4538	4727	4918	5121	5310	5626	5854
15	S	4029	4163	4295	4428	4623	4810	5004	5208	5396	5715	5943
16	B	3969	4099	4230	4362	4556	4758	4954	5162	5368	5685	5913
16	Q	4141	4278	4415	4550	4758	4975	5182	5395	5610	5944	6184
16	S	4221	4361	4498	4638	4843	5060	5269	5480	5699	6027	6267
16H	B	24.42	25.22	26.03	26.84	28.04	29.28	30.49	31.77	33.03	34.98	36.39
16H	Q	25.48	26.33	27.17	28.00	29.28	30.62	31.89	33.20	34.52	36.58	38.06
16H	S	25.98	26.84	27.68	28.54	29.80	31.14	32.42	33.72	35.07	37.09	38.57
17	B	4159	4295	4432	4570	4780	4999	5212	5423	5643	5979	6218
17	Q	4338	4481	4625	4767	4996	5226	5444	5665	5898	6248	6500
17	S	4417	4562	4708	4853	5085	5314	5534	5753	5982	6339	6591
18	B	4377	4522	4665	4809	5041	5274	5516	5740	5971	6326	6581
18	Q	4571	4722	4873	5024	5271	5515	5766	6001	6240	6615	6878
18	S	4646	4800	4953	5106	5355	5601	5853	6088	6330	6697	6967
19	B	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	J	4612	4764	4916	5067	5325	5577	5834	6083	6336	6722	6990
19	Q	4821	4980	5138	5297	5568	5825	6103	6357	6624	7023	7304
19	S	4901	5062	5224	5387	5656	5915	6189	6445	6711	7109	7393
20	B	4873	5033	5194	5354	5625	5885	6167	6435	6701	7108	7392
20	Q	5092	5259	5427	5596	5877	6155	6447	6724	7003	7432	7729
20	S	5172	5344	5514	5684	5965	6240	6532	6810	7090	7514	7815
21	B	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849
21	U	5146	5315	5485	5655	5946	6233	6523	6820	7105	7548	7849

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21	Q	5377	5555	5732	5910	6214	6513	6817	7129	7428	7889	8204
21	S	5457	5637	5817	5997	6299	6597	6906	7215	7511	7975	8293
22	B	5441	5619	5799	5978	6290	6595	6908	7228	7529	7998	8318
22	Q	5683	5871	6058	6245	6573	6896	7219	7552	7870	8358	8689
22	S	5766	5957	6146	6336	6656	6982	7304	7641	7960	8445	8783
23	B	5770	5961	6151	6341	6677	7020	7352	7690	8023	8531	8873
23	Q	6033	6233	6432	6630	6980	7337	7682	8040	8387	8912	9268
23	S	6111	6313	6514	6716	7065	7424	7769	8124	8474	9000	9357
24	B	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	J	6141	6344	6546	6749	7107	7482	7838	8202	8570	9109	9472
24	Q	6419	6630	6843	7054	7431	7816	8194	8567	8956	9519	9900
24	S	6499	6714	6928	7142	7513	7901	8277	8657	9044	9604	9988
25	B	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	J	6547	6763	6979	7194	7586	7988	8385	8783	9184	9773	10163
25	Q	6838	7065	7289	7514	7927	8342	8766	9183	9598	10212	10622
25	S	6919	7147	7376	7603	8014	8430	8849	9266	9681	10299	10714
26	B	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844
26	U	6984	7214	7445	7676	8097	8527	8957	9375	9796	10427	10844
26	Q	7323	7563	7805	8047	8482	8931	9382	9822	10259	10924	11361
26	S	7390	7634	7876	8120	8563	9018	9473	9914	10359	11032	11473
27	B	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	J	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	U	7456	7702	7949	8195	8641	9096	9556	10005	10455	11129	11576
27	Q	7794	8051	8308	8565	9031	9506	9992	10459	10928	11634	12100
28	B	7823	8081	8340	8598	9063	9544	10029	10499	10969	11679	12148
29	U	8211	8481	8752	9022	9513	10016	10523	11017	11511	12256	12745

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE AA NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)****Effective ~~December 31, 2014~~ January 1, 2012**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
Cartographer III	06673	NR-916	B	46704575	64836353	82958130
Civil Engineer I	07601	NR-916	B	45404450	57755660	70106870
Civil Engineer II	07602	NR-916	B	48454750	64406313	80357875
Civil Engineer III	07603	NR-916	B	53205215	71607018	90008820
Civil Engineer Trainee	07607	NR-916	B	42754190	51185015	59605840
End-User Computer Services Specialist I	13691	NR-916	B	41054020	57105595	73157170
End-User Computer Services Specialist II	13692	NR-916	B	46704575	64836353	82958130
End-User Computer Systems Analyst	13693	NR-916	B	50154915	70856945	91558975
Engineering Technician I	13731	NR-916	B	26402585	36883613	47354640
Engineering Technician II	13732	NR-916	B	31703105	44304340	56905575
Engineering Technician III	13733	NR-916	B	38403760	53085200	67756640
Engineering Technician IV	13734	NR-916	B	46954600	67356600	87758600
Highway Construction Supervisor I	18525	NR-916	B	42554170	59305813	76057455
Highway Construction Supervisor II	18526	NR-916	B	47554660	67736638	87908615
Technical Manager I	45261	NR-916	B	36053530	50034900	64006270

NOTES: Shift Differential Pay – ~~Effective As of~~ July 1, 2013, employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary for that day provided

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that they are scheduled to work and they work ½ or more of the work hours before 7:00 a.m. or after 3:00 p.m. The regular base rate of pay shall apply for liquidation of any benefit time, including holidays.

Vacation Payment – Effective January 1, 2016, employees newly-hired into the bargaining unit shall be entitled to a vacation payout of no more than 45 days.

Rates and Movements – Effective July 1, 2015, all current rates that are in effect ~~are~~will be frozen for the duration of the 2015-2019 Collective Bargaining Agreement (CBA) agreement (including all mid-point increases, bracket movements and cost of living adjustments (COLAs)).

Merit Incentive Program and Gain Sharing Programs – The bargaining unit and State parties agree to develop and implement a merit incentive program to reward and incentivize high-performing employees, or a group's/unit's performance. As a part of ~~these efforts~~this effort, the State employer shall allocate funds for payout to those individuals deemed high performers or for a group's/unit's level of performance for the specific group/unit. Payment from the allocated funds ~~is~~will be based on the satisfaction of performance standards to be developed by the State employer in consultation with the bargaining unit representative. This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~will not be included in any pension calculations.

Additionally, as a part of overall efforts to improve efficiency of State operations and align the incentives of the State employer with its employees, the State employer may develop gain sharing programs. Under these programs, employees or departments may propose initiatives that ~~would~~ achieve substantial savings for the State. Upon realization of these savings, the State employer may elect to return a portion of these savings to the employees who participated in the identified initiative. This compensation, either for a group/unit or an individual, shall be considered a one-time bonus and ~~will be~~ offered only as a non-pensionable incentive. Any employee who accepts merit pay compensation does so voluntarily and with the knowledge and on the express condition that the merit pay compensation ~~is~~will not be included in any pension calculations.

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In each contract year in which a merit incentive program is created, no less than 25% of the employees subject to ~~the 2015-2019 CBA~~~~this agreement~~ will receive some form of merit compensation under ~~these~~~~such~~ programs. Funding for these performance bonuses is subject to annual approval as a part of the State's overall budget.

The ~~State develop~~~~employer will develop~~ specific policies for both of these programs and ~~gives~~~~will give~~ the bargaining ~~unit~~~~representative~~ an opportunity to review and comment on these policies prior to their implementation. The ~~State's~~~~employer's~~ intent is to develop policies that ~~will~~ reward employees or units of employees based on specific achievements and to prevent payouts that are influenced by favoritism, politics, or other purely subjective criteria. Compliance with the policies for both of these programs shall be subject to the grievance and arbitration procedure.

Rights exercised by the ~~State~~~~employer~~ under Section 4 of the Illinois Public Labor Relations Act [5 ILCS 315], 80 Ill. Adm. Code 301 through 331, and Article IV of the 2015-2019 ~~CBA~~~~Collective Bargaining Agreement~~ are subject to all the terms of that CBA. However, it is understood that compensation payable pursuant to merit incentive and gain sharing programs shall be performance-based only. Moreover, an employee's failure or refusal to participate in ~~these programs~~~~this program~~ may not be grounds for any form of discipline.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Obligations of Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 412
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
412.10	Amendment
412.15	New Section
412.20	Amendment
412.30	Repealed
412.100	Amendment
412.105	New Section
412.110	Amendment
412.115	New Section
412.120	Amendment
412.130	Amendment
412.140	Amendment
412.150	Amendment
412.160	Amendment
412.165	New Section
412.170	Amendment
412.180	Amendment
412.190	Amendment
412.200	Amendment
412.210	Amendment
412.220	Amendment
412.230	Amendment
412.240	Amendment
412.250	Amendment
412.300	Amendment
412.310	Amendment
412.320	Amendment
412.330	New Section
412.340	New Section
412.APPENDIX A	New Section
- 4) Statutory Authority: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501]

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- 5) A Complete Description of the Subjects and Issues Involved: In two related rulemakings, the Commission is proposing changes to rules on the marketing practices of retail electric suppliers. This rulemaking addresses Part 412, Obligations of Retail Electric Suppliers; the companion proceeding involves Part 453, Internet Enrollment Rules. Together, the proposed changes to the two parts will expand consumer protections through additional marketing controls of sales solicitations, will standardize contract content and descriptions, and will require that suppliers post their residential offers on the agency's website.
- 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: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 15-0512 with:
- Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are

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

- B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and filing procedures
 - C) Types of professional skills necessary for compliance: Managerial and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Commission did not anticipate the need for this rulemaking at that time.

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

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TITLE 83: PUBLIC UTILITIES
 CHAPTER I: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER c: ELECTRIC UTILITIES

PART 412
 OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section	
412.10	Definitions
412.15	Compliance
412.20	Waiver
412.30	Construction of this Part (Repealed)

SUBPART B: MARKETING PRACTICES

Section	
412.100	Application of Subpart B
412.105	Use of Utility Logo and Name
412.110	Minimum Contract Terms and Conditions
412.115	Uniform Disclosure Statement
412.120	In-Person Door-to-Door Solicitation
412.130	Telemarketing
412.140	Inbound Enrollment Calls
412.150	Direct Mail
412.160	Online Marketing
412.165	Rate Notice to Customers
412.170	Conduct, Training and Compliance of RES Agents
412.180	Records Retention and Availability
412.190	Renewable Energy Product Descriptions

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
 AND AUTOMATIC CONTRACT RENEWAL

Section	
412.200	Application of Subpart C
412.210	Rescission of Sales Contract
412.220	Deposits

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412.230	Early Termination of Sales Contract
412.240	Contract Renewal
412.250	Assignment

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section	
412.300	Application of Subpart D
412.310	Required RES Information
412.320	Dispute Resolution
412.330	Failure to Comply
412.340	Severability

[412.APPENDIX A](#) [Uniform Disclosure Statement](#)

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 36 Ill. Reg. 17886, effective January 1, 2013; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 412.10 Definitions

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

"Alternative retail electric supplier" or "ARES" means an entity *that offers for sale or lease, or delivers or furnishes ~~electricity~~power or energy to retail customers.* (See 220 ILCS 5/16-102.)

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an RES, by a customer or other entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer" means:

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a retail customer who is a single entity using ~~electricity~~electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or is served by a municipal system or electric cooperative; or

an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]

"Early termination fee" means a fee or penalty for terminating a contract for electric service before the end of the contract term.

"Electric utility" means *a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area. [220 ILCS 5/16-102]*

"Enrollment" means contracting with an RES to provide the supply portion of electric service.

"Fixed rate" means the charge for electric service that remains the same for the term of the contract.

"Inbound enrollment call" means a telephone call to an RES agent initiated by a consumer that results in an enrollment or change of provision of his or her electric service.

"In-person solicitation" means any sale initiated or conducted when the RES agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

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"Pending enrollment" means a valid direct access service request that has been accepted by an electric utility, for which the meter read switch has not yet occurred.

"Renewable energy credit" or "REC" has the meaning ascribed in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855].

"Renewable energy resources" has the meaning ascribed in Section 1-10 of the Illinois Power Agency Act.

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for ~~electric power and energy~~ service on behalf of an RES.

"Rescind" means the cancellation of a contract with an RES and/or pending customer enrollment to an RES, without the incurrence of an early termination fee.

"Residential customer" means a person receiving gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers outside their service areas or providing competitive non-tariffed service (see Section 16-116 of the Act).

"Send" or "Sent", when used in this Part to describe the action to be taken by a Retail Electric Supplier of sending a document to a residential customer or small commercial retail customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kilowatt-hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial retail customer, usage by

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the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RES as to a customer's status as a small ~~retail~~-commercial retail customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" or "TPV" means the process described in Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE(b)] and required to be used to verify that the customer wants to make a change in electric supplier. The TPV shall not be described as having any other purpose.

"Transferred call" shall include any enrollment call in which the customer did not directly dial an RES agent, including calls that originate as live or automated calls to the customer who then might select an option that results in the call being forwarded to an RES agent. "Transferred call" does not include enrollment calls in which the customer directly dials an RES call center and selects to be forwarded to an RES agent from a call center menu or live operator. Transferred calls shall be treated as Telemarketing within the meaning of Section 412.130 for purposes of enrollment compliance.

"Variable rate" means the charge for electric service changes at any time during the term of the contract.

"Written" or "in writing" means a hard copy. When this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as both RES and customer have agreed to electronic communication.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.15 Compliance

The Commission shall require implementation of each requirement on the first day of the month following 6 months from the date of the Commission's final order, unless the Commission grants an extension of time for cause.

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(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 412.20 Waiver

- a) The Commission, on application or petition of an RES or non-RES electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:
- 1) the provision from which the waiver is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the waiver; and
 - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.30 Construction of this Part (Repealed)

~~In the event of any conflict between this Part and the requirements provided in electric utility tariffs on file with the Commission as of January 1, 2013, this Part shall control. Electric utility tariffs approved after January 1, 2013 shall comply with this Part.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

- a) The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small ~~retail~~ commercial retail customers, and only to the extent that the ~~RESs~~RES provide services to residential or small ~~retail~~ commercial retail customers.

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- b) The following exceptions to Subpart B apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to ~~RESs~~RES serving or seeking to serve any retail customer, other than ~~RESs~~RES certified under Subpart E of, or under the applicable of Subpart B or C of, 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.105 Use of Utility Logo and Name

- a) An RES shall not utilize the logo of a public utility in any manner.
- b) An RES shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an RES is soliciting on behalf of or is an agent of a utility when no such relationship exists.
- c) An RES shall not utilize the name, or any other identifying insignia, graphics or wording that has been used at any time to represent a public utility company or its services, to identify, label or define any of its electric service offers.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 412.110 Minimum Contract Terms and Conditions

The sales contract shall contain the disclosures specified in this Section in 12-point type size or larger, in the order presented in this Section. The disclosures specified in this Section shall appear at the beginning of the sales contract; no other contract terms shall precede these disclosures~~must disclose the following information to the customer, regardless of the form of marketing used. Any additional~~The sales contract language shall~~must use 10-point type size~~font or larger, ~~and, if it is a separate document, it must not exceed two pages in length.~~ The sales contract shall include the following disclosures:

- a) The legal name of the RES and the name under which the RES will market its products, if different;

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- b) The RES' business address;
- e) ~~The RES' toll-free telephone number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints;~~
- cd) The charges for ~~the~~ service for the term length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;
- d) For any product for which the price includes a fixed monthly charge, that does not change with the customer's usage and does not include all supply and delivery service charges, the RES shall provide an estimated total bill for electric service using sample monthly usage levels of 500, 1,000 and 1,500 kilowatt-hours;
- e) For any product offered at a fixed monthly charge that does not change with the customer's usage and does not include all supply and delivery service charges, the RES must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for electric service and identifying which charges are not included in the fixed monthly charge;
- fe) The term length of the contract, including any ~~applicable possible automatic~~ renewal clause disclosed in a manner consistent with this Part;
- gf) Whether an~~The presence or absence of~~ early termination ~~fees~~ or penalty will be imposed for termination of the contract by the customer prior to the expiration of its term and the penalties, applicable amount amounts. If the early termination fee or penalty is not a set amount, the RES shall disclose the manner in which that fee will be calculated or the formula pursuant to which they are calculated;
- hg) If the RES intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the RES shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the deposit or prepayment will be calculated, and the circumstances in which the deposit or prepayment will be refunded. Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;
- ih) Any fees assessed by the RES to a customer for switching to the RES;

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- j~~i~~) If an RES represents that a customer will realize savings under any conditions or circumstances, the RES shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the savings to be realized. The statement shall disclose the entity or entities and price or prices to which the RES is comparing its own offer for purposes of assessing or calculating savings~~The name of the power and energy service for which the customer is being solicited;~~
- j) ~~A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;~~
- k) A statement that the customer may rescind the contract and the pending enrollment, within 10 calendar days after the electric utility processes the enrollment request, by contacting the RES. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility. ~~The statement shall provide both toll-free phone numbers;~~
- l) A statement that the RES is an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that the RES agent is not representing, endorsed by, or acting on behalf of, the electric utility or a utility program, a consumer group or consumer group program, or a governmental body or program of a governmental body~~bodies~~ (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) ~~or consumer groups~~;
- m) A statement that:
- 1) the electric utility remains responsible for the delivery of electricity power and energy to the customer's premises and will continue to respond to any service calls and emergencies; ~~and that~~
 - 2) the customer will receive written notification from the electric utility confirming a switch of the customer's electricity suppliers~~switching to an RES will not impact the customer's electric service reliability; and~~
- n) The toll-free telephone numbers for the RES, the electric utility, and the Commission's Consumer Services Division.~~A statement that the customer will~~

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~~receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;~~

- ~~o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and inbound enrollment calls, the statement shall be provided in accordance with Sections 412.130(e) and 412.140(c); and~~
- ~~p) A price per kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide an estimated price per kWh for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.115 Uniform Disclosure Statement

- a) All RES product offers for residential and small commercial customers require a one-page Uniform Disclosure Statement (UDS) using the form in Appendix A.
 - 1) All text in the UDS shall be printed in a 12-point type or larger.
 - 2) The UDS may include a logo of the RES.
 - 3) The UDS shall not contain any items other than those found in Appendix A or described in this Section.
- b) The disclosures in the UDS shall conform to Appendix A and shall include the information listed in this subsection (b), in the order listed.

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- 1) Name: The legal name of the RES and the name under which the RES will market its products, if different.
- 2) Address: The RES' business address and internet address.
- 3) Phone: The RES' toll-free telephone number and hours of availability.
- 4) Price: The price in cents per kilowatt hour and the number of months the price stays in effect.
 - A) If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollar amounts instead.
 - B) If the price is a custom price, the UDS shall include the word "custom" and the RES shall replace "custom" with the price offered to a particular customer once the RES has determined the custom price for the customer.
 - C) If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase "refer to contract".
 - D) If the price is a price that varies more than once a month, the UDS shall include the phrase "time of use; refer to contract".
- 5) Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, that charge shall be disclosed in dollar amounts.
- 6) Total Price with Other Monthly Charges: If the price includes a fixed monthly charge that does not change with the customer's usage, and the fixed monthly charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kilowatt hour at sample usage levels of 500, 1,000 and 1,500 kilowatt hours.
- 7) Length of the Contract: The length of the contract in months.

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- 8) Subsequent Prices after the Initial Price: If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state the price in cents per kilowatt hour and the number of months that price will stay in effect. If the price after the initial price is a price that includes a fixed monthly charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kilowatt hour at sample usage levels of 500, 1,000 and 1,500 kilowatt hours. If the price after the initial price is a rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the electric utility's rate during any given period." If the price after the initial price is a variable rate, yet one or both of the statements in the preceding sentence do not apply, the UDS shall include the following: "Variable. Refer to contract"
- 9) Early Termination Fee: The UDS shall disclose the amount of the early termination fee or penalty, if any. If the early termination fee or penalty is not a set amount, the UDS shall disclose the manner in which the fee or penalty will be calculated.
- 10) Contract Renewal: The UDS shall disclose whether the contract renews automatically.
- 11) Rescission: The UDS shall include the following: "You have a right to rescind (stop) your enrollment within 10 calendar days after your utility has received your order to switch suppliers. You may call us at (insert toll-free number) or your utility at (insert toll-free number) to rescind."
- 12) Cancellation: The UDS shall include the following: "You also have the right to terminate the contract without any termination fee or penalty if you contact us at (insert toll-free number) within 10 business days after the date of your first bill with charges from (RES name)."
- 13) Seller: The UDS shall include the following: "This is a sales solicitation and the seller is (insert RES name), an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or a utility program, a governmental body or a

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governmental program, or a consumer group or a consumer group program."

- 14) Questions/Information: The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795. For information about the electric supply price of your utility and offers from other retail electric suppliers, please visit PlugInIllinois.org."
- 15) Date of Solicitation: The UDS shall state the date the customer was solicited.
- 16) Agent ID: The UDS shall include an agent ID.
- 17) Variable Rate Products: For a variable rate product, the UDS shall state that the current rate per kilowatt hour price and a one-year price history, or history for the life of the product, if it has been offered less than one year, are available on the RES' website and at a toll-free number. An RES shall not rename a product in order to avoid disclosure of price history.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 412.120 In-person~~Door-to-Door~~ Solicitation

- a) An RES agent shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission and. ~~An RES agent shall not state or otherwise imply~~ that he or she is not employed by, representing, endorsed by, or acting on behalf of, the electric utility, or a utility program, a consumer group or consumer group program, or a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group.
- b) If any sales solicitation, agreement, contract or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language. When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the

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agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

- c) RES agents who engage in ~~in-person door to door~~ solicitation for the purpose of selling ~~electric power and energy~~ service offered by the RES shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following:
- 1) The RES agent's full name in reasonable size font;
 - 2) An agent ID number;
 - 3) A photograph of the RES agent; and
 - 4) The trade name and logo of the RES the agent is representing. If the agent is selling ~~electric service power and energy services~~ from multiple ~~RESs~~ RES to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.
- d) The RES agent shall leave the premises at the customer's, owner's or occupant's request. In the absence of local ordinances or regulations, RESs and their agents shall not conduct in-person solicitation at residential dwellings before 9:00 a.m. and after 7:00 p.m. or sunset, whichever is earlier.
- e) The RES agent shall ~~ensure that~~, during the sales presentation to the customer, verbally disclose the items listed in Section 412.110(a) and (c) through (n) items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally disclosed to the customer unless the sales presentation is terminated by the customer before the disclosures are completed. An RES agent may disclose the items in any order, provided that as long as all applicable items are explained to the customer during the sales presentation.
- f) ~~The RES agent shall require the customer to initial the RES agent's copy of the uniform disclosure statement.~~ A copy of the UDS uniform disclosure statement

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described in Section 412.115 and Appendix A is to be left with the customer at the conclusion of the visit unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents an RES agent from providing the UDS electronically instead of in paper form to the customer upon request. The minimum list of items to be included in the uniform disclosure statement is contained in Section 412.110. The RES agent shall also offer, at the time of the initiation of the solicitation a business card or other material that lists the agent's name, identification number and title, and the RES' name and contact information, including telephone number.

- g) In-person solicitations that lead to an enrollment require a Letter of Agency and a third-party verification. The If a customer's enrollment is authorized by third party verification during door to door solicitation, the third-party verification shall obtain the customer's acknowledgement require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(c) and (e) through (n). Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The RES agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The RES shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.
- h) The RES agent shall not conduct any in-person solicitations at any building or premises where any sign, notice or declaration of any description whatsoever is posted that prohibits sales, marketing or solicitations. When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.
- i) The RES agent shall obtain consent to enter multi-unit buildings. Consent obtained to enter a multi-unit building from one prospective customer or occupant of the building shall not constitute consent to market to any other prospective customers in the building without separate consent. Upon a customer's request, the RES shall refrain from any further marketing to that customer.

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- j) Upon a customer's request, the RES shall refrain from any further marketing to that customer until the customer requests to receive further marketing. The RES shall notify its agents of a customer's request.
- k) RESs shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The criminal background check shall be performed by an independent contractor that is a licensed private detective or a similarly qualified entity. The RES shall confirm that the independent contractor has performed a criminal background check on its employees or agents in accordance with this subsection.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.130 Telemarketing

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an RES agent who contacts customers by telephone for the purpose of selling electricpower and energy service shall provide the agent's name and, ~~on request,~~ the identification number if the RES has assigned one to the agent. The RES agent shall state that he or she represents an independent seller of electricpower and energy service, certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, ~~at the electric utility or a utility program, a consumer group or a consumer group program, or~~ a governmental body or a program of a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), ~~or a consumer group.~~
- b) When it ~~would be~~ is apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, ~~or and~~ the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.
- c) An RES agent shall ~~ensure that~~, during the sales presentation to the customer, items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally make to the customer all disclosures required by Section 412.110(a) and (c) through (n) and any information included in the UDS required

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by Section 412.115 that is not included in Section 412.110(a) and (c) through (n) disclosed to the customer, unless the sales presentation is terminated by the customer before the disclosures are completed. An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.

- d) Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years or for the entire period a customer takes service with the RES, whichever is longer. All telemarketing calls that do not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment.~~If an RES agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must require the customer to verbally acknowledge that he or she understands items (d) through (p) of the uniform disclosure statement in Section 412.110.~~
- e) For telemarketing that leads to a completed telephone enrollment, a third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(c) through (m). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An RES agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established.
- f) The UDS~~uniform disclosure statement~~ and contract shall~~must~~ be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.
- g) Upon a customer's request, the RES shall refrain from any further marketing to that customer. The RES shall notify its agents of a customer's request.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.140 Inbound Enrollment Calls

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~~If a customer initiates a call to an RES agent in order to enroll for service, the agent must:~~

- a) ~~The RES agent shall fully comply with~~Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act. ~~An RES agent shall state that he or she represents an independent seller of electric service certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or consumer group program, or a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements);~~
- b) ~~The RES agent shall verbally make to the customer the disclosures required by Section 412.110(a) and (c) through (n). Verbally disclose to the customer items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)). An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; and~~
- c) ~~All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years or the length of the customer's service with the RES, whichever is longer. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be retained for a minimum of six months. The recordings shall be provided upon request to Commission Staff or a customer who has completed a telephone enrollment;~~
- d) ~~A third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by Section 412.110(a) and (c) through (n) and any information included in the UDS required by Section 412.115 that is not included in Section 412.110(a) and (c) through (n). Each item must be disclosed to the customer individually, requiring acknowledgment of each disclosure. An RES agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and not participate in or listen to the call, but shall not cause the call to be terminated once the 3-way connection has been established; and~~
- ee) ~~The RES shall send~~Send the ~~UDS~~uniform disclosure statement and contract to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.150 Direct Mail

- a) If an RES agent contacts~~agents contacting~~ customers for enrollment for electric power and energy service by direct mail, the direct mail material shall include all the disclosures required in items of the uniform disclosure statement (Section 412.110) for the service being solicited. Statements in direct~~Direct~~ mail material shall not claim that the RES agent represents, is endorsed~~make any statements of representation of, endorsement by, or is acting on behalf of, a~~ the electric utility or a utility program, a consumer group or program, or; a governmental body or program (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)~~or a consumer group~~.
- b) If a direct mail solicitation includes a written Letter of Agency, the direct mail solicitation shall include the items listed in Section 412.110(a) and (c) through (i) and also the UDS described in Section 412.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written LOA~~Letter of Agency~~ is being used to authorize a customer's enrollment, it~~the written LOA~~ shall comply with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and shall contain a statement that the customer has read and understood each of the disclosures required by Section 412.110(a), (c) and (e) through (m)~~the items contained in the uniform disclosure statement in Section 412.110~~. The documents~~document~~ containing the Section 412.110 disclosures and items of the UDS~~uniform disclosure statement~~ must remain with the customer.
- c) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 412.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 412.160 shall apply.
- de) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 412.160 Online Marketing

- a) Each RES offering ~~electric power and energy~~ service to customers online shall clearly and conspicuously make all disclosures required by Section 412.110~~display the items of the uniform disclosure statement (Section 412.110)~~ for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought. The RES' marketing~~RES internet and electronic~~ material shall not make any statements that it is a representative of~~representation~~ of, endorsed~~endorsement~~ by, or acting on behalf of, the electric utility or a utility program, a consumer group or a program run by a consumer group, a governmental body or a program run by a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) ~~or a consumer group~~.
- b) The UDS~~document containing the items of the uniform disclosure statement~~ must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.
- c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act, an authorization to change RES that confirms and includes appropriate verification data by encrypted customer input on the RES website.
- d) The enrollment website of the RES shall, at a minimum, include:
- 1) All disclosures required by items within the uniform disclosure statement ~~(Section 412.110)~~;
 - 2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and
 - 4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.165 Rate Notice to Customers

- a) At least 30 days prior to the start of a calendar month, each RES shall make available on its website, or through the customer's account login, the variable rates for its residential customers applicable for the billing cycle starting during that calendar month. If the billing cycle does not match the calendar month, the dates that the rates will be in effect must disclose the one-month period to which the rates will apply. In addition, each RES shall provide the rate information to its variable rate customers who request it through the RES' toll-free number. The customer's contract shall contain the website address and toll-free phone number for the customer to obtain variable rate information in accordance with this Section.
- b) If the RES uses the utility's single bill pursuant to Section 16-118(d) of the Act to bill its residential variable rate customers, the RES shall use the allotted space on the bill to disclose the customer's variable rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable rate from one monthly billing period to the next. When there is insufficient available allotted space on the bill for the RES to make these disclosures each month, the RES shall ensure that no residential variable rate customer receives consecutive monthly bills that fail to disclose upcoming variable rates in the bill's message section. If the RES bills its residential variable rate customers directly, the RES shall ensure that those customers' bills always contain the variable rate information described in this Section. If the electric utility's implementation of Section 16-118(d) prevents an RES from complying with this Section, the RES shall be required to include a bill message that contains the toll-free phone number and/or website address where the variable rate information can be obtained by the customer. The requirements of this subsection to provide notifications in customer bills do not apply if the RES sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.
- c) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, the RES shall send a separate written notice to the customer, informing the customer of the upcoming rate change.

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- d) The RES shall provide sufficient information on its website to identify the inputs to the formula used to calculate the variable rate, including the timing and location of the index or benchmark price, if any, and any other information necessary to calculate the rate.
- e) If a contract includes a provision that results in a change to the residential customer's rate, the RES shall send a separate written notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Change";
 - 2) The bill cycle in which the price changes can begin; and
 - 3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is eligible for one or more fixed rate offers from the RES, the RES shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.
- f) An RES that currently enrolls residential customers on a variable rate for three consecutive months in any electric utility's service must, for a variable price product, disclose on the RES' website and through a toll-free number the one-year price history, or history for the life of the product if it has been offered less than one year. An RES shall not rename a product in order to avoid disclosure of price history.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 412.170 Conduct, Training and Compliance of RES Agents

- a) An RES agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or

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she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.

- b) All RES agents should be familiar with ~~electricity power and energy~~ services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.
- c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) No RES agent shall make a record of a customer's account number unless the customer has agreed to enroll with the RES or otherwise provided his or her consent to the release of that information in accordance with Commission orders and rules.
- e) All RES agents shall complete a uniform training program. The RES shall document the training of its agents and provide a certification to the Commission showing that an agent completed the training program prior to an agent being eligible to market or sell electricity in Illinois. The RES shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, an RES shall provide training materials and training records within seven business days.
- f) When an RES contracts with an independent contractor or vendor to perform marketing or sales activities on the RES' behalf, the RES shall confirm that the contractor or vendor has provided training in accordance with this Section.
- g) All RESs shall monitor marketing and sales activities to ensure that RES agents are providing accurate and complete information and complying with all laws and regulations.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.180 Records Retention and Availability

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- a) An RES must retain, for a minimum of two years or for the entire period the customer takes service from the RES~~length of the contract~~, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.
- b) For the period the customer takes service from the RES~~Throughout the duration of the contract~~, and for two years thereafter, the RES shall retain the customer's contract. Upon the customer's request, the RES shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile within seven business days. The RES shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.190 Renewable Energy Product Descriptions

- a) No RES shall state or imply in any marketing or promotional material that any electric~~Only power and energy~~ service marketed or sold by the RES is "green", "renewable", or "environmentally friendly" or provide any description that conveys the impression that the electric service has a reduced impact on the environment, unless the RES purchases and retires the appropriate number of RECs in addition to, and over and above, the power or renewable energy credits purchased, or the alternative compliance payments made, to satisfy that includes power and energy purchased entirely separate and apart from the renewable portfolio standard requirements applicable to RESs~~RES~~ under Section 16-115D of the Act ~~can be marketed as "green", "renewable energy" or "environmentally friendly". Nothing in this subsection prevents an RES from stating that it complies with the Illinois Renewable Portfolio Standard if in fact it does so, but these statements must also disclose that all RESs must comply with the Renewable Portfolio Standard because it is required by law. An RES shall not identify its product as "green", "renewable", or use any other term or descriptor of like or similar meaning if it is only compliant with the RPS.~~
- b) An RES marketing "green", "renewable" or "environmentally friendly" electricity offers, or other offers of any description that convey the impression that the electric service has a reduced impact on the environment, in compliance with subsection (a) of this Section, shall comply with the following:

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- 1) disclose, on all materials used in the marketing of these offers and on its website, the total electricity that will be used to supply the customer:
 - A) the total percentage of electricity represented by subsections (b)(1)(B) and (b)(1)(C);
 - B) the percentage required to satisfy the RPS (accompanied by the RPS disclaimer language in subsection (a));
 - C) the percentage of electricity paired with renewable energy resources through RECs in addition to, and over and above, the RPS;
 - D) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.), used in supplying electricity to customers pursuant to each offer;
- 2) disclose on all materials used in the marketing of these offers and on its website the percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that will be used in supplying the electricity to customers pursuant to each offer;
- 3) if an RES cannot comply with subsections (b)(1) and (b)(2) because it has not committed to particular renewable energy resources or has not committed to a particular location or locations of renewable energy resources at the time it markets the offers, the RES shall disclose this fact in marketing materials and on its website. If the electricity product has been offered for 12 months or more, the RES shall disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois for the electricity product for the previous year. If the electricity product has been offered for fewer than 12 months, the RES must disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that it intends to purchase for the electricity product;

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- 4) the disclosures required in subsections (b)(1) through (b)(3) shall also apply to offers posted by an RES on the Commission's PlugInIllinois.org website;
- 5) within 14 months after enrolling a customer on a "green", "renewable" or "environmentally friendly" offer of any description that conveys the impression that the electric service has a reduced impact on the environment, and annually thereafter, the RES shall:
 - A) provide the customer with a disclosure of the actual electricity used to supply the customer:
 - i) the total percentage of electricity represented by subsections (b)(5)(B) and (b)(5)(C);
 - ii) the percentage required to satisfy the RPS (accompanied by the RPS disclaimer language in subsection (a));
 - iii) the percentage of electricity paired with renewable energy resources through RECs in addition to, and over and above, the RPS;
 - iv) the renewable energy resource type mix (i.e., corresponding percentage of each resource, such as X% wind, X% solar, etc.) locations (at a minimum by state) of the renewable energy resources that were procured to serve the customer; and
 - B) provide Commission Staff with the disclosure referenced in this subsection (b)(5) for each offer. In addition, the RES shall provide verification of the information provided pursuant to this Section to Commission Staff upon request;
- 6) upon request of Commission Staff, the RES shall provide verification that the renewable energy credits claimed have been retired; and
- 7) the annual disclosure requirement of subsection (b)(5) shall apply to "green", "renewable" or "environmentally friendly" claims from RESs serving customers in municipal aggregation programs.

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- c) For any power or energy service marketed or sold by an RES that is described as "green", "renewable" or "environmentally friendly", or by any term or descriptor of like or similar meaning, the RES shall retire the appropriate number of RECs. A REC used to support a "green", "renewable", etc., marketing claim must be generated either in the same year in which it is retired or during the two years immediately preceding the year in which it is retired.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to an RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to non-RES electric utilities.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.210 Rescission of Sales Contract

- a) The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing electricpower and energy service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment and provide contact information for the RES. The written enrollment notice from the electric utility shall also provide information regarding the customer's rights under this Section if the enrollment has been made in error or without the customer's consent, including contact information for the utility and the Commission.
- b) A residential customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility

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processes the enrollment request or, upon request by the customer, if the RES is unable to provide verifiable proof of the authorization of enrollment.

- c) A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request.
- d) If the 10th calendar day falls on a non-business day, the rescission period will be extended through the next business day.
- e) In the event the residential customer provides notice of rescission to the electric utility, the electric utility shall notify the RES.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.220 Deposits

Any other provision of this Part notwithstanding, an~~an~~ RES shall not require a customer deposit if the RES is selling the receivables for electricity for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.230 Early Termination of Sales Contract

Any contract between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee and comply with Section 16-119 of the Act. Any early termination fee or penalty shall not exceed \$50 for residential customers and \$150 for small commercial retail customers. The caps on early termination fees and penalties apply only to early termination fees and penalties for early termination of electric service. [220 ILCS 5/16-119] Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the

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customer of obligations to pay for services rendered under the contract until service is terminated.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.240 Contract Renewal

- a) Non-Automatic Renewal. The RES shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";
 - 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the RES shall include a side-by-side comparison of the existing terms and the new terms; and
 - 4) A statement, in at least 12-point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.
- b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly and conspicuously disclose

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any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:

- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12-point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has until the end of the existing contract term to reject the new contract in order to avoid termination fees under the new contract~~If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term;~~ and
 - 5) A clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract's terms differ from the existing contract, the RES shall include a side-by-side comparison of the existing terms and the new terms.
- c) In addition to the written notice required by Section 412.165(e), unless the customer has no phone number on record with the RES, the RES shall call the customer at least 30 days, but no more than 60 days, prior to the end of the initial contract term. The call may be live or automated and it shall provide the

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information required in subsections (b)(2) through (b)(5) in addition to notice of the impending end of the initial contract term. A second call shall be required within 14 days after the first call if the first call does not reach a person or an answering service. The RES agent shall provide the customer with the toll-free number that the customer may use to contact the RES to discuss the automatic renewal. The RES shall make a record of the date and time of the calls and its success or failure in reaching the customer. The RES shall retain the record for two years. Calls made pursuant to this subsection shall also comply with the requirements of Section 412.130.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

- a) The new supplier is an RES;
- b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;
- c) The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided, however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract and so long as the customer is provided the disclosures described in Section 412.110;
- d) The customer is given 15 calendar ~~days~~ days prior written notice of the assignment by the current RES; and
- e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

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Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to an RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES ~~provides~~provide services to residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to non-RES electric utilities.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.310 Required RES Information

- a) Prior to the RES initiating marketing to residential and small commercial retail customers, and annually thereafter, the RES shall provide the following to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing) (combined billing for RES services and electric utility services);
 - 2) Standard customer contract;
 - 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.
- c) If the RES has declared force majeure within the past 10 years on any contracts to deliver ~~electric power and energy~~ services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.320 Dispute Resolution

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- a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right.
- b) A customer or ~~prospective customer applicant~~ for ~~electric power and energy~~ service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer's ~~or prospective customer's~~ complaint verbally, the RES shall inform the customer ~~or prospective customer~~ of the ability to request and obtain the RES' response in writing. ~~When the RES responds, a~~ ~~customer~~ ~~or prospective customer~~ ~~who is dissatisfied with the RES' response~~ shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.
- c) Complaints to the Commission
 - 1) Informal Complaints (see 83 Ill. Adm. Code 200.160)
 - A) ~~The~~ ~~If a complainant is dissatisfied with the results of an RES' complaint investigation, the~~ RES shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer's informal complaint includes:
 - i) The customer's name, mailing and service addresses, and telephone number;
 - ii) The name of the RES;
 - iii) The customer's electric utility and RES account numbers;
 - iv) An explanation of the facts relevant to the complaint;
 - v) The complainant's requested resolution; and

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- vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.
- B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES' receivables or electric utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.
- C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the RES.
- D) The CSD shall review the complaint information and the RES' response and notify the complainant of the results of the Commission's investigation.
- E) While an informal complaint process is pending:
- i) The RES (or the electric utility in the case of the electric utility having purchased the RES' receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has ~~closed~~taken final action ~~on~~ the informal complaint; and
 - ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES' receivables or the utility presenting the RES' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
- F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name

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and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.

- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act and 83 Ill. Adm. Code 200.170.
- 3) Disclosure of RES' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 412.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 412.340 Severability

If any provision of this Part is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

(Source: Added at 41 Ill. Reg. _____, effective _____)

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Section 412.APPENDIX A Uniform Disclosure Statement

UNIFORM DISCLOSURE STATEMENT

Name:

Address:

Phone:

Rates and Product Information			
<u>Price (in cents/kWh) and number of months this price stays in effect:</u>			
<u>Other monthly charges:</u>			
<u>Total Price (in cents/kWh) with other monthly charges:</u>	<u>500 kWh</u>	<u>1,000 kWh</u>	<u>1,500 kWh</u>
<u>Length of contract:</u>			
<u>Price after the initial price:</u>			
Early Termination Fees and Contract Renewal			
<u>Early Termination Fee:</u>			
<u>Contract Renewal:</u>			
Right to Rescind and Cancel			
<u>Recession:</u>	<p><u>You have a right to rescind (stop) your enrollment within 10 days after your utility has received your order to switch suppliers. You may call us at (toll-free number) or your utility at (toll-free number) to accomplish this.</u></p>		

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<p><u>Cancellation:</u></p>	<p><u>You also have the right to terminate the contract without any termination fee or penalty if you contact us at (toll-free number) within 10 business days after the date of your first bill with charges from (RES Name).</u></p>
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This is a sales solicitation and the seller is (RES Name), an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or utility program, a governmental body or a governmental program, or a consumer group or a consumer group program.

If you have any concerns or questions about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795. For information about the electric supply price of your electric utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.

Date: _____ Agent ID: _____

(Source: Added at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Internet Enrollment Rules
- 2) Code Citation: 83 Ill. Adm. Code 453
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
453.10	Amendment
453.20	Amendment
453.30	Amendment
453.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE]
- 5) A Complete Description of the Subjects and Issues Involved: In two related rulemakings, the Commission is proposing changes to rules on the marketing practices of retail electric suppliers. This rulemaking addresses Part 453, Internet Enrollment Rules; the companion proceeding involves Part 412, Obligations of Retail Electric Suppliers. Together, the proposed changes to the two Parts will expand consumer protections through additional marketing controls of sales solicitations, will standardize contract content and descriptions, and will require that suppliers post their residential offers on the Agency's website.
- 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: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 15-0512 with:

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

217/782-7434

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 453
INTERNET ENROLLMENT RULES

Section

453.10	Definitions
453.20	Criteria by Which to Judge the Validity of an Electronic Signature
453.30	Method by Which the Authenticity of Electronic Signatures May Be Proven
453.40	Additional Requirements for an Electronic Letter of Agency (LOA)

AUTHORITY: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

SOURCE: Adopted at 27 Ill. Reg. 9017, effective July 1, 2003; amended at 36 Ill. Reg. 13127, effective August 1, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 453.10 Definitions

"Electronic Signature" shall mean [a digitized recording of the handwritten signature of the executing person](#), an electronic sound, symbol, or process attached to or logically associated with a Letter of Agency (LOA) and executed by a person with the intent to sign the LOA. A recording of oral assent is not an electronic signature.

"Encryption" shall mean to convert information (especially a message) from one system of communication into another in a manner that allows the information to later be converted back into its original form.

"Internet Enrollment" means any electronic record except a recording of an oral assent, of a customer's authorization to change electric service providers, which satisfies the disclosure requirements of the LOA prescribed in 815 ILCS 505/2EE.

"Letter of Agency" [or "LOA"](#) shall mean the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS

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505/2EE] and referenced in Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A].

"Retail Electric Supplier" or "RES" shall mean either:

an Alternative Retail Electric Supplier (ARES) certified by the Illinois Commerce Commission pursuant to Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115], meeting all obligations of an ARES pursuant to Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A], and authorized to provide electric power and energy supply services in an Illinois electric utility's service territory; or

an Illinois electric utility as defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102] meeting all obligations provided in Sections 16-115A and 16-116 of the Public Utilities Act [220 ILCS 5/16-115A and 16-116].

"Retail Customer" or "Customer" shall have the same meaning as that stated in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102].

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 453.20 Criteria by Which to Judge the Validity of an Electronic Signature

- a) An electronic signature ~~shall~~ indicate who signed the LOA.
- b) An electronic signature ~~shall~~ be unique to the signer.
 - 1) A digitized version of the handwritten signature of the executing person shall be self-authenticating.
 - 2) Other Forms of Electronic Signature
 - A) For any other form of electronic signature, a security procedure shall require unique and private information from the signer. This information ~~shall~~ include:
 - i) Algorithms or codes;

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~~iiB)~~ Identifying words or numbers previously established or sent to signer's ~~registered~~ e-mail account provided by the signer to the RES; or~~and~~

~~iiiC)~~ Credit card verification.

~~B)~~ An internet protocol (IP) address alone will not satisfy the requirements of this subsection (b)(2). This information shall~~may~~ not include the customer's account number~~information that is also necessary to effect a switch of RESs.~~

~~32)~~ No party shall~~may~~ use a signer's unique information disclosed under this Section for any marketing or billing purposes without specific separate consent from the signee.

~~43)~~ The security procedure shall~~must~~ be provided on a securely encrypted web page; ~~security and encryption shall meet or exceed current industry practices.~~

- c) An electronic signature shall~~must~~ reliably indicate the date of the signature.
- d) Affixing an electronic signature to ~~an~~ LOA shall~~must~~ be a separate affirmative act.
- e) The LOA shall~~must~~ be conspicuously displayed on a separate screen or web page.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 453.30 Method by Which the Authenticity of Electronic Signatures May Be Proven

- a) The electronically signed LOA shall~~must~~ provide:
 - 1) The unique information used to sign the LOA; and
 - 2) The date signed.
- b) The party seeking to prove the authenticity of an LOA must demonstrate~~show~~:

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- 1) That the LOA was signed by the customer on the date claimed by ~~demonstrating~~~~showing~~ that the unique identifier used to sign the LOA and the date it was signed is embedded in the LOA; and
- 2) The electronically signed LOA has not been altered since ~~the date of~~ signing.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 453.40 Additional Requirements for an Electronic Letter of Agency (LOA)

- a) In addition to the ~~requirements set forth in Section 2EE of the Illinois Consumer Fraud and Deceptive Business Practices Act~~~~information and structure set out for an LOA in~~ [815 ILCS 505/2EE], by virtue of being in electronic form, an electronic LOA ~~shall~~~~must~~ provide the following additional information:
 - 1) The means by which any future correspondence between the customer and RES will be sent;
 - 2) Whether the customer has the option to receive correspondence ~~by via the~~ United States ~~Mail~~~~Postal Service~~ or electronic means; and
 - 3) ~~A disclosure stating that~~~~That~~ the customer may opt to receive a written copy of the contract.
- b) In addition to the ~~requirements~~~~procedures~~ set ~~forth~~~~out for a RES~~ in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act ~~[815 ILCS 505/2EE]~~, the RES ~~shall comply with~~~~also must abide by~~ the following procedures when utilizing electronic LOAs:
 - 1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;
 - 2) Ensure that the customer indicates by a separate affirmative act that ~~he or she~~~~it~~ has the authority to execute the electronic LOA;
 - 3) Ensure that the customer understands and assents to the LOA;

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- 4) Include a version number in the body of the electronic LOA in order to permit verification of the ~~particular~~ LOA to which the customer assents;
 - 5) Prompt the customer to print or electronically save a copy of the electronic LOA;
 - 6) Immediately send a message to the ~~customer's registered~~ e-mail account provided by the customer to the RES acknowledging receipt of the electronic LOA;
 - 7) Retain the electronic LOA for a period of at least five years after execution or the length of time that the customer takes service with the RES, whichever is longer; and
 - 8) Upon request, provide to the Commission, Commission Staff, or the customer ~~Provide~~ a written and/or electronic copy of the LOA, including information to support adherence to Section 453.20(b) to the Commission or its Staff, the customer, or the customer's incumbent RES upon request.
- c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission July 1, 2003, this Section shall control.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
590.10	Amendment
590.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments would change, from October 1, 2014, to October 1, 2016, the date of the version of the federal rules that Section 590.10 incorporates by reference, to include the most recent revisions to the federal rules. In addition, the amendments would add a new reporting requirement to Section 590.20 that is now required by the corresponding federal rules.
- 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? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 16-0487 with:

Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

527 East Capitol Avenue
Springfield IL 62701

217/782-7434

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

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section

590.10	Standards
590.20	Submission of Federal Reports to the Commission
590.30	Submission of Plans, Procedures and Programs
590.40	External User Accounts

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. 13549, effective October 1, 1995; amended at 21 Ill. Reg. 8906, effective July 1, 1997; amended at 23 Ill. Reg. 11872, effective October 1, 1999; amended at 25 Ill. Reg. 11355, effective September 1, 2001; amended at 27 Ill. Reg. 12385, effective August 1, 2003; amended at 29 Ill. Reg. 11808, effective August 1, 2005; amended at 31 Ill. Reg. 11562, effective August 1, 2007; amended at 33 Ill. Reg. 12224, effective August 15, 2009; amended at 35 Ill. Reg. 14414, effective August 15, 2011; amended at 37 Ill. Reg. 15336, effective September 10, 2013; amended at 39 Ill. Reg. 10381, effective July 14, 2015; amended at 41 Ill. Reg. _____, effective _____.

Section 590.10 Standards

- a) The Illinois Commerce Commission (Commission) adopts the standards contained in 49 CFR 191.1, 191.3, 191.5, 191.7, 191.9, 191.11, 191.12, 191.13,

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191.15, 191.17, 191.22, 191.23, 191.25, [191.29](#), 192, 193 and 199 as of October 1, ~~2016~~[2014](#), as its minimum safety standards for the transportation of gas and for gas pipeline facilities.

- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 590.20 Submission of Federal Reports to the Commission

Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall file with the Commission any report filed with the federal Pipeline and Hazardous Materials Safety Administration pursuant to 49 CFR 191.11, 191.12, 191.13, ~~and~~ 191.25 [and 191.29](#).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.530 Proposed Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking would amend 89 Ill. Adm. Code 120.530 and 89 Ill. Adm. Code 140.473 to expand the eligibility group for the Medically Fragile Technology Dependent 1915(c) waiver program to include clients who had been waiver participants before turning 21 years of age and are now 21 years of age or more.
- 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 does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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217/782-1233
HFS.Rules@illinois.gov

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

- 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:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance
120.11 Eligibility for Pregnant Women and Children
120.12 Healthy Start – Medicaid Presumptive Eligibility Program for Pregnant Women (Repealed)
120.14 Presumptive Eligibility for Children (Repealed)
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)
120.40 Exceptions To Use Of MANG Income Standard (Repealed)
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases
120.61 Long Term Care
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)
120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross

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- Income (MAGI) Methodology
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements (Repealed)
120.66 Healthy Start – Medicaid Presumptive Eligibility for Pregnant Women
120.67 Presumptive Eligibility for Children
120.68 Hospital Presumptive Eligibility (HPE) under the Affordable Care Act

SUBPART D: MEDICARE PREMIUMS

- Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Payment of Medicare Part B Premiums for Specified Low-Income
Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified
Individuals-1 (QI-1) Income Standards
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

- Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

- Section
120.90 Migrant Medical Program (Repealed)
120.91 Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

- Section
120.200 Elimination Of Aid To The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)

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120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age

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120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption

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- 120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In-Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Provisions for the Prevention of Spousal Impoverishment
120.380 Resources
120.381 Exempt Resources
120.382 Resource Disregard
120.383 Deferral of Consideration of Assets
120.384 Spenddown of Resources
120.385 Factors Affecting Eligibility for Long Term Care Services
120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
120.388 Property Transfers Occurring On or After January 1, 2007
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

- Section
120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare (Repealed)
120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons ~~Under Age 21~~
120.540 Illinois Healthy Women Program

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120.550 Asylum Applicants and Torture Victims

120.TABLE A Value of a Life Estate and Remainder Interest

120.TABLE B Life Expectancy (Repealed)

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory

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amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988;

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emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill.

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Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125

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of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2925, effective January 10, 2014, for a maximum of 150 days; emergency amendments effective January 1 and January 10, 2014 repealed by emergency rule at 38 Ill. Reg. 7368, effective March 24, 2014, for the remainder of the 150 day effective periods of each of the emergency rules; amended at 38 Ill. Reg. 5967, effective February 26, 2014; emergency amendment at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 15646, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 16214, effective July 17, 2014; amended at 38 Ill. Reg. 18432, effective August 19, 2014; amended at 38 Ill. Reg. 23595, effective December 2, 2014; amended at 39 Ill. Reg. 4376, effective March 11, 2015; amended at 40 Ill. Reg. 2784, effective January 20, 2016; amended at 40 Ill. Reg. 11174, effective August 2, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART I: SPECIAL PROGRAMS

Section 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons ~~Under Age 21~~

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- a) The Department shall administer a home and community-based service (HCBS) waiver program as set forth in [Sections 5-2\(7\) and 5-2.05\(a\) of the Public Aid Code \[305 ILCS 5\]/5-2\(7\) and 305 ILCS 5/5-2.05\(a\)](#) and pursuant to Section 1915(c) of the Social Security Act (42 USC 1396n(c)) for disabled persons ~~under the age of 21 years~~ who are medically fragile and technology dependent.
- b) A determination must be made that, except for the provision of in-home care, these individuals would require the level of care provided in a hospital or a skilled nursing facility.
- c) The Division of Specialized Care for Children (DSCC) shall perform operational functions under the HCBS waiver program pursuant to an interagency agreement with the Department.
- d) In addition to being eligible for all of the services set forth in 89 Ill. Adm. Code 140.3, individuals covered under the HCBS waiver are eligible for the following waiver services:
 - 1) Respite care;
 - 2) Environmental modifications;
 - 3) Special medical supplies and equipment;
 - 4) Medically supervised day care;
 - 5) Family and nurse training; and
 - 6) Maintenance counseling.
- e) The Department shall determine eligibility. An individual meeting the following criteria shall qualify:
 - 1) The individual is younger than 21 years of age [or was a waiver participant the day before turning 21 years of age](#);
 - 2) The individual is disabled as defined in Section 120.314;

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- 3) The individual scores a minimum of 50 points on the level of care screening described in subsection (h) ~~of this Section~~;
- 4) The estimated cost of the individual's in-home care to be paid by the State shall not be greater than the institutional level of care appropriate to the individual's medical needs (hospital or skilled nursing facility), as determined by the Department:
 - A) if the appropriate comparable institutional level of care for a ventilator dependent individual is a hospital, the greater of:
 - i) 125 percent of the Statewide average per diem expenditure for hospital care for the previous fiscal year; or
 - ii) 100 percent of the average per diem expenditure provided in the hospital from which the individual was placed; or
 - B) if the appropriate comparable institutional level of care for a non-ventilator dependent individual is a hospital, 125 percent of the Statewide average per diem expenditure for hospital care in the previous fiscal year; or
 - C) if the appropriate comparable institutional level of care for the individual is a skilled nursing facility:
 - i) the per diem rate of the geographically closest skilled nursing facility meeting the individual's medical needs; or
 - ii) if the individual requires exceptional care services the per diem rate will be a blended rate based on the private pay rate for the geographically closest skilled nursing facility meeting the individual's medical needs and the Statewide average rate for medical assistance clients requiring a similar level of care;
- 5) For children under 21 years of age, the ~~The~~ individual would be eligible for Medicaid if his or her responsible relative's income and resources were excluded from consideration; and

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- 6) A written plan of care has been developed and approved pursuant to subsection (f) ~~of this Section~~.
- f) Plan of Care
- 1) The Department shall determine the home and community-based services based on a written plan of care developed in consultation with the individual's family or guardian, attending physician and DSCC care coordinator.
 - 2) At a minimum, the plan of care shall identify an appropriate primary residence, describe the medical and other services to be furnished, the frequency of the services, the type of provider required to render the service and a description of the family's or guardian's active participation, to the fullest extent possible, as caregivers in meeting the individual's medical needs.
 - 3) The Department may, in its discretion, approve a cost-effective alternative to services in the plan of care, as long as the alternative services meet the medical needs of the individual.
 - 4) When determining the hours of care necessary to maintain the individual at home, consideration shall be given to the availability of other services, including direct care provided by ~~nonpaid non-paid~~ caregivers, such as, but not limited to, the individual's family or guardian, that can reasonably be expected to meet the medical needs of the individual.
 - 5) The Department will review the individual's plan of care to determine continued eligibility for participation in the waiver on the following schedule:
 - A) During the first 18 months of participation in the waiver, a review will be performed every six months.
 - B) After the first 18 months, a review will be performed every six months and, depending upon the individual's medical condition, the plan of care may be approved for a period not to exceed 12 months.

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- C) Based on the results of the Department's review, a new plan of care may be developed if warranted by a change in the individual's need for medical services or a change in the individual's home environment.
- g) Eligibility Denials or Terminations
- 1) An individual shall not be determined eligible for coverage under the waiver if:
- A) The individual requires institutionalization solely because of a severe mental or developmental impairment.
- B) The individual does not meet the minimum score required under subsection (e)(3)~~of this Section~~.
- 2) Termination of coverage under the waiver shall be initiated upon the occurrence of any of the following events:
- A) Failure of a family or guardian to cooperate with the Department, DSCC, or service providers in implementing a plan of care, if the Department determines that, as a result of that ~~noncooperation~~~~non-cooperation~~, a plan of care cannot be implemented or the health and well being of the individual could be jeopardized.
- B) Upon renewal for continued participation in the waiver, the individual does not meet the minimum score required under subsection (e)(3)~~of this Section~~.
- C) The individual does not require at least one of the services described under subsection (d).
- ~~D) The individual attains the age of 21 years of age.~~
- 3) A transition period of no more than 60 days, during which the individual will continue to receive services through the waiver, will be provided on terminations resulting from subsections (g)(2)(B) and (C)~~of this Section~~.
- h) DSCC shall perform a level of care screening for the waiver as follows:

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- 1) The level of care screening will be performed using a Department approved screening tool.
- 2) The level of care screening will be performed as follows:
 - A) On all new requests for admission to the waiver;
 - B) On all renewals for continued participation in the waiver; and
 - C) Whenever there is a significant change in the participant's status or care needs.
- 3) The level of care screening will consist of the following elements:
 - A) Technology needs will be screened to determine the risk of disability or death if the technology is lost, as well as the degree of skill for assessment and judgment needed to operate the technology; and
 - B) Medical fragility will be screened to determine the frequency and need for skilled care.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.80 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This rule implements the ACA assessment adjustment increase to hospital assessments created by PA 99-516 effective July 1, 2016. Hospital payments were also created by PA 99-516.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.435	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.523	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.421	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.469	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.491	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.494	Amendment	40 Ill. Reg. 9909; July 22, 2016

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

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Mollie K. Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

HFS.Rules@illinois.gov.

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

- 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 2015

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

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- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

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- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

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140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
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140.203	Limits on Length of Stay by Diagnosis (Recodified)
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- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
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- 140.411 Covered Services By Physicians
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- 140.413 Limitation on Physician Services
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- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
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- 140.425 Podiatry Services
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- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
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- 140.429 Limitations on Chiropractic Services (Repealed)
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- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
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140.TABLE E	Time Limits for Processing of Prior Approval Requests
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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective

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November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and

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140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150

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days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill.

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Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency

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amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September

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20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill.

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Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg.

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12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. _____, effective _____.

SUBPART C: PROVIDER ASSESSMENTS

Section 140.80 Hospital Provider Fund

- a) Purpose and Contents
 - 1) The Hospital Provider Fund (Fund) was created in the State Treasury on February 3, 2004 (see 305 ILCS 5/5A-8). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.
 - 2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Article 5A of the Code.
 - 3) The Fund shall consist of:
 - A) All monies collected or received by the Department under subsection (b);

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- B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;
 - C) Any interest or penalty levied in conjunction with the administration of the Fund;
 - D) Monies transferred from another fund in the State treasury;
 - E) All other monies received for the Fund from any other source, including interest earned on those monies.
- b) Provider Assessments
- 1) Subject to Sections 5A-3, 5A-10 and 5A-15 of the ~~Public Aid~~ Code, for State fiscal years 2009 through 2018, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to \$218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days; provided, however, the amount of \$218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the State share of the payments authorized under Section ~~5A-12-5~~ of the ~~Public Aid~~ Code, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of \$218.38 used to calculate the assessment under this subsection (b)(1) shall be increased by a uniform percentage to generate \$20,250,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For State fiscal years 2009 and after, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

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- 2) In addition to any other assessments imposed under this Section, effective July 1, 2016 and semiannually thereafter through June 2018, in addition to any federally required State share as authorized under subsection (b)(1), the amount of \$218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the ACA Assessment Adjustment, as defined in subsection (l)(1).
- 3) Subject to Sections 5A-3, 5A-10, and 5A-15 of the ~~Public Aid~~ Code for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, an annual assessment on outpatient services is imposed on each hospital provider in an amount equal to .008766 multiplied by the hospital's outpatient gross revenue; provided, however, the multiplier of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the State share of the payments authorized under Section ~~5A-12-5~~, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of .008766 used to calculate the assessment under this subsection (b)(~~32~~) shall be increased by a uniform percentage to generate \$6,750,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012 and for State fiscal years 2013 through 2018, a hospital's outpatient gross revenue shall be determined using the most recent data available from each hospital's 2009 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on June 30, 2011, without regard to any subsequent adjustments or changes to that data. If a hospital's 2009 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's outpatient gross revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees. For the period beginning June 10, 2012 through June 30, 2012, the annual assessment on outpatient services shall be prorated by multiplying the assessment amount by a fraction, the numerator of which is 21 days and the denominator of which is 365 days.

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- 4) In addition to any other assessments imposed under Article 5A of the Code, effective July 1, 2016 and semiannually thereafter through June 2018, in addition to any federally required State share as authorized under subsection (b)(3), the amount of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the ACA Assessment Adjustment, as defined in subsection (1)(1).
- 5) Final Reconciliation
- A) The Department shall complete and apply a final reconciliation of the ACA Assessment Adjustment described in subsections (b)(2) and (b)(4) prior to June 30, 2018 to account for:
- i) any differences between the actual payments issued or scheduled to be issued prior to June 30, 2018 as authorized in Section 5A-12.5 of the Code for the period of January 1, 2018 through June 30, 2018 and the estimated payments due and payable in the month of October 2017 multiplied by 6 as described in subsection (1)(1)(D); and
- ii) any difference between the estimated fee-for-service payments under Section 5A-12.5(b) of the Code and the amount of those payments that are actually scheduled to be paid.
- B) The Department shall notify hospitals of any additional amounts owed or reduction credits to be applied to the June 2018 ACA Assessment Adjustment. This is to be considered the final reconciliation for the ACA Assessment Adjustment.
- C) Notwithstanding any other provision of this Section, if, for any reason, the scheduled payments under Section 5A-12.5(b) of the Code are not issued in full by the final day of the period authorized under that statute, funds collected from each hospital pursuant to subsections (1)(1)(D) and (b)(5)(A), attributable to the scheduled payments authorized under Section 5A-12.5(b) of the Code that are not issued in full by the final day of the period attributable to each payment authorized under that statute, shall be refunded.

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- 6) The increases authorized under subsections (b)(2) and (b)(4) shall be limited to the federally required State share of the total payments authorized under Section 5A-12.5 of the Code if the sum of those payments yields an annualized amount equal to or less than \$450,000,000, or if the adjustments authorized under Section 5A-12.2(t) of the Code are found not to be actuarially sound; however, this limitation shall not apply to the fee-for-service payments described in Section 5A-12.5 of the Code.
- c) Payment of Assessment Due
- 1) The inpatient assessment imposed by Section 5A-2 of the Code for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payments of an inpatient assessment shall be due and payable, however, until after the Comptroller has issued the payments required under Section 5A-12.2 of the Code. Assessment payments postmarked on the due date will be considered as paid on time.
- 2) Except as provided in Section 5A-4(a-5) of the Code, the outpatient assessment imposed by subsection (b)(~~32~~) of this Section for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal year 2013 and each subsequent State fiscal year, shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month.
- A) No installment payment of an outpatient assessment imposed by subsection (b)(~~32~~) shall be due and payable, however, until after:
- i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.4 of the Code have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services (CMMS), and the waiver under 42 CFR 433.68 for the assessment imposed by subsection (b) of this Section, if necessary, has been granted by CMMS; and
- ii) the Comptroller has issued the payments required under

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Section 5A-12.4 of the Code.

- B) Assessment payments postmarked on the due date will be considered as paid on time. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.4 of the Code and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under subsection (b)(~~32~~) of this Section prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.4 of the Code.
- 3) Any assessment amount that is due and payable to the Department more frequently than once per calendar quarter shall be remitted to the Department by the hospital provider by means of electronic funds transfer. The Department may provide for remittance by other means if the amount due is less than \$10,000 or electronic funds transfer is unavailable for this purpose.
- 4) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.
- d) Notice Requirements, Penalty, and Maintenance of Records
- 1) The Department shall send a notice of assessment to every hospital provider subject to an assessment under subsection (b), except that no notice shall be sent for the outpatient assessment imposed under subsection (b)(~~32~~) until the Department receives written notice that the payment methodologies to hospitals required under Section 5A-12.4 of the Code has been approved and the waiver under 42 CFR 433.68, if necessary, has been granted by CMMS.
- 2) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, a separate notice shall be sent for each hospital.
- e) Procedure for Partial Year Reporting/Operating Adjustments

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- 1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b), the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate or maintain a hospital, the person shall pay the assessment for the year as adjusted (to the extent not previously paid).
- 2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b), upon notice by the Department, shall pay the assessment under subsection (d) as computed by the Department in installments on the due dates stated on the notices and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment notice. For State fiscal years 2009 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2005, the inpatient assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Department. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2009, the outpatient assessment imposed under subsection (b)(32) shall be computed on the basis of hypothetical gross outpatient revenue for the full calendar year as determined by the Department. The assessment determination made by the Department is final.
- 3) Partial Calendar Year Operation Adjustment. For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the State fiscal year shall be annualized for the portion of the reporting period the hospital was operational (dividing the assessment due by the number of days the hospital was in operation and then multiplying the amount by 365). Information reported by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.

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- 4) Change in Ownership and/or Operators. The full quarterly installment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1).
- f) Penalties
- 1) Any hospital that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion remaining unpaid on the last day of each monthly period thereafter, not to exceed 100% of the installment amount not paid on or before the due date. Waiver due to reasonable cause may include but is not limited to:
 - A) provider has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs.
 - B) provider can demonstrate to the Department's satisfaction that a payment was made prior to the due date.
 - C) provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.
 - 2) Within 30 days after the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any interest and penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable

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agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Medicaid Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.

- 3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

g) Delayed Payment – Groups of Hospitals

The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:

- 1) The State delays payments to hospitals due to problems related to State cash flow; or
- 2) A cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.

h) Delayed Payment – Individual Hospitals

In addition to the provisions of subsection (g), the Department may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the

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quarter in which the assessment was to have been received by the Department as described in subsection (c). The request must be received by the Department prior to the due date of the assessment.

- 1) Criteria. Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:
 - A) The provider has experienced an emergency that necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2) would impose severe and irreparable harm to the clients served. Circumstances that may create these emergencies include, but are not limited to, the following:
 - i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;
 - ii) Cash flow problems encountered by a provider that are unrelated to Department technical system problems and that result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.
 - B) The provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:
 - i) A hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital (DSH) under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(2); or qualifies as a Medicare DSH hospital under the current federal guidelines.
 - ii) A government-owned facility that meets the cash flow criterion under subsection (h)(1)(A)(ii).

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- iii) A hospital that has filed for Chapter 11 bankruptcy and that meets the cash flow criterion under subsection (h)(1)(A)(ii).
- C) The provider must ensure that a delay of payment request, as defined under subsection (h)(3)(A), is received by the Department prior to the payment due date, and the request must include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:
- i) The ratio of current assets divided by current liabilities is greater than 2.0.
 - ii) Cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation.
- D) The provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.
- E) The provider must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:
- i) Specific reasons for institution of the delayed payment provisions;
 - ii) Specific dates on which payments must be received and the amount of payment that must be received on each specific date described;

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- iii) The interest or a statement of interest waiver as described in subsection (h)(5) that shall be due from the provider as a result of institution of the delayed payment provisions;
 - iv) A certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;
 - v) A certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and
 - vi) Other terms and conditions that may be required by the Department.
- 2) A hospital that does not meet the above criteria may request a delayed payment schedule. The Department may approve the request, notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.
- 3) Approval Process
- A) In order to receive consideration for delayed payment provisions, providers must ensure their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Hospital and Provider Services. The request must be received by the date designated by the Department. Providers will be notified, in writing, as to the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:

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- i) An explanation of the circumstances creating the need for the delayed payment provisions;
 - ii) Supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C), a denial of application to borrow the assessment as defined in subsection (h)(1)(D) and an explanation of the risk of irreparable harm to the clients; and
 - iii) Specification of the specific arrangements requested by the provider.
 - B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.
- 4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B), the penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and the penalties shall be fully reinstated.
 - 5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E). The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C), is 1.5 or less and the hospital meets the

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criteria in subsections (h)(1)(A) and (B). Any waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E).

- 6) **Subsequent Delayed Payment Arrangements.** Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.

- i) **Administration and Enforcement Provisions**

The Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Department shall administer and enforce Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code and collect the assessments and penalty assessments imposed under Sections 5A-2 and 4 of the Code. The Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties and rights:

- 1) The Department may initiate either administrative or judicial proceedings, or both, to enforce the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code. Administrative enforcement proceedings initiated shall be governed by the Department's rules at 89 Ill. Adm. Code 104.200 through 104.330. Judicial enforcement proceedings initiated shall be governed by the rules of procedure applicable in the courts of this State.
- 2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than three years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Department and the hospital provider before the expiration of this limitation period.
- 3) Any unpaid assessment under Section 5A-2 of the Code shall become a lien upon the assets of the hospital upon which it was assessed. If any

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hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of the real property and improvements, the machinery and equipment, or the furniture or fixtures of any hospital that is subject to the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code, the seller or transferor shall pay the Department the amount of any assessment, assessment penalty, and interest (if any) due from it under Sections 5A-2 and 4 of the Code up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of the asset shall be liable for the amount of the assessment, penalties and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Department a certificate showing that the assessment, penalty and interest have been paid or a certificate from the Department showing that no assessment, penalty or interest is due from the seller or transferor under Sections 5A-2, 4 and 5 of the Code.

- 4) Payments under Section 5A-4 of the Code are not subject to the Illinois Prompt Payment Act [30 ILCS 540]. Credits or refunds shall not bear interest.
- 5) In addition to any other remedy provided for and without sending a notice of assessment liability, the Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Department to the hospital provider.

j) Exemptions

The following classes of providers are exempt from the assessment imposed under Section 5A-4 of the Code unless the exemption is adjudged to be unconstitutional or otherwise invalid:

- 1) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.
- 310 2) A hospital provider that is a county with a population of less than

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3,000,000 or a township, municipality, hospital district, or any other local governmental unit.

k) Nothing in Section 5A-4 of the Code shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before February 3, 2004.

l) Definitions

As used in this Section, unless the context requires otherwise:

1) "ACA Assessment Adjustment" means:

A) For the period of July 1, 2016 through December 31, 2016, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals authorized under Section 5A-12.5 of the Code and the adjustments authorized under Section 5A-12.2(t) of the Code to managed care organizations for hospital services due and payable in the month of April 2016 multiplied by 6.

B) For the period of January 1, 2017 through June 30, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals authorized under Section 5A-12.5 of the Code and the adjustments authorized under Section 5A-12.2(t) to managed care organizations for hospital services due and payable in the month of October 2016 multiplied by 6, except that the amount calculated under this subsection (l)(1)(B) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Code Section 5A-12.5 for the period beginning July 1, 2016 through December 31, 2016 and the estimated payments due and payable in the month of April 2016 multiplied by 6 as described in subsection (l)(1)(A).

C) For the period of July 1, 2017 through December 31, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals authorized under Section 5A-12.5 of the Code and the adjustments authorized under Section 5A-12.2(t) of the Code to managed care organizations for hospital services due and payable in the month of April 2017 multiplied by 6, except that the amount calculated under this subsection (l)(1)(C) shall be

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adjusted, either positively or negatively, to account for the difference between the actual payments issued under Code Section 5A-12.5 for the period beginning January 1, 2017 through June 30, 2017 and the estimated payments due and payable in the month of October 2016 multiplied by 6 as described in subsection (l)(1)(B).

D) For the period of January 1, 2018 through June 30, 2018, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals authorized under Section 5A-12.5 of the Code and the adjustments authorized under Section 5A-12.2(t) of the Code to managed care organizations for hospital services due and payable in the month of October 2017 multiplied by 6, except that:

i) the amount calculated under this subsection (l)(1)(D) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Code Section 5A-12.5 for the period of July 1, 2017 through December 31, 2017 and the estimated payments due and payable in the month of April 2017 multiplied by 6 as described in subsection (l)(1)(C); and

ii) the amount calculated under this subsection (l)(1)(D) shall be adjusted to include the product of .19125 multiplied by the sum of the fee-for-service payments, if any, estimated to be paid to hospitals under Section 5A-12.5(b) of the Code.

2) "CMMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

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

43) "Fund" means the Hospital Provider Fund.

54) "HCRIS" means the federal Centers for Medicare and Medicaid Services Healthcare Cost Report Information System.

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- 65) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.
- 76) "Hospital Provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.
- 87) "Inpatient Gross Revenue" means total inpatient gross revenue, as reported on the HCRIS Worksheet C, Part 1, Column 6, Line 101, less the sum of the following lines (including any subset lines of these lines):
- A) Line 34: Skilled Nursing Facility.
 - B) Line 35: Other Nursing Facility.
 - C) Line 35.01: Intermediate Care Facility for the Mentally Retarded.
 - D) Line 36: Other Long Term Care.
 - E) Line 45: PBC Clinical Laboratory Services – Program Only.
 - F) Line 60: Clinic.
 - G) Line 63: Other Outpatient Services.
 - H) Line 64: Home Program Dialysis.
 - I) Line 65: Ambulance Services.
 - J) Line 66: Durable Medical Equipment – Rented.
 - K) Line 67: Durable Medical Equipment – Sold.

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- L) Line 68: Other Reimbursable.
- 98) "Medicare Bed Days" means, for each hospital, the sum of the number of days that each bed was occupied by a patient who was covered by Title XVIII of the Social Security Act, excluding days attributable to the routine services provided to persons receiving skilled or intermediate long term care services. Medicare bed days shall be computed separately for each hospital operated or maintained by a hospital provider.
- 109) "Medicare Gross Inpatient Revenue" means the sum of the following:
- A) The sum of the following lines from the HCRIS Worksheet D-4, Column 2 (excluding the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit or swing beds):
- i) Line 25: Adults and Pediatrics.
 - ii) Line 26: Intensive Care Unit.
 - iii) Line 27: Coronary Care Unit.
 - iv) Line 28: Burn Intensive Care Unit.
 - v) Line 29: Surgical Intensive Care Unit.
 - vi) Line 30: Other Special Care Unit.
- B) From Worksheet D-4, Column 2, the amount from Line 103 less the sum of Lines 60, 63, 64, 66, 67 and 68 (and any subset lines of these lines).
- C) The amount from Worksheet D-6, Part 3, Column 3, Line 53.
- 11+0) "Medicare Gross Outpatient Revenue" means the amount from the HCRIS Worksheet D, Part V, Line 101, Columns 5, 5.01, 5.02, 5.03 and 5.04 less

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the sum of Lines 45, 60, 63, 64, 65, 66 and 67 (and any subset lines of these lines).

- ~~1211~~) "Occupied Bed Days" means the sum of the number of days that each bed was occupied by a patient for all beds, excluding beds classified as long term care beds and assessed a licensed bed fee during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.
- ~~1312~~) "Outpatient Gross Revenue" means, for each hospital, its total gross charges attributed to outpatient services as reported on the Medicare cost report at Worksheet C, Part I, Column 7, Line 101 less the sum of lines 45, 60, 63, 64, 65, 66, 67 and 68 (and any subset lines of these lines).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.102 Proposed 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) A Complete Description of the Subjects and Issues Involved: 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 proposed rulemaking amends the rate computation methodology of the Adjustment Factor to provide increased rates to facilities who are serving high populations of clients with high medical/high personal care needs. The amendment facilitates continued care and services to the most vulnerable developmentally disabled clients being cared for in facilities whose populations are comprised predominantly of clients with high medical/high personal care needs.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this proposed rule replace an emergency rule currently in effect? Yes, see 40 Ill. Reg. 14366 and 15181.
- 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing 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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Intermediate Care Facilities (ICFDD) that provide care to people with high medical needs
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because it was not anticipated by the Department when those agendas were published.

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

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NOTICE OF PROPOSED 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)

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- 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; emergency amendment at 40 Ill. Reg. 14366, effective October 7, 2016, for a maximum of 150 days; emergency amendment to emergency rule at 40 Ill. Reg. 15181, effective October 19, 2016, for the remainder of the 150 days; amended at 41 Ill. Reg. _____, effective _____.

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

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- 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**
In order to receive rate adjustments under this Section, facilities must meet the following criteria:
 - 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 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 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 ~~50~~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 ~~50~~60 percent and:
 - A) For facilities with a Medical Level III percentage less than 80 percent – ~~3.90-600~~; or

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- B) For all other facilities – ~~5.04.700~~.
- 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
- A) Adjusted program and support components shall be redetermined when:
- ~~i)A)~~ Changes to the program or support rate components are required in accordance with 89 Ill. Adm. Code 153; and
- ~~ii)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.~~
- B)D) All high medical/high personal care rates for residents classified as Medical Level III will be reviewed and updated for changes in the

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facility population at least once annually upon issuance of
respective facility Inspection of Care surveys.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Requirements for Businesses with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 726
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
726.100	Repealed
726.105	Repealed
726.200	Repealed
726.205	Repealed
726.300	Repealed
726.305	Repealed
726.400	Repealed
726.500	Repealed
726.505	Repealed
726.510	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-6 transferred the rights, powers, duties, and functions of the Illinois Commerce Commission as set forth in the Emergency Telephone System Act and the Wireless Emergency Telephone Safety Act to the Department of State Police effective January 1, 2016. The Department of State Police adopted rules at 83 Ill. Adm. Code 1326 effective May 27, 2016. As a result, this Part is no longer needed and is being repealed.
- 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? Yes – The National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812).

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- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:
- Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This repealer was not summarized in either of the two most recent Agendas because: The Department was not aware that the rules had not been repealed by the Agency which previously had authority over this Part.

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

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NOTICE OF PROPOSED REPEALER

TITLE 83: PUBLIC UTILITIES
CHAPTER I: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 726

REQUIREMENTS FOR BUSINESSES WITH PRIVATE BUSINESS SWITCH SERVICE
TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

- Section
- 726.100 Application of Part
- 726.105 Definitions

SUBPART B: STANDARDS OF SERVICE

- Section
- 726.200 General Standards and Requirements
- 726.205 Business Compliance

SUBPART C: AUTHORIZATION TO OPERATE

- Section
- 726.300 Order of Authority/Application Process
- 726.305 Tentative/Final Plans

SUBPART D: ENGINEERING

- Section
- 726.400 Private Emergency Answering Point

SUBPART E: OPERATIONS

- Section
- 726.500 System Review and Reporting
- 726.505 Written Operating Procedures
- 726.510 Call Handling Procedures

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone

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System Act [50 ILCS 750/15.6].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 131, effective December 23, 1999, for a maximum of 150 days; emergency expired May 20, 2000; adopted at 24 Ill. Reg. 10159, effective July 1, 2000; repealed by emergency rulemaking at 40 Ill. Reg. 1021, effective December 31, 2015, for a maximum of 150 days; emergency expired May 28, 2016; transferred by P.A. 99-6 from the Illinois Commerce Commission to the Department of State Police, effective January 1, 2016; repealed at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 726.100 Application of Part

This Part shall apply to any private business switch operator that is also a business in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 726.205(b) of this Part.

Section 726.105 Definitions

"Automatic Location Identification" or "ALI" – A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Business" includes every trade, occupation, profession, and other lawful purpose carried on primarily for profit, regardless of whether the business is organized as a corporation, limited liability company, partnership, sole proprietorship, joint venture, or in any other manner whatever.

"Call referral" – A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" – A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public

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safety agency or other emergency responders.

"Call transfer" – A 9-1-1 service in which the PEAP operator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" – A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carriers' facilities.

"Commission" – The Illinois Commerce Commission.

"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DID" – The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" – An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" – A telephone request for emergency services that requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" – Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular business that handles its internal emergency calls.

"Enhanced 9-1-1" or "E9-1-1" – An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

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"Location identification" – The street address of the workspace.

"Master Street Address Guide" or "MSAG" – The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Private business switch service" – A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" – A place within a business where the business operators answer and dispatch emergency calls. A business must obtain certification to handle internal emergency calls from its internal switch.

"Public agency" – *The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services.* [50 ILCS 750/2.01]

"Public area" – An area within a building where the general public and/or the business entity customers have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies and waiting rooms.

"Public safety agency" – *A functional division of a public agency that provides firefighting, police, medical, or other emergency services.* [50 ILCS 750/2.02]

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"Public safety answering point" or "PSAP" – The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also known as a "Center".

"Text telephone" or "TT" – A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" – The physical building area where work is normally performed. This is a net square footage measurement that includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 726.200 General Standards and Requirements

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 726.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1).

Section 726.205 Business Compliance

- a) *After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to businesses shall assure that such a system in a business is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification (ANI) and automatic location identification (ALI).*
 - 1) ANI shall be provided based on the following criteria, which are minimum standards:

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- A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;
 - B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;
 - C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and
 - D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.
- 2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:
- A) *For buildings having their own street address and containing workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and will include the building's street address.*
 - B) *For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI*

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shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

- C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - E) *Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address.* [50 ILCS 750/15.6(a)]
- 3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.
- b) Exemptions to subsection (a) of this Section.
- 1) *Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in subsections (a)(2)(B) and (a)(2)(E) of this Section if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.*
 - A) Businesses that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.
 - B) Businesses that qualify for this exemption must not intercept the 9-

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1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

- C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.
- D) A business seeking exemption under this subsection (b)(1) shall provide notice that it seeks such exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.

2) *Health care facilities are presumed to meet the requirements of subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building address.*

3) *Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or businesses that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the business' emergency phone system. Certification by the Commission is necessary prior to a business answering and dispatching its own internal emergency calls. Entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.*

- A) A business seeking to obtain an exemption under this subsection (b)(3) must file a petition with the Commission pursuant to 83 Ill. Adm. Code 200 requesting such exemption. Such petition shall

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contain a showing that the business seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the business seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.

- B) The Commission Staff shall review all such petitions for exemption and shall make a recommendation to the Commission that the Commission grant the exemption, with such conditions as are reasonably necessary to ensure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to ensure the public safety, or deny the exemption.

- 4) *Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.* [50 ILCS 750/15.6(b)]

SUBPART C: AUTHORIZATION TO OPERATE

Section 726.300 Order of Authority/Application Process

- a) Any business that qualifies for exemption under Section 726.205(b)(3) to operate an emergency answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the business shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 726.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.
- b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.
- c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal emergency calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.

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- d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.
- e) Modification to an approved application or system shall be submitted to the Commission in writing no later than 10 days after the change.

Section 726.305 Tentative/Final Plans

- a) Each business shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.
- b) Tentative and final plans shall consist of a narrative that provides an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:
 - 1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. The explanation shall include emergency responders' responsibilities and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.
 - 2) Exhibit 2: Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate action shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.
 - 3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 726.510(c).
 - 4) Exhibit 4: Back-up PEAP agreement pursuant to Section 726.400(d).
 - 5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 726.505.

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- 6) Exhibit 6: Network Diagram – a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 726.400.

SUBPART D: ENGINEERING

Section 726.400 Private Emergency Answering Point

A business that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

- a) The business applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the business shall program its system to respond to 9-1-1 in addition to its current dialing code.
- b) The PEAP shall be operational 24 hours a day, 7 days a week, except in cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.
- c) Each PEAP shall have an operational TT if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.
- d) There must be at least one back-up location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote back-up location, a written agreement may be established with the existing 9-1-1 system to be the remote back-up/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.
- e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.

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- f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.
- g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:
 - 1) A secondary back-up location remotely located from the primary answering point that is staffed 24 hours a day with trained personnel; or
 - 2) An alternative method of communication available that will transmit an emergency request and result in the dispatch of emergency services.
- h) Access to phone switch equipment will be restricted to those who have need to service the equipment.
- i) No emergency calls shall be placed on hold.
- j) 90% of all emergency calls must be answered within 10 seconds.
- k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 726.500 System Review and Reporting

Each business certified by the Commission to handle its internal emergency calls shall provide an annual update to the Commission's 9-1-1 Emergency Telephone Section by January 1 of each year. The business shall provide the following information:

- a) The business' name and street address;

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- b) The name and telephone number of a contact person;
- c) The recertification of all agreements.

Section 726.505 Written Operating Procedures

Each certified business shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for the use by its personnel who will be handling the emergency calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 726.510 Call Handling Procedures

- a) Each business shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.
- b) Each business shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs that would require additional emergency resources.
- c) Each business shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the business shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the business will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.
- d) Each business may choose from the following methods of dispatch:
 - 1) Direct Dispatch;
 - 2) Call Relay;
 - 3) Call Referral; or

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- 4) Call Transfer.
- e) Each business shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each business shall ensure that the disposition of each emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

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- 1) Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 727
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
727.100	Repealed
727.105	Repealed
727.200	Repealed
727.205	Repealed
727.300	Repealed
727.305	Repealed
727.400	Repealed
727.500	Repealed
727.505	Repealed
727.510	Repealed
- 4) Statutory Authority: Implementing and authorized by the Emergency Telephone System Act [50 ILCS 750]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-6 transferred the rights, powers, duties, and functions of the Illinois Commerce Commission as set forth in the Emergency Telephone System Act and the Wireless Emergency Telephone Safety Act to the Department of State Police effective January 1, 2016. The Department of State Police adopted rules at 83 Ill. Adm. Code 1326 effective May 27, 2016. As a result, this Part is no longer needed and is being repealed.
- 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? Yes – The National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton, OH 43812).

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- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:
- Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This repealer was not summarized in either of the two most recent Agendas because: The Department was not aware that the rules had not been repealed by the Agency which previously had authority over this Part.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 727
REQUIREMENTS FOR NON-BUSINESS ENTITIES WITH
PRIVATE BUSINESS SWITCH SERVICE TO COMPLY WITH THE EMERGENCY
TELEPHONE SYSTEM ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

- Section
- 727.100 Application of Part
- 727.105 Definitions

SUBPART B: STANDARDS OF SERVICE

- Section
- 727.200 General Standards and Requirements
- 727.205 Non-business Entity Compliance

SUBPART C: AUTHORIZATION TO OPERATE

- Section
- 727.300 Order of Authority/Application Process
- 727.305 Tentative/Final Plans

SUBPART D: ENGINEERING

- Section
- 727.400 Private Emergency Answering Point

SUBPART E: OPERATIONS

- Section
- 727.500 System Review and Reporting
- 727.505 Written Operating Procedures
- 727.510 Call Handling Procedures

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AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 8635, effective June 13, 2000, for a maximum of 150 days; emergency rule suspended at 24 Ill. Reg. 8650, effective June 13, 2000; emergency expired May 7, 2001; adopted at 25 Ill. Reg. 9606, effective July 15, 2001; expedited correction at 25 Ill. Reg. 15001, effective July 15, 2001; repealed by emergency rulemaking at 40 Ill. Reg. 1037, effective December 31, 2015; emergency expired May 28, 2016; transferred by P.A. 99-6 from the Illinois Commerce Commission to the Department of State Police, effective January 1, 2016; repealed at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 727.100 Application of Part

This Part shall apply to any private business switch operator that is also a non-business entity in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 727.205(b) of this Part.

Section 727.105 Definitions

"Automatic Location Identification" or "ALI" – A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call referral" – A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" – A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

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"Call transfer" – A 9-1-1 service in which the PEAP operator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" – A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carrier's facilities.

"Commission" – The Illinois Commerce Commission.

"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DID" – The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" – An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" – A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" – Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular non-business entity that handles its internal 9-1-1 calls.

"Enhanced 9-1-1" or "E9-1-1" – An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" – The street address of the workspace.

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"Master Street Address Guide" or "MSAG" – The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Non-business entity" means any entity not a business, as "business" is defined in 83 Ill. Adm. Code 726.105. "Non-business entity" shall include, but not necessarily be limited to, any municipality or unit of local government as defined in Article 7, Section 1 of the Illinois Constitution of 1970; any entity that is also a school operated by authority of the School Code [105 ILCS 5]; or any entity that is a not for profit organization that qualifies for tax exempt status under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (26 USC 501).

"Private business switch service" – A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" – A place within a non-business entity where the operators answer and dispatch 9-1-1 calls from within the facility. A non-business entity must obtain certification to handle internal 9-1-1 calls from its internal switch.

"Public agency" – *The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.* [50 ILCS 750/2.01]

"Public area" – An area within a building where the general public and/or the non-

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business entity patrons have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies, and waiting rooms.

"Public safety agency" – *A functional division of a public agency that provides firefighting, police, medical, or other emergency services.* [50 ILCS 750/2.02]

"Public safety answering point" or "PSAP" – The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also known as a "Center."

"Text telephone" or "TT" – A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" – The physical building area where work is normally performed. This is a net square footage measurement which includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 727.200 General Standards and Requirements

The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 727.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1).

Section 727.205 Non-business Entity Compliance

- a) *After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to non-business entities shall assure that such a system in the non-business entity is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number*

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identification (ANI) and automatic location identification (ALI). [50 ILCS 750/15.6(a)]

- 1) ANI shall be provided based on the following criteria, which are minimum standards:
 - A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;
 - B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;
 - C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and
 - D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.
- 2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton, OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:
 - A) *For buildings having their own street address and containing workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and will include the building's street address.*
 - B) *For buildings having their own street address and containing*

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workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

- C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related entities, a DLI for each entity shall be transmitted to the appropriate 9-1-1 system.
 - E) *Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address. [50 ILCS 750/15.6(a)]*
- 3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable DLI.
- b) Exemptions to subsection (a) of this Section.
- 1) *Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in subsections(a)(2)(B) and (E) of this Section if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.*

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- A) Non-business entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.
 - B) Non-business entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.
 - C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.
 - D) A non-business entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks such exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.
- 2) *Health care facilities are presumed to meet the requirements of subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building's address.*
- 3) *Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or non-business entities that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the non-business entity's emergency phone system. Certification by the Commission is necessary prior to a non-business entity answering and*

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dispatching its own internal 9-1-1 calls. Non-business entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

- A) A non-business entity seeking to obtain an exemption under this subsection (b)(3) must file with the Commission a petition pursuant to 83 Ill. Adm. Code 200 requesting such exemption. Such petition shall contain a showing that the non-business entity seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the non-business entity seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.
 - B) The Commission Staff shall review all such petitions for exemption and shall make a recommendation to the Commission that the Commission grant the exemption, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption.
- 4) *Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt.* [50 ILCS 750/15.6(b)]

SUBPART C: AUTHORIZATION TO OPERATE

Section 727.300 Order of Authority/Application Process

- a) Any non-business entity that qualifies for exemption under Section 727.205(c)(3) to operate a 9-1-1 answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the non-business entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 727.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.
- b) The original and three copies of a cover letter to the Chief Clerk, the petition, the

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verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.

- c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal 9-1-1 calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.
- d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.
- e) Modification to an approved application or system should be submitted to the Commission in writing no later than 10 days after the change.

Section 727.305 Tentative/Final Plans

- a) Each non-business entity shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.
- b) Tentative and final plans shall consist of a narrative which provides an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:
 - 1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. Explain what these emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.
 - 2) Exhibit 2: Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate actions shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.

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- 3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 727.510(c).
- 4) Exhibit 4: Back-up PEAP agreement pursuant to Section 727.400(d).
- 5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 727.505.
- 6) Exhibit 6: Network Diagram – a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 727.400.

SUBPART D: ENGINEERING

Section 727.400 Private Emergency Answering Point

A non-business entity that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

- a) The non-business entity applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the non-business entity shall program its system to respond to 9-1-1 in addition to its current dialing code.
- b) The PEAP shall be operational 24 hours a day, 7 days a week, except in cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.
- c) Each PEAP shall have an operational TT if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.
- d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 system to be the remote backup/overflow answering point. The phone switch must be configured to

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automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.

- e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.
- f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.
- g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:
 - 1) A secondary back-up location remotely located from the primary answering point which is staffed 24 hours a day with trained personnel; or
 - 2) An alternative method of communication available which will transmit an emergency request and result in the dispatch of emergency services.
- h) Access to phone switch equipment will be restricted to those who have need to service the equipment.
- i) No emergency calls shall be placed on hold.
- j) 90% of all emergency calls must be answered within 10 seconds.
- k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

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Section 727.500 System Review and Reporting

Each non-business entity certified by the Commission to handle its internal 9-1-1 calls shall provide an annual update to the ICC 9-1-1 Emergency Telephone Section by January 1 of each year. The non-business entity shall provide the following information:

- a) The non-business entity's name and street address;
- b) The name and telephone number of a contact person;
- c) The recertification of all agreements.

Section 727.505 Written Operating Procedures

Each certified non-business entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for the use by its personnel who will be handling the emergency calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 727.510 Call Handling Procedures

- a) Each non-business entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.
- b) Each non-business entity shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the non-business entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs which would require additional emergency resources.
- c) Each non-business entity shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the non-business entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the non-business entity will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to

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the Commission.

- d) Each non-business entity may choose from the following methods of dispatch:
 - 1) Direct Dispatch;
 - 2) Call Relay;
 - 3) Call Referral; or
 - 4) Call Transfer.
- e) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

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- 1) Heading of the Part: Standards of Service Applicable to Wireless 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 728
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
728.100	Repealed
728.105	Repealed
728.200	Repealed
728.205	Repealed
728.210	Repealed
728.300	Repealed
728.305	Repealed
728.310	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-6 transferred the rights, powers, duties, and functions of the Illinois Commerce Commission as set forth in the Emergency Telephone System Act and the Wireless Emergency Telephone Safety Act to the Department of State Police effective January 1, 2016. The Department of State Police adopted rules at 83 Ill. Adm. Code 1328 effective May 27, 2016. As a result, this Part is no longer needed and is being repealed.
- 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) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:
- Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703
- 217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This repealer was not summarized in either of the two most recent Agendas because: The Department was not aware that the rules had not been repealed by the Agency which previously had authority over this Part.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIESPART 728
STANDARDS OF SERVICE APPLICABLE TO
WIRELESS 9-1-1 EMERGENCY SYSTEMS (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section	
728.100	Application of Part
728.105	Definitions

SUBPART B: AUTHORIZATION TO OPERATE

Section	
728.200	General Requirements
728.205	Implementation of Wireless 9-1-1 Service
728.210	Authorization to Operate

SUBPART C: OPERATIONS

Section	
728.300	Engineering
728.305	Wireless Telecommunications Carrier Testing
728.310	Authorized Wireless 9-1-1 Answering Point Testing

AUTHORITY: Implementing and authorized by Section 15 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/15].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 16349, effective October 25, 2000, for a maximum of 150 days; emergency expired March 23, 2001; adopted at 25 Ill. Reg. 4853, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 12118, effective September 7, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1707, effective February 1, 2002; repealed by emergency rulemaking at 40 Ill. Reg. 1053, effective December 31, 2015, for a maximum of 150 days; emergency expired May 28, 2016; transferred by P.A. 99-6 from the Illinois Commerce Commission to the Department of State Police, effective January 1, 2016; repealed at 41 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS

Section 728.100 Application of Part

- a) This Part shall apply to Emergency Telephone System Boards (ETSB), qualified governmental entities, public safety agencies, State of Illinois governmental entities, local exchange telecommunications carriers and wireless carriers in the State of Illinois except to the extent of any exemptions conferred by law.
- b) Public safety agencies and wireless carriers are encouraged to cooperate to provide emergency access to wireless 9-1-1 and wireless E9-1-1 service. Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing, and operating enhanced facilities, systems, and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission (FCC) and to maximize the availability of wireless E9-1-1 services throughout the State of Illinois.

Section 728.105 Definitions

Terms used in this Part shall have the following meanings.

"Act" – The Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Alternate routing" – Alternate routing allows 9-1-1 calls to be alternatively rerouted to another Public Safety Answering Point (PSAP) location in the case of the overflow calls on the "B" link or PSAP failure.

"Authorized Wireless 9-1-1 Answering Point" – An emergency telephone system board or qualified governmental entity that has notified the Chief Clerk of the Illinois Commerce Commission (Commission) and the Department of State Police of its intent to be a wireless 9-1-1 answering point or in the case of the Department where it acts as the default provider in cases in which no wireline 9-1-1 exists or in which no notification of intent to provide service has been submitted.

"Authorized Wireless 9-1-1 System" – The geographic area that has been granted authorization from Commission Staff to use "9-1-1" as the primary wireless

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emergency telephone number.

"Automatic Location Identification" or "ALI" – In an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone, and supplementary emergency services information.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Basic 9-1-1" – A general term that refers to an emergency telephone system that automatically connects a person dialing the digits "9-1-1" to an established PSAP through normal telephone service facilities. This is a voice-only service in which there is no ANI or ALI information received.

"Call Associated Signaling" or "CAS" – A term that describes data transmission or signaling that occurs on the same channel as voice communication. In the 9-1-1 environment, CAS is associated with the transmission of the wireless caller's mobile directory number along the same channel as the caller's voice.

"CAMA trunks" – The term CAMA stands for Centralized Automatic Message Accounting which is a centralized point for the recording of switched message toll call information. The information is transmitted over trunk facilities to the recording location and contains the telephone number of the party originating the call, the start and end time of the call, and the destination of the call. CAMA trunks are engineered to provide the signaling interface to the CAMA system. For 9-1-1 systems, CAMA trunks are typically used in PBX and Electronic Key applications to provide for the forwarding of ALI information to the 9-1-1 system provider.

"Cell sector" – One face of a cell antenna (typically 3-sided) that operates independently of the other sectors.

"Central office" – A switching office/facility in a telephone system that provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Control office" – The control office controls the switching of ANI and selective routing information to the appropriate PSAP. The control office serves as a

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tandem switch in the 9-1-1 network.

"Dedicated trunking" – An arrangement in which a telephone line connection has no intermediate switching points between the originating central office and PSAP location. The facilities utilized in this arrangement may be either intra- or inter-exchange.

"Default routing" – The capability to route a 9-1-1 call to a designated (default) PSAP when the incoming 9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Department" or "DSP" – The Department of State Police.

"Director" – the Director of the Department of State Police.

"Diverse routing" – The practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility failure.

"E9-1-1 selective router" – A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for 9-1-1 calls from other local offices in the 9-1-1 service area.

"Emergency call" – A telephone request for emergency services that requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property, and such other situations as are determined by local custom.

"Emergency service number" or "ESN" – An ESN is a three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographical area.

"Emergency Telephone System Board" or "ETSB" – A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750]. The corporate authorities shall provide for the manner of appointment provided that members of the board meet the requirements of the statute.

"Enhanced 9-1-1" or "E9-1-1" – A general term that refers to an emergency

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telephone system with specific electronically controlled features such as ALI, ANI, or selective routing and that uses the master street address guide (MSAG) geographic files.

"Grade of service" – The probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of one hundred will be blocked.

"Local exchange carrier" or "LEC" – A telecommunications carrier under the Public Utilities Act that provides competitive or non-competitive local exchange telecommunications services or any combination of the two as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204], except a telecommunications carrier that is owned or operated by one or more political subdivisions, public or private institutions of higher education or municipal corporations of this State.

"Local number portability" – The ability for a customer to change its telephone company while still keeping the same telephone number.

"Master street address guide" or "MSAG" – The computerized geographical database which consists of all street and address data within a 9-1-1 system.

"Mobile switching office" or "MSO" – The wireless equivalent of a central office that provides switching functions for wireless calls.

"Network" – The aggregate of transmission systems and switching systems. It is an arrangement of channels, such as loops, trunks, and associated switching facilities.

"Network connections" – A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's inter-premises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or, if no system exists at the time a surcharge is imposed under Section 15.3 of the Emergency Telephone System Act [50 ILCS 750/15.3], would be capable of providing access through the public switched network to the local 9-1-1 system if one existed.

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"Network segment" – A portion of the network in which there are no intermediate switching points. "A" links and "B" links are network segments.

"9-1-1 database provider" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to provide database services for the purpose of storing and updating information required for the provisioning of E9-1-1 service. There shall be one database provider per 9-1-1 system.

"9-1-1 selective routing provider" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to provide selective routing for the purpose of coordinating E9-1-1 services. There will be one overall selective routing provider per system.

"9-1-1 service coordinator" – A telecommunications carrier designated by the 9-1-1 system management under contractual agreement to coordinate 9-1-1 service delivery with the 9-1-1 database provider, 9-1-1 selective routing provider, and all participating telecommunications carriers for the provisioning and ongoing maintenance of 9-1-1 services.

"9-1-1 system" – A 9-1-1 service provided by a jurisdiction for a specific geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number.

"Non-call associated signaling" or "NCAS" – A term that describes transmission or signaling that occurs on a separate channel than that which transmits a voice communication. In the 9-1-1 environment, NCAS refers to a wireless solution set that employs a signal control point within a wireless carrier network. The NCAS solution set permits PSAPs to receive ANI and ALI information relating to a wireless voice call via separate data channels, thus permitting the continued use of CAMA lines.

"NPA" – Numbering plan area or area code.

"NXX" – The first three digits of a local seven digit telephone number that identifies the specific telephone company's central office serving that number.

"Number pooling" – Distributing numbers in one "NXX" code to more than one carrier and other strategies for optimizing the use of telephone numbers in the North American Numbering Plan (NANP) in the United States.

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"On-line date" – A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.

"Order of Authority" – A formal order of the Commission that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating trunks" – Message trunks capable of providing ANI connecting the serving central office of the 9-1-1 calling party and the designated 9-1-1 tandem control office.

"PSAP" – Public Safety Answering Point, sometimes called a Center or 9-1-1 Center; the initial answering location of a 9-1-1 call.

"PSAP trunks" – The special service circuits between the 9-1-1 tandem control offices and the PSAP.

"Pseudo automatic number identification (pANI)" – A telephone number used to support routing of wireless 9-1-1 calls. It may identify a wireless cell, cell sector or PSAP to which the call should be routed. Also known as routing number.

"Public safety agency" – A functional division of a public agency that provides fire fighting, police, medical, or other emergency services. For the purpose of providing wireless service to users of 9-1-1 emergency services, as expressly provided for in the Act, the Department of State Police may be considered a public safety agency.

"Qualified governmental entity" – A unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no ETSB exists.

"Secondary PSAP" – A location where a 9-1-1 call is transferred for dispatching purposes.

"Selective routing" – A switching system which automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Statewide Wireless Emergency 9-1-1 System" – All areas of the State where an ETSB or, in the absence of an ETSB, a qualified governmental entity has not

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declared its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. The operator of the statewide wireless emergency 9-1-1 system shall be the Department of State Police.

"System management" – The ETSB that provides for the management and operation of a 9-1-1 system within the scope of such duties and powers as are prescribed by the Emergency Telephone System Act. If no ETSB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"System provider" – An entity providing 9-1-1 network or selective routing or database services.

"Tandem trunking" – An arrangement whereby an E9-1-1 call is routed from a central office to the 9-1-1 selective router to the PSAP.

"Telecommunications carrier" – Shall have the same meaning as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202]. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns.

"Transfer" – A feature which allows the PSAP telecommunicator to transfer E9-1-1 calls to a specific location or secondary PSAP.

"Trunk" – A communications circuit between two switching nodes (e.g., central offices, PBXs, ANI/ALI controller equipment).

"Wireless carrier" – A provider of two-way cellular, broadband (personal communications service (PCS)), geographic area 800 MHz and 900 MHz Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

"Wireless Enhanced 9-1-1" – The ability to relay the telephone number of the

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originator of a 9-1-1 call, when the wireless phone has a valid call back number, and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point through the use of automatic number identification and pseudo-automatic number identification.

"Wireless originating trunks" – Trunks that connect the wireless carriers switching office (MSO) to the wireline carriers 9-1-1 selective router.

"Wireless Phase 0" – The delivery of a wireless 9-1-1 call in which there is no ANI or ALI information received (a voice-only call).

"Wireless Phase I" – The delivery of a wireless 9-1-1 call with call-back number, when the wireless phone has a valid call-back number, and identification of the cell-sector from which the call originated, as required by the FCC at 47 CFR 20.18.

"Wireless Phase II" – The delivery of a wireless 9-1-1 call with Phase I requirements plus location of the caller and selective routing based upon those coordinates as required by the FCC at 47 CFR 20.18.

"Wireless public safety answering point" – The functional division of an ETSB, qualified governmental entity, or the Department of State Police as the default accepting wireless 9-1-1 calls.

"Wireless subscriber" – An individual or entity to whom a wireless service account or number has been assigned by a wireless carrier.

SUBPART B: AUTHORIZATION TO OPERATE

Section 728.200 General Requirements

- a) *The digits "9-1-1" shall be the designated emergency telephone number within the wireless system.*
- b) *Authorized Wireless 9-1-1 Answering Points.*
 - 1) *For the purpose of providing wireless 9-1-1 emergency services, an ETSB in operation on December 22, 1999, the effective date of the Act, that*

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intended to serve as a primary wireless 9-1-1 answering point was to have notified the Chief Clerk of the Commission and the Director of DSP in writing of this intention by June 29, 2000.

- 2) *An ETSB or, in the absence of an ETSB, a qualified governmental entity may declare its intention for one or more of its PSAPs to serve as a primary wireless 9-1-1 answering point for its jurisdiction by notifying the Chief Clerk of the Commission and the Director of DSP in writing within 6 months after receiving its authority to operate a 9-1-1 system under the Emergency Telephone System Act (see 83 Ill. Adm. Code 725).*
- c) *Any ETSB or qualified governmental entity providing wireless 9-1-1 service prior to December 22, 1999 may continue to operate upon giving notification as prescribed in subsection (b) of this Section. However, the notification to the Commission and the Director of DSP must include the date upon which it commenced handling wireless 9-1-1 service as well as file a wireless plan with the Commission pursuant to Section 728.210(c).*
- d) *Two or more ETSBs or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service. The intergovernmental agreement must be submitted with the systems' wireless plan to the Commission pursuant to Section 728.210(c).*
- e) *DSP shall be the primary wireless 9-1-1 answering point for any jurisdiction that does not notify the Clerk of the Commission and the Director of its intention to provide wireless 9-1-1 service. However, DSP is not obligated to provide wireless enhanced 9-1-1 service.*
 - 1) *Commission 9-1-1 Staff shall coordinate with DSP to ensure that they are informed of the areas not being provided wireless 9-1-1 service by an authorized wireless answering point.*
 - 2) *DSP shall begin providing coverage in these areas by September 11, 2001.*
 - 3) *Upon a joint request from DSP and an ETSB or qualified governmental entity, the Commission may grant authority to an ETSB or qualified governmental entity to provide wireless 9-1-1 service in the areas for which the Department is currently providing wireless 9-1-1 services.*

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- 4) DSP shall provide wireless 9-1-1 service as the default wireless PSAP in areas that do not currently have any wireline 9-1-1 service. In any of these areas where wireline 9-1-1 service does develop, the authorized 9-1-1 system has 6 months after receiving its authority to operate a 9-1-1 system from the Commission to send a letter of intent to handle wireless 9-1-1 calls pursuant to subsection (b). In this event, DSP and the ETSB or qualified governmental entity must follow the same procedures set forth in subsection (e)(3) in order for DSP to turn over the handling of wireless 9-1-1 calls for that particular area.
- f) All wireless 9-1-1 calls shall be directed to authorized wireless 9-1-1 answering points only.
- g) *The Commission shall maintain a current list of all authorized wireless 9-1-1 answering points providing wireless 9-1-1 service under the Act. [50 ILCS 751/15]*

Section 728.205 Implementation of Wireless 9-1-1 Service

- a) ETSBs or qualified governmental entities applying to take wireless 9-1-1 calls shall begin providing the service within 6 months after receiving written notice from the Commission's 9-1-1 Program to function as an authorized wireless 9-1-1 answering point, or by September 11, 2001, whichever is later.
- b) Private companies
 - 1) A private company not receiving wireless 9-1-1 calls on September 1, 2001 shall not receive wireless 9-1-1 calls after September 11, 2001 except pursuant to a contract with an authorized wireless 9-1-1 answering point to provide such service.
 - 2) A private company receiving wireless 9-1-1 calls on September 1, 2001 may continue to receive wireless 9-1-1 calls after September 11, 2001 until such time as all wireless carriers contracting with such company to receive wireless 9-1-1 calls certify to the Commission that they are directing calls to the appropriate authorized wireless 9-1-1 answering points.
 - A) Beginning on January 1, 2002 and each month following, any

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wireless carrier contracting with a private company to receive wireless 9-1-1 calls shall file with the Chief Clerk of the Commission a verified report signed by the chief executive officer of the wireless carrier indicating:

- i) The steps taken to date to comply with the requirements of this Part;
 - ii) A schedule for transferring the responsibilities to the appropriate authorized wireless 9-1-1 answering points.
- B) Reports filed under subsection (b)(2)(A) shall be considered public documents and will not be afforded proprietary status by the Commission.
- 3) Private companies acting on behalf of an authorized wireless 9-1-1 answering point to provide 9-1-1 service shall comply with all standards set forth in this Part as well as the requirements set forth in 83 Ill. Adm. Code 725.
- c) Any ETSB or qualified governmental entity that has submitted a letter of intent to receive wireless 9-1-1 calls shall:
- 1) contact all the wireless carriers operating in its jurisdiction as well as its 9-1-1 service provider before filing its plan with Commission's 9-1-1 Program in order to begin the implementation process of wireless 9-1-1 service.
 - 2) file a plan with the Commission's 9-1-1 Program, as set forth in Section 728.210(c), within 3 months of filing a letter of intent with the Commission and the Director, or by November 30, 2000, whichever is later.
 - 3) designate a project coordinator who will be responsible for the overall organization with all parties involved in the project as well as the on-going production and maintenance of the project.

Section 728.210 Authorization to Operate

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- a) ETSBs and qualified governmental entities that possess an order of authority to operate a 9-1-1 system in the State of Illinois and that have notified the Chief Clerk of the Commission and the Director regarding their intention of handling wireless 9-1-1 calls are the only entities that shall handle wireless 9-1-1 calls. These entities shall be known as authorized wireless 9-1-1 answering points.
- b) DSP shall be the default 9-1-1 wireless answering point in areas where no notification of intention to handle wireless 9-1-1 has been given by an authorized ETSB, a qualified governmental entity, or a combination of qualified entities through intergovernmental agreements, or where no 9-1-1 exists.
- c) Within 3 months after notifying the Commission of the ETSB's or qualified governmental entity's intent to take wireless 9-1-1 calls, or by November 30, 2000, whichever is later, the entity shall supply Commission 9-1-1 Program Staff with a plan that sets forth, at a minimum, the items contained in subsections (c)(1)-(6). In an effort to allow the various entities ample time to enter into the intergovernmental agreements required in Schedule E and devise a complete Network Diagram required in Schedule D by this subsection, Schedule E, and Schedule D may be omitted from the initial plan filing. However, Schedules E and D must be filed with 9-1-1 Program Staff no later than January 31, 2001. This must be marked as an addendum to the wireless plan if not filed with the initial plan on November 30, 2000. Nothing in this Section requires the Department to follow the filing requirements in this subsection.
 - 1) Schedule A: A narrative statement setting forth:
 - A) The name of the ETSB or qualified governmental entity or combination of such, requesting to be a 9-1-1 wireless PSAP, and the name, address and telephone number of a contact person for such ETSB or qualified governmental entity or combination;
 - B) A detailed explanation of the jurisdiction boundaries that will be covered, specifying whether such jurisdictional boundaries differ from the wireline 9-1-1 jurisdictional boundaries;
 - C) If the jurisdiction boundaries differ, an explanation of whether additional public safety agencies (fire, law enforcement, EMS) will be dispatched in response to wireless 9-1-1 calls, and how such additional public safety agencies will be dispatched, together with

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a list of such agencies. (see Schedule C);

- D) The name of the 9-1-1 service provider and list of wireless carriers providing service in the specified jurisdiction;
 - E) The name, address and phone number of the project coordinator designated by 9-1-1 system management pursuant to Section 728.205(d)(3);
 - F) Phase of wireless 9-1-1 service being provided and wireless solutions (NCAS, CAS, etc.) with a time-line for implementation;
- 2) Schedule B: A list of PSAPs within the 9-1-1 system that will be answering 9-1-1 wireless calls and their addresses;
 - 3) Schedule C: A list of additional public safety agencies that will need to be dispatched in response to wireless 9-1-1 calls and the associated call handling agreements as prescribed in 83 Ill. Adm. Code 725 in Exhibit 8 and 9. These agreements are subject to the annual rectification requirements in 83 Ill. Adm. Code 725.220(c)(6);
 - 4) Schedule D: A Network diagram provided by the 9-1-1 service provider showing the overall system configuration. Changes made to a system that affect the ability of the system to route wireless 9-1-1 calls shall be reflected in annual filings required by 83 Ill. Adm. Code 725.220(c)(5);
 - 5) Schedule E: Copies of any intergovernmental agreements entered into between ETSBs or qualified units of local governments for providing wireless 9-1-1 service;
 - 6) Schedule F: A Test Plan pursuant to Section 728.305(c).
- d) The Commission's 9-1-1 Program Staff shall review the plan, and shall notify the entity in writing stating whether it has the authorization to operate or continue to operate as an authorized wireless 9-1-1 answering point for the jurisdiction indicated in the plan. Commission Staff shall provide copies of the written notification to the Illinois Department of Central Management Services (CMS) for its processing requirements.

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- e) The Commission's 9-1-1 Program Staff shall forward a copy of each authorized wireless 9-1-1 answering point's entire wireless plan to CMS for its processing.
- f) In the event that an authorized wireless 9-1-1 answering point seeks to modify its existing plan on file with the Commission's 9-1-1 Program Staff, it shall file schedules describing such modification a minimum of 10 days in advance of any changes being made.

SUBPART C: OPERATIONS

Section 728.300 Engineering

- a) 9-1-1 telecommunications service provides terminating only service that connects a person who has dialed the universal emergency service number 9-1-1 to a PSAP assigned to receive wireless 9-1-1 calls. Consistent with subsections (b) and (c) of this Section, 9-1-1 telecommunications service shall be provided through either dedicated direct trunking or tandem trunking.
- b) Dedicated trunking
 - 1) Dedicated Trunking shall be the standard method of providing originating 9-1-1 circuits. Originating trunks shall initially be designed assuming a minimum offered load of 1.00 CCS (expected traffic load) per 1000 wireless connections to be served or a minimum of two trunks, whichever is larger. Within one month of the on-line date of the provision of wireless 9-1-1 service, each trunk group shall be re-evaluated by the wireless carrier and maintained to assure that there is less than 1% blockage of calls placed to 9-1-1 during the average busy hour of the average busy day. Each trunk group shall be sized to deliver calls to the selective routing switch being engineered in such a manner that will meet or exceed a P.01 grade of service or a minimum of 2 trunks. A wireless 9-1-1 originating trunk group may be designated to deliver traffic for a 9-1-1 system or multiple 9-1-1 systems depending on local call handling agreements or service requests.
 - 2) Alternative incoming 9-1-1 trunking methods may be utilized if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the telephone network shall be engineered in accordance with 83 Ill. Adm.

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Code 725.500 for the interoffice and inter-toll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. System management shall not employ any such alternative incoming 9-1-1 trunking method without first obtaining the approval of the Commission's 9-1-1 Program.

- c) Diverse routing shall be provided for all wireline trunking facilities used to transport and terminate the wireless 9-1-1 call where facilities are available.
- d) Default routing shall be provided in the event that a wireless 9-1-1 call cannot be selectively routed. The level of default routing shall be negotiated between the 9-1-1 service provider, the wireless carrier and system management.
- e) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all circuits associated with 9-1-1 service to a PSAP. Such practices shall provide for circuit guarding at all terminations with protective devices that will minimize accidental worker contact. Such practices shall also contain procedures for physical or virtual identification of all 9-1-1 circuit appearances with special warning tags and/or labels, and identification of circuits in company records.
- f) Wireless carriers shall provide information to system management of changes that affect the identification and location information needed by an authorized wireless 9-1-1 answering point at least 10 business days prior to changes being made. The media used in providing this information shall be mutually agreed upon by the carrier and system management.
- g) Prior to an authorized wireless 9-1-1 answering point going on-line, wireless and local exchange carriers shall obtain and retain a contact telephone number for each system management in the event of an outage or failure of the 9-1-1 system.
- h) Wireless carriers shall adopt practices that enable notification of a primary point of contact with system management to begin within 15 minutes after a confirmed outage with the system, and also advise the primary point of contact as to the magnitude of the outage.
- i) Wireless carriers shall adopt practices that provide for notification of a primary point of contact with system management to begin within 15 minutes after the confirmed restoration of 9-1-1 services.

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- j) When all 9-1-1 circuits are busy in the originating mobile switching office, the switching facility, where equipped to provide the function, shall route the caller to an announcement or busy tone or reorder tone. When an all-trunks busy condition occurs in an intermediate switching facility, that machine shall, where equipped, route the caller to an appropriate backup answering location, announcement, busy tone or reorder tone.
- k) Wireless carriers shall provide to system management emergency phone numbers for contact on a 24 hours per day, 7 days per week basis for network and security.

Section 728.305 Wireless Telecommunications Carrier Testing

- a) No circuits associated with an authorized wireless 9-1-1 answering point shall be opened, grounded, short circuited, or tested in any manner until maintenance personnel have obtained release of the affected circuits from the appropriate PSAP personnel. Wireless telecommunications carrier maintenance personnel shall advise system management regarding the length of time that will be required to perform any work involving circuits associated with an authorized wireless 9-1-1 answering point. Wireless telecommunications carrier personnel shall notify system management and the system provider a minimum of 48 hours prior to performing mobile office switching installations, NPA additions, NXX additions, or any other scheduled event that affects 9-1-1.
- b) Each wireless telecommunications carrier shall adopt mutually agreed upon testing practices in conjunction with the system management to perform, at a minimum, mobile office to PSAP 9-1-1 test calls when any of the following changes occur:
 - 1) New mobile switching office installations;
 - 2) NPA and NXX pANI additions;
 - 3) Local number portability implementations;
 - 4) Number pooling implementations; and
 - 5) Any other event that affects 9-1-1.

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- c) Each wireless telecommunications carrier shall develop a testing plan in conjunction with the 9-1-1 system provider and system management for inclusion in the 9-1-1 systems' wireless plan that must be submitted to the Commission's 9-1-1 Program.

Section 728.310 Authorized Wireless 9-1-1 Answering Point Testing

Ongoing testing after the authorized wireless 9-1-1 answering point is on-line shall include the following:

- a) Testing with all wireless telecommunication carriers, including but not limited to the 9-1-1 database, network trunking, system overflow, system backup, default routing, and call transfers on an annual basis. The mutually agreed upon testing shall be coordinated in advance by system management and the participating wireless telecommunications carriers.
- b) Coordinated testing with the participating wireless telecommunications carriers when any of the following occurs:
 - 1) New mobile switching office installations;
 - 2) NPA and NXX pANI additions;
 - 3) Local number portability implementations;
 - 4) Number pooling implementations; and
 - 5) Any other event that affects 9-1-1.

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- 1) Heading of the Part: Administration of Funds Created by the Wireless Emergency Telephone Safety Act
- 2) Code Citation: 83 Ill. Adm. Code 729
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
729.100	Repealed
729.110	Repealed
729.120	Repealed
729.200	Repealed
729.210	Repealed
729.300	Repealed
729.310	Repealed
729.320	Repealed
729.330	Repealed
729.400	Repealed
729.410	Repealed
729.420	Repealed
729.500	Repealed
729.510	Repealed
729.520	Repealed
729.530	Repealed
729.600	Repealed
729.610	Repealed
729.700	Repealed
729.710	Repealed
729.720	Repealed
729.730	Repealed
729.740	Repealed
729.APPENDIX A	Repealed
729.APPENDIX B	Repealed
729.APPENDIX C	Repealed
- 4) Statutory Authority: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-6 transferred the rights, powers, duties, and functions of the Illinois Commerce Commission as set forth in the Emergency Telephone System Act and the Wireless Emergency Telephone Safety

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Act to the Department of State Police effective January 1, 2016. The Department of State Police adopted rules at 83 Ill. Adm. Code 1329 effective May 27, 2016. As a result, this Part is no longer needed and is being repealed.

- 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) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

Mr. Matthew R. Rentschler
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658
- 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

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This repealer was not summarized in either of the two most recent Agendas because: The Department was not aware that the rules had not been repealed by the Agency which previously had authority over this Part.

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

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: DEPARTMENT OF STATE POLICE
SUBCHAPTER f: TELEPHONE UTILITIES

PART 729

ADMINISTRATION OF FUNDS CREATED BY THE
WIRELESS EMERGENCY TELEPHONE SAFETY ACT (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section	
729.100	Scope
729.110	Definitions
729.120	Duties of the Commission

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section	
729.200	Eligibility of Providers
729.210	Eligibility of Carriers

SUBPART C: GENERAL ADMINISTRATION

Section	
729.300	Transmission of Subscriber Information
729.310	Transmission of Surcharge Moneys
729.320	Allocation of Surcharges
729.330	Administrative Costs

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section	
729.400	Distribution of Moneys
729.410	Grants for Subscribers in Overlapping Jurisdictions
729.420	Overpayments and Underpayments

SUBPART E: ADMINISTRATION OF THE
WIRELESS CARRIER REIMBURSEMENT FUND

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Section

729.500	Permitted Reimbursements
729.510	Reimbursement for Approved Expenditures
729.520	Priority of Distributions
729.530	Overpayments and Underpayments

SUBPART F: DISPUTES

Section

729.600	Resolution of Disputes
729.610	Failure to File Financial Reports

SUBPART G: MISCELLANEOUS

Section

729.700	Use of Grants and Reimbursements
729.710	Distributions Subject to Appropriation
729.720	Records
729.730	Physical Inspections
729.740	Indemnification

729.APPENDIX A	Form of Electronic Carrier Subscriber Information Transmittal
729.APPENDIX B	Format of Carrier Remittance Transmittal
729.APPENDIX C	Form of Sworn Statement

AUTHORITY: Implementing and authorized by the Wireless Emergency Telephone Safety Act [50 ILCS 751].

SOURCE: Adopted at 29 Ill. Reg. 19153, effective December 1, 2005; amended by emergency rulemaking at 38 Ill. Reg. 19792, effective October 1, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 3640, effective February 25, 2015; repealed by emergency rulemaking at 40 Ill. Reg. 1074, effective December 31, 2015, for a maximum of 150 days; emergency expired May 28, 2016; transferred by P.A. 99-6 from the Illinois Commerce Commission to the Department of State Police, effective January 1, 2016; repealed at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 729.100 Scope

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This Part shall apply to all wireless carriers, Emergency Telephone System Boards, qualified governmental entities, and Wireless Public Safety Answering Points (W-PSAPs).

Section 729.110 Definitions

For purposes of this Part:

"Act" or "WETSA" means the Wireless Emergency Telephone Safety Act [50 ILCS 751].

"Administrative costs" means the ordinary and extraordinary fees, costs and expenses incurred by the Illinois Commerce Commission in performing its duties and responsibilities under the Act and this Part, including legal and other professional and consulting fees and expenses.

"Carrier" means a wireless carrier.

"Commission" means the Illinois Commerce Commission.

"DSP" means the Illinois Department of State Police.

"FCC" means the Federal Communications Commission.

"Funds" means the Wireless Services Emergency Fund (WSEF) and the Wireless Carrier Reimbursement Fund (WCRF).

"Grant" means a distribution from the WSEF to a provider pursuant to Sections 20 and 25 of the Act [50 ILCS 751/20 and 25].

"Prepaid Act" means the Prepaid Wireless 9-1-1 Surcharge Act [50 ILCS 753].

"Provider" means an Emergency Telephone System Board or qualified governmental entity. DSP shall be considered a provider to the extent that it is acting as a Wireless Public Safety Answering Point.

"Reimbursement" means a distribution from the WCRF to a carrier for the purpose of reimbursing that carrier for costs incurred in complying with the

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applicable provisions of FCC wireless enhanced 9-1-1 service mandates pursuant to Sections 30 and 35 of the Act [50 ILCS 751/30 and 35].

"Subscriber" means a wireless subscriber.

"W-PSAP" means a Wireless Public Safety Answering Point.

Section 729.120 Duties of the Commission

The Commission has the following responsibilities under the Act:

- a) To adopt rules governing grants and reimbursements;
- b) To develop and maintain a database of providers eligible to receive grants and carriers eligible to receive reimbursements;
- c) To the extent authorized by the State Treasurer, to collect and allocate surcharges remitted by carriers into the Funds;
- d) To make monthly grants to eligible providers;
- e) To review and process properly presented carrier requests for reimbursement in accordance with the Act;
- f) To account for all surcharges collected and moneys disbursed;
- g) To maintain auditable records of receipts, grants, and reimbursements and to provide an annual accounting of the Funds to the Auditor General as required by the Act; and
- h) To resolve disputes as required by the Act.

SUBPART B: ELIGIBILITY OF PROVIDERS AND CARRIERS

Section 729.200 Eligibility of Providers

DSP shall be considered certified and eligible to receive grants without complying with this Section. To be eligible to receive a grant, any provider other than DSP must file a letter of intent and a wireless plan with the Commission's 9-1-1 Program pursuant to the 83 Ill. Adm. Code 728.

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The Commission's 9-1-1 Program will notify the entity in writing stating that it has the authorization to operate as an authorized wireless 9-1-1 answering point. Once the provider has received its authorization letter, it must provide the following information to the Commission's Illinois WETSA Program.

- a) A detailed explanation of the geographic area the Commission has granted it authority to cover, by five digit zip code. Including all zip codes in which the provider has sole authority from the Commission to handle wireless 9-1-1 calls.
- b) A list of all zip codes, including provider names, in which the petitioning provider has shared authority from the Commission to handle wireless 9-1-1 calls (in this instance the provider may also define its geographic coverage area by nine digit zip code). If none are known, a statement to that effect should be made;
- c) Copies of all agreements with other providers governing the manner in which grants relating to subscribers in overlapping geographic areas (defined by zip code) should be made (or, if no such agreements exist, a written statement to that effect).

Section 729.210 Eligibility of Carriers

To be eligible to receive a reimbursement, a carrier must:

- a) Be certified by the FCC as a wireless carrier (or reseller) operating in the State of Illinois;
- b) Have provided current subscriber information to the Commission as required by the Act and in Section 729.300; and
- c) Comply with all provisions of this Part pertaining to requests for reimbursement.

SUBPART C: GENERAL ADMINISTRATION

Section 729.300 Transmission of Subscriber Information

With the first transmittal of surcharges collected under the Act, and at the end of each billing month after the first transmittal (no later than the last day of the next calendar month; for example a July subscriber file is due no later than August 31), each carrier shall submit to the Commission its updated total number of subscribers per zip code (9 digit zip code if available)

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for that billing month. Transmittals shall be made in an electronic format, in substantially the form set forth in Appendix A of this Part, as a file attached to an email or a CD-ROM. The file shall be in text format, or EXCEL format, and be accompanied by a transmittal document or a proper label listing the carrier name and the billing month included on the submission.

Transmittals shall be mailed to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701
Email ilwetsa@icc.illinois.gov

Noncompliance with this Section shall subject the carrier to the penalty provisions of Section 17(f) and (g) of the Act.

Section 729.310 Transmission of Surcharge Moneys

- a) Surcharge moneys collected under the Act shall be remitted by check on a monthly basis. Each remittance check shall display the remitting carrier's name and a single Federal Employer Identification Number and a unique carrier check number on the face. The payee shall be designated as "State of Illinois, WETSA Funds".
- b) Each remittance of fees under this Section shall be accompanied by a transmittal to the Commission, in substantially the form set forth in Appendix B.
- c) The checks and remittance transmittal shall be mailed to:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701
- d) Funds are due to the Commission within 45 days after collection from the customer.
- e) Noncompliance with this Section shall subject the carrier to the penalty provisions of Section 17(e) and (g) of the Act.

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Section 729.320 Allocation of Surcharges

Of the surcharges remitted under this Subpart, 6.849315% shall be deposited into the WCRF and 93.150685% shall be deposited into the WSEF.

Section 729.330 Administrative Costs

- a) Administrative costs shall be chargeable to the Funds.
- b) *Of the amounts deposited into the Wireless Service Emergency Fund under Section 729.320, \$0.01 per surcharge collected may be disbursed to the Commission to cover its administrative costs [50 ILCS 751/17(b)].* The Commission may periodically submit a voucher for payment of this amount to it out of the WSEF.

SUBPART D: ADMINISTRATION OF THE WIRELESS SERVICES EMERGENCY FUND

Section 729.400 Distribution of Moneys

Subject to appropriation, moneys in the WSEF may be used only for grants to providers and to pay administrative costs.

- a) Except as provided in this Section and in Section 729.610, the Commission, subject to appropriation, shall make monthly proportional grants to each provider eligible to receive a grant under Section 729.200 based on the number of monthly subscribers in the geographic area (defined by zip code) in which the provider is certified as a wireless 9-1-1 service provider by the Commission.
- b) Funds collected under the Prepaid Act and deposited into the WSEF shall be distributed in the same proportion as in subsection (a).
- c) Of the funds deposited into the WSEF under Section 729.320, \$.02 per surcharge shall be distributed monthly in equal amounts to the governmental units that are in counties under 100,000 population and that are eligible to receive grants under both Section 17(b) of the Act and Section 729.200, except as provided in Section 729.610.

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- d) All surcharge moneys allocated to the WSEF in a given month shall be distributed to the appropriate providers, except as reduced in subsections (f) and (g), and except as provided in Section 729.610.
- e) Funds allocated to the WSEF for geographic areas (defined by zip codes) that have not been properly claimed as the jurisdiction of an eligible provider and located within the Statewide Wireless Emergency 9-1-1 System shall be allocated to DSP. Funds allocated to the WSEF for billing addresses located outside the State of Illinois, or geographic areas (defined by zip code) that have not been claimed as the jurisdiction of an eligible provider and are located outside the Statewide Wireless Emergency 9-1-1 System, shall be allocated proportionately to eligible providers in the manner set forth in subsection (a).
- f) Funds allocated to the WSEF for geographic areas that are contested between eligible providers shall be held in escrow until proper determination has been made by the Commission as provided in Section 729.600.
- g) Estimated administrative expenses shall be withheld on a monthly basis, with at least an annual adjustment based upon actual costs.

Section 729.410 Grants for Subscribers in Overlapping Jurisdictions

Providers sharing geographic areas (defined by zip code) are encouraged to enter into agreements governing the manner in which grants in the shared areas shall be made. Providers in shared geographic areas that do not enter into agreements shall be prepared, upon 60 days' notice, to submit documentation to the Commission outlining the percentage of the shared geographic area claimed and the reasons justifying the percentage claimed for resolution in accordance with Section 729.600.

Section 729.420 Overpayments and Underpayments

In the event of an underpayment or overpayment of grant funds, the Commission shall, at least annually, take one or more of the following corrective actions:

- a) Instruct an overpaid provider by an email or mail to redirect funds with a check to the proper (underpaid) provider in applicable instances (in which case each affected provider shall furnish proof to the Commission that the redirection of funds has been completed as instructed);

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- b) Offset one or more future grant payments to an overpaid provider;
- c) Increase one or more future grant payments to an underpaid provider; or
- d) Release a grant payment to an underpaid provider on an interim basis during the month under the following conditions:
 - 1) The underpaid provider has requested this remedy by mail or email due to fiscal constraints; and
 - 2) There are sufficient funds in the Wireless Services Emergency Fund to avoid underpaying another provider on the next monthly distribution due to this interim release of funds.

SUBPART E: ADMINISTRATION OF THE
WIRELESS CARRIER REIMBURSEMENT FUND

Section 729.500 Permitted Reimbursements

Moneys in the WCRF may be used, subject to appropriation, only to reimburse carriers for costs incurred in complying with the applicable provisions of FCC wireless enhanced 9-1-1 service mandates and to pay administrative costs. In no event shall any sworn invoice submitted to the Commission for reimbursement be approved for:

- a) Costs not related to compliance with FCC Wireless Enhanced 9-1-1 mandates;
- b) Costs with respect to any Wireless Enhanced 9-1-1 service that is not operable at the time the invoice is submitted;
- c) Costs of providing Wireless Enhanced 9-1-1 services in an area when a unit of local government or Emergency Telephone System Board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998;
- d) Any cost associated with a third party vendor that the carrier is not contractually obligated to pay;
- e) Expenses not submitted within five years after the date the cost was incurred; or

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- f) Any carrier that has not remitted surcharges to the Commission within the year before it submitted its invoice.

Section 729.510 Reimbursement for Approved Expenditures

- a) Subject to the conditions in Section 729.500, invoices properly submitted to the Commission shall be reviewed and either approved in whole or in part or denied in whole or in part.
- b) Sworn invoices shall contain a sufficiently detailed description of the goods/services for which reimbursement is sought for the Commission to be able to validate the claim for reimbursement. Sworn invoices submitted with insufficient detail to validate the claim shall either be returned to the carrier for resubmission with additional documentation or the Commission will request additional documentation in order to validate the claim.
- c) Carriers seeking reimbursement shall submit a sworn statement along with each submission of invoices verifying that the charges are reimbursable under the Act and this Part. The sworn statement shall be submitted in substantially the form of the affidavit set forth in Appendix C. Carriers shall submit requests for reimbursement on carrier letterhead, along with the documentation set forth in subsection (b) and in Appendix C of this Part, to the following address:

Illinois Commerce Commission
IL WETSA
527 East Capitol Avenue
Springfield IL 62701

Section 729.520 Priority of Distributions

If insufficient funds exist in the WCRF to satisfy all outstanding claims against the WCRF, all moneys in the WCRF shall be distributed as follows:

- a) First, for reimbursement of outstanding administrative costs incurred by the Commission chargeable against the WCRF; and
- b) Second, to make outstanding reimbursements on a pro-rata basis, including both current reimbursements and reimbursements due from prior months.

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Section 729.530 Overpayments and Underpayments

- a) In the event that the Commission determines that an overpayment to a carrier has been made, it shall immediately notify the carrier and shall:
 - 1) Direct the carrier to immediately reimburse the overpayment to the State;
or
 - 2) Offset a subsequent reimbursement in an amount equal to the overpayment.
- b) In the event that the Commission determines that an underpayment to a carrier has been made, it shall process a voucher corresponding to the underpaid amount, subject to fund availability.

SUBPART F: DISPUTES

Section 729.600 Resolution of Disputes

- a) In the event that a provider files a petition pursuant to 83 Ill. Adm. Code 200 with the Commission alleging an area of overlapping 9-1-1 service jurisdiction in which the providers in that geographic area have not agreed to the manner in which grants in that area will be apportioned, the grants for that area shall be based on reference to an official Master Street Address Guide to the Emergency Telephone System Board or qualified governmental entity whose Public Safety Answering Point provides wireless 9-1-1 service in that area. The petitioning provider claiming the overlapping jurisdiction shall be responsible for providing at hearing a copy of the applicable Master Street Address Guide (see 83 Ill. Adm. Code 728.105). In the event no Master Street Address Guide is available for the jurisdiction at issue or does not provide the information necessary to resolve the dispute, the Commission shall resolve the dispute based on the evidence in the hearing. Any funds allocated to the WSEF for the geographic region in question shall be held in escrow until a final order is entered.
- b) In the event that the Commission matches a subscriber billing address to an incorrect jurisdiction, the recipient, upon notification from the Commission, shall redistribute the funds in question in the manner directed by the Commission, based on the procedures in Section 729.420.

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- c) In the event of a dispute between providers concerning a subscriber billing address, a provider may file a petition pursuant to 83 Ill. Adm. Code 200 seeking a determination of the billing address.

Section 729.610 Failure to File Financial Reports

- a) This Section applies to an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund, and that fails to file the 9-1-1 system financial reports as required under Section 27 of the Act [50 ILCS 751/27(d)]. Such an emergency telephone system board or qualified governmental entity is referred to in the remainder of this Section as a "noncompliant provider".
- b) The Staff of the Commission shall review the financial statements reported to the Commission under Section 27(b) of the Act to determine whether an emergency telephone system board or qualified governmental entity that receives funds from the Wireless Service Emergency Fund has failed to file the 9-1-1 system financial reports as required under Section 27 of the Act, or has filed a report that is not *in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting* [50 ILCS 751/27(b)]. Staff shall present to the Commission a verified report concerning each allegedly noncompliant provider.
- c) When the Commission receives a verified Staff Report concerning an allegedly noncompliant provider and determines that the Staff Report establishes a basis to proceed, it shall enter an Order on its own motion that initiates a formal show-cause proceeding. The Order shall also provide for the withholding of monthly grants as follows:
- 1) If the Staff Report establishes that the noncompliant provider has not filed a report at all, the Order shall direct that the monthly grants otherwise payable to the allegedly noncompliant provider under Section 25 of the Act be suspended and withheld until the Commission determines that the noncompliant provider is substantially in compliance with Section 27 of the Act and has filed the report in the form and manner prescribed by the Commission's Manager of Accounting, or until the grants have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (d); or

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- 2) If the Staff Report states that the noncompliant provider has made an effort to file a report, but the report is not substantially in a form and manner as prescribed by the Commission's Manager of Accounting, the Order shall direct that the monthly grants otherwise payable to the allegedly noncompliant provider under Section 25 of the Act will be suspended beginning 30 days after the date of the Order, and withheld until the Commission determines that the noncompliant provider is substantially in compliance with Section 27 of the Act and has filed the report in the form and manner prescribed by the Commission's Manager of Accounting, or until the grants have been withheld for 12 months or more and provided to compliant providers, as provided in subsection (d).
- d) The formal proceeding shall be heard as is provided in 83 Ill. Adm. Code 200, and the Commission shall determine on the basis of the record, no later than 12 months after the initiation of the proceeding, whether the grants should continue to be suspended and withheld under Section 27 of the Act. Any monthly grants that have been withheld for 12 months or more shall, without further order of the Commission, be forfeited by the emergency telephone system board or qualified governmental entity and shall be distributed proportionally by the Illinois Commerce Commission to compliant emergency telephone system boards and qualified governmental entities that receive funds from the Wireless Service Emergency Fund [50 ILCS 751/27(d)]. The Commission's Order shall specify the date as of which the monthly grants shall begin to be forfeited as provided in this Section. A grant is deemed to be "withheld" as of the date on which Commission personnel responsible for forwarding direction to the Comptroller to pay monthly proportional grants to providers under Section 25 of the Act exclude the noncompliant provider from the list of providers forwarded to the Comptroller. Nothing in this Section precludes a provider from seeking a rehearing of the Commission's order or other relief under Section 10-113 of the Public Utilities Act [220 ILCS 5/10-113]. When Staff determines that a provider previously found by the Commission to be noncompliant has come into compliance, Staff shall immediately inform the Commission personnel responsible for forwarding direction to the Comptroller to pay monthly proportional grants to providers under Section 25 of the Act, and shall recommend, at the next available open meeting of the Commission, that the Order directing the withholding and redistribution of that provider's monthly grants be rescinded, to the extent that the grants have not already been forfeited pursuant to Section 27(d) of the Act.

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- e) The payment of any monthly proportional grant to an emergency telephone system board or qualified governmental entity shall not constitute acknowledgment by the Commission or its Manager of Accounting that the emergency telephone system board or qualified governmental entity has filed a 9-1-1 system financial report as required under Section 27 of the Act, or has filed a report that is in a form and manner prescribed by the Illinois Commerce Commission's Manager of Accounting.

SUBPART G: MISCELLANEOUS

Section 729.700 Use of Grants and Reimbursements

Grants and reimbursements may be used only for the purposes set forth in the Act.

Section 729.710 Distributions Subject to Appropriation

- a) Notwithstanding any other provision of this Part, grants shall be payable solely from funds appropriated by the General Assembly to the WSEF for the purpose of making grants. Obligations of the Commission and the State of Illinois to make grants shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make grants.
- b) Notwithstanding any other provision of this Part, reimbursements shall be payable solely from funds appropriated by the General Assembly to the WCRF for the purpose of making reimbursements. Obligations of the Commission and the State of Illinois to make reimbursements shall cease immediately and without liability if, at any time, the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds to make reimbursements.
- c) The Commission shall notify eligible providers and carriers of any applicable lack of appropriations as soon as is practicable.

Section 729.720 Records

- a) Providers shall maintain detailed books and records related to grants received and use of the grant funds in accordance with applicable law and generally accepted accounting principles. Providers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or

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audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Providers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a provider, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a provider, or if the overpayment exceeds the amount otherwise due, the provider shall immediately refund all amounts that may be due to the WSEF.

- b) Carriers shall maintain detailed books and records related to surcharges billed and collected by geographic area, and records necessary to support requested reimbursements in accordance with applicable law and generally accepted accounting principles. Carriers shall maintain these books and records for a minimum of five years. All books and records shall be available for review or audit by the Commission, its representatives, the Illinois Auditor General, and other governmental entities with monitoring authority upon reasonable notice and during normal business hours. Carriers shall cooperate fully with any such review or audit. If any audit indicates overpayment to a carrier, or subcontractor, the Commission shall adjust future or final payments otherwise due. If no payments are due and owed to a carrier, or if the overpayment exceeds the amount otherwise due, the carrier shall immediately refund all amounts that may be due to the WCRF.

Section 729.730 Physical Inspections

With respect to any request for reimbursement, the Commission may perform an on-site physical inspection of the requesting carrier's facilities for the purpose of verifying that the request is reimbursable under the Act and this Part. Carriers shall cooperate and provide reasonable assistance requested by the Commission in the performance of any such physical inspection.

Section 729.740 Indemnification

Except as explicitly set forth in the Act, and except as explicitly prohibited by law, each provider requesting grants and each carrier shall indemnify and hold the State of Illinois, including the Commission, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs and fees, and related expenses, that may arise by reason of the functions or services provided by the Commission under the Act and this Part. In the event of any demand or claim against the Commission, the Commission will notify the responsible carrier or provider in writing. The Commission may elect to defend any demand or

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claim and will be entitled to be paid by the provider or carrier for all damages, costs and attorney's fees incurred.

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Section 729.APPENDIX A Form of Electronic Carrier Subscriber Information Transmittal

MONTHLY SUBSCRIBER COUNT FILE

Storage Media: file attached to an Email or a CD-ROM

File Format: Text file or Microsoft EXCEL file

Carrier Subscriber Record File Layout

INSTRUCTIONS: This file must be 32 characters in length with a header and trailer record. The header record must have an H indicator in the first position and the carrier name in the remaining 31 positions. The trailer record must have a T in the first position and the total number of records on the file excluding the header and trailer records for 10 positions, followed by the FEIN. If using a Microsoft EXCEL file, the file records shall all be placed in one column of the file.

Each field length must be filled. Example: Subscriber count is a length of 10 and all spaces must be filled with leading zeros (e.g., 0000000999).

Field Name	Starting Position	Length	Data Type
FEIN	1	9	Numeric
Billing Month	10	4	Numeric (YYMM)
US Postal Zip Code	14	5	Numeric
US Postal +4 Code (if available)	19	4	Numeric
Subscriber Count	23	10	Numeric

SAMPLE: Below is an example of the header, trailer and field requirements.

Header:

Hcarriername

Trailer

T99999999990

This is a sample text file:

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HCARRIERNAME

99999999904106270412340000000005

99999999904106270400000000000025

T0000000002999999999

Questions concerning the field requirements may be addressed to:

Illinois Commerce Commission

IL WETSA

527 East Capitol Avenue

Springfield IL 62701

Phone: (217) 782-9715

Email ilwetsa@icc.illinois.gov

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Section 729.APPENDIX B Format of Carrier Remittance Transmittal

CARRIER REMITTANCE OF WIRELESS E9-1-1 FUNDS

CARRIER NAME _____

CARRIER FEIN _____

CARRIER ADDRESS _____

CITY/ST/ZIP _____

CONTACT NAME _____

CONTACT PHONE # _____

REMITTANCE AMT \$ _____

CHECK NUMBER _____

CHECK DATE _____

REMITTANCE MONTHLY BREAKDOWN:

<u>MO/YR Billed</u>	<u>Amount Remitted</u>
_____/_____ _____/_____ _____/_____ _____/_____ _____/_____ _____/_____ _____/_____ _____/_____	_____ _____ _____ _____ _____ _____ _____ _____

TOTAL REMITTED \$ _____ **

** Must agree with Remittance Amount listed at top of form.

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Send Check and remittance to:

Illinois Commerce Commission

IL WETSA

527 East Capitol Avenue

Springfield, IL 62701

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- 10. To the best of my knowledge, Wireless Public Safety Answering Points (as defined by the Act) receiving Wireless Enhanced 9-1-1 service as a result of the expenditures set forth in Exhibit B are within the State of Illinois but not within the City of Chicago.
- 11. The Carrier is in compliance with the Act.

[Signature]

[Printed Name of Official]

SUBSCRIBED AND SWORN TO this _____ day of _____, 20 _____
 Before me, a Notary Public in and for the County and State aforesaid, by [name of official making Affidavit], who is personally known to me to be the [affiant's official title] of [legal name of Carrier] who appeared before me this day and duly acknowledged to me execution of the foregoing Affidavit.

[Seal]

[Signature]

Notary Public

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Heartsaver AED Grant Code
- 2) Code Citation: 77 Ill. Adm. Code 530
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
530.100	Amendment
530.300	Amendment
530.400	Amendment
530.500	Amendment
530.600	Amendment
530.700	Amendment
- 4) Statutory Authority: Section 2310-371.5 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371.5]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking implements PA 99-246 and PA 99-501, which added sheriff's offices, municipal police departments and public libraries to the entities eligible to apply for a matching Heartsaver AED Fund grant. This rulemaking also seeks to update the Part with respect to the current Illinois Department of Public Health grant process to provide that applications should be submitted electronically rather than via a written form.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency 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

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NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does 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 present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

271/782-2043
dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed amendments will have a positive effect on sheriff's offices and municipal police departments as it will offset the cost of an AED.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 530
HEARTSAVER AED GRANT CODE

Section	
530.100	Definitions
530.200	Referenced Materials
530.300	Eligibility for Grants
530.400	Grant Requirements
530.500	Application Requirements
530.600	Review of Applications
530.700	Use of Grant Funds
530.800	Termination
530.900	Denial, Suspension or Revocation
530.1000	Grant Funds Recovery
530.1100	Hearings

AUTHORITY: Implementing and authorized by Section 2310-371.5 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371.5].

SOURCE: Adopted at 30 Ill. Reg. 12288, effective June 28, 2006; amended at 34 Ill. Reg. 3622, effective March 2, 2010; amended at 35 Ill. Reg. 19211, effective November 1, 2011; amended at 41 Ill. Reg. _____, effective _____.

Section 530.100 Definitions

Act – the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310].

Applicant – an Illinois *school, public park district, forest preserve district, conservation district, sheriff's office, municipal police department, municipal recreation department, public library, college, or university* that is applying for a grant under this Part. (Section 2310-371.5 of the Act)

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

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

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

upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual or charges and delivers an electrical impulse at the command of the operator; and

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

Department – the Illinois Department of Public Health.

Director – the Director of the Illinois Department of Public Health.

Fund – the Heartsaver AED Fund in the State Treasury.

Grant Recipient – an Illinois *school, public park district, forest preserve district, conservation district, sheriff's office, municipal police department, municipal recreation department, public library, college, or university* that receives a grant under this Part. (Section 2310-371.5 of the Act)

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 530.300 Eligibility for Grants

To be eligible to receive a grant from the Fund, the applicant shall meet all of the following criteria:

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- a) Be an Illinois school, public park district, forest preserve district, conservation district, sheriff's office, municipal police department, municipal recreation department, public library, college, or university (Section 2310-371.5 of the Act);
- b) *Demonstrate that they have the funds to pay 50% of the cost of the AEDs for which matching grant moneys are sought* as that cost is determined by the State Master Contract or by the Department (Section 2310-371.5 of the Act); and
- c) Place the AED into public service within eight weeks after receipt of grant funds.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 530.400 Grant Requirements

- a) Grant recipients shall comply with all applicable provisions of the Automated External Defibrillator Act and the Automated External Defibrillator Code.
- b) Grant recipients shall match the grant award received and shall spend the grant award on the purchase of an AED to be used by the grant recipient.
- c) Grant recipients shall complete and return documentation as prescribed by the Department (e.g., Reimbursement Certification Form or Internal Revenue Service W-9 Form).
- d) Grant recipients shall agree to enter into a Grant Agreement prescribed by the Department.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 530.500 Application Requirements

- a) The application form may be obtained by downloading the application from the Department's website: <https://idphgrants.com/user/login.aspx>. Upon request, the Department will provide application instructions to potential applicants. Applications shall be submitted to the Department through the website established for this purpose or at the following address:

Heartsaver AED Grants
Illinois Department of Public Health

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~~Division of Emergency Medical Systems & Highway Safety
422 South 5th Street, 3rd Floor
Springfield IL 62701~~

- b) Completed applications shall be submitted to the Department electronically through the Department's electronic grant administrative and management system. Faxed and e-mailed applications will not be accepted.
- c) Applications ~~shall be submitted on the form prescribed by the Department and~~ shall include, at a minimum, the following:
- 1) The names, address, chief officers and general description of the applicant, including theThe name, address, e-mail address and phone number of the primary contact and the secondary contact designated by the applicant to be responsible for administering the grant funds;
 - 2) The Federal Employer Identification Number (FEIN) for the applicant; and
 - 3) An agreement by the applicant that, if awarded a grant, the grant will be matched by the grant recipient.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 530.600 Review of Applications

- a) The grant cycle runs from July 1-June 30 of the State's fiscal year~~each year~~.
- b) The Department will review applications for compliance with the requirements of this Part. During the course of its review, the Department may contact the applicant for additional information if the information provided is incomplete, inconsistent or unclear.
- c) Applicants whom the Department determines not to be eligible for grant funds will be notified by e-mail~~in writing of this decision~~.
- d) Distribution of grants is dependent on available funding. Available grant funds will be distributed on a "first come, first served" basis, based on when the Department received the completed application. If the Department receives

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several completed applications on the same date and time and funds are not available to award each of these applicants, a random selection of applications will be used to determine grant recipients.

- e) Applicants shall submit a new application each State fiscal year to be considered for funding. Applications are only applicable to the State fiscal year in which the applications are received.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 530.700 Use of Grant Funds

- a) The entire amount of the grant award, plus matching funds from the facility, shall be used to purchase an AED. AEDs shall be used at facilities owned or controlled by the grant recipient or at events authorized by the grant recipient that are held at facilities owned or controlled by the grant recipient.
- b) *Any school, public park district, forest preserve district, conservation district, sheriff's office, municipal police department, municipal recreation department, public library, college or university applying for the grant shall not receive more than one grant from the Heartsaver AED Fund each fiscal year (Section 2310-317.5 of the Act).*

(Source: Amended at 41 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1800.110	Amendment
1800.430	Amendment
- 4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78 (a)(3) of that Act [230 ILCS 40/78 (a)(3)]
- 5) Effective Date of Rules: October 18, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 9024; July 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A new subsection e) to Section 1800.440 has been added. This new subsection provides that "the prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

Section Number: Proposed Action: Illinois Register Citation:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1800.815 New Section 40 Ill. Reg. 13299; September 23, 2016
- 15) Summary and Purpose of Rulemaking: The rulemaking amends the definition of a "person with significant influence or control" (PSIC) in Section 1800.110 and Section 1800.430 (c) to include the following categories of persons:
- Any person or entity receiving any net terminal income pursuant to a contractual agreement.
 - Any person or entity holding an option agreement to acquire an equity stake in a terminal operator licensee.

Persons and entities in the above two categories should be classified as PSICs because they can potentially exercise significant influence or control over the licensees with which they have entered into agreements.

As PSICs, these categories of persons will be required to comply with more extensive disclosure requirements in connection with license application and renewals, and be subject to a continuing duty to report information as provided by Section 1800.220.

As modified on Second Notice, the rulemaking also adds a new subsection e) to Section 1800.430 providing that the prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation.

- 16) Information and questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

312/814-7253

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

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NOTICE OF ADOPTED AMENDMENTS

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

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
1800.130	Board Meetings

SUBPART B: DUTIES OF LICENSEES

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

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

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

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1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

Section

1800.510 Coverage of Subpart
1800.520 Applications
1800.530 Submission of Application
1800.540 Application Fees
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications and Surrender of Licenses
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Renewal Fees and Dates
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

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

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

1800.710 Coverage of Subpart
1800.715 Notice of Proposed Disciplinary Action Against Licensees

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1800.720	Hearings in Disciplinary Actions
1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board
1800.795	Persons Subject to Proposed Orders of Economic Disassociation

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

Section	
1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section	
1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals

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- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

- Section
- 1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

- Section
- 1800.1610 Use of Gaming Device or Individual Game Performance Data

ILLINOIS GAMING BOARD

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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions

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

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

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"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

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

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

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

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

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

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

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

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

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

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

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

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

"Credit": One, five, 10 or 25 cents.

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

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

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"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 USC 501(c)(8) or (c)(10)).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

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

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

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

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

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

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

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"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

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

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10].

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

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"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

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

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

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to

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the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

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

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

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

"Person": Includes both individuals and business entities.

"Person with significant interest or control": Any of the following:

Each person in whose name the liquor license is maintained for each licensed video gaming location;

Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

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Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;

Each person who receives any net terminal income pursuant to a contractual agreement;

Any business entity that holds an option agreement to acquire an equity stake in a terminal operator licensee.

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

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When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

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

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video

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gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and complying with all of the minimum standards for use agreements contained in Section 1800.320.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

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

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

(Source: Amended at 40 Ill. Reg. 15131, effective October 18, 2016)

SUBPART D: LICENSING QUALIFICATIONS

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Section 1800.430 Persons with Significant Influence or Control

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.
- b) Each person identified as a person with significant influence or control shall comply with the following:
 - 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- d) Persons with significant influence or control include, but are not limited, to the following:
 - 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
 - 3) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;

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- 4) Any person or business entity receiving any net terminal income pursuant to a contractual agreement;
- 5) Any person or business entity holding an option agreement to acquire an equity stake in a terminal operator licensee.
- e) The prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation.

(Source: Amended at 40 Ill. Reg. 15131, effective October 18, 2016)

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- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
530.20	Amendment
530.70	Amendment
530.80	Amendment
530.95	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) Effective Date of Rules: October 18, 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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 9943, July 22, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In Section 530.80(d)(4)(A) and (B) has been revised to read as follows:

Hunting permit fees at Chain O'Lakes, Horseshoe Lake (Madison County), Ramsey Lake and Silver Springs State Parks shall be set in the lease agreement between the Department and the public/private partnership area concessionaire. The lease agreement may allow the concessionaire to charge a different fee for standard hunting days and special non-standard hunting days. Fee and date information is publically available on the Department's website at: www.dnr.illinos.gov.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to make changes in the controlled pheasant hunting sections of this Part; expand the age of young hunters exempt from controlled hunting fees; update the hunting season; expand the age range for young hunters participating in youth pheasant hunts.
- 16) Information and questions regarding these adopted rules shall be directed to:

Anne Mergen, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites (Repealed)
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective

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August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004; amended at 29 Ill. Reg. 13813, effective August 26, 2005; amended at 30 Ill. Reg. 14478, effective August 24, 2006; amended at 31 Ill. Reg. 9175, effective June 18, 2007; amended at 32 Ill. Reg. 17455, effective October 24, 2008; amended at 33 Ill. Reg. 13871, effective September 21, 2009; amended at 34 Ill. Reg. 16429, effective October 8, 2010; amended at 35 Ill. Reg. 15212, effective September 2, 2011; amended at 36 Ill. Reg. 14704, effective September 21, 2012; amended at 37 Ill. Reg. 16394, effective October 3, 2013; amended at 38 Ill. Reg. 22722, effective November 18, 2014; amended at 39 Ill. Reg. 11331, effective August 3, 2015; amended at 40 Ill. Reg. 10475, effective July 20, 2016; amended at 40 Ill. Reg. 15149, effective October 18, 2016.

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

- a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, all lands west of the line that follows Route 29 from Springfield to Pekin and all lands south of the line that follows Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north

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zone is the remainder of the State.

- b) Season dates:
- 1) North (all species except rabbits) – first Saturday in November through the ~~next~~ following January 8.

South (all species except rabbits) – first Saturday in November through the ~~next~~ following January 15.

Rabbits statewide – the first Saturday in November through the ~~next~~ following February 15.
 - 2) Hunting outside the set season dates is a petty offense.
- c) Hunting hours: Sunrise until sunset. Hunting prior to sunrise or after sunset is a petty offense (see 520 ILCS 5/2.2). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- d) Daily limit:
- 1) Cock Pheasant – 2 (see 520 ILCS 5/2.6)

Bobwhite Quail – 8 (see 520 ILCS 5/2.7)

Hungarian Partridge – 2 (see 520 ILCS 5/2.13)

Rabbit – 4 (see 520 ILCS 5/2.27)
 - 2) Exceeding the daily limit is a petty offense.
- e) Possession limit (after the second day of the hunting season):
- 1) Cock Pheasant – 6 (see 520 ILCS 5/2.6)

Bobwhite Quail – 20 (see 520 ILCS 5/2.7)

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Hungarian Partridge – 6 (see 520 ILCS 5/2.13)

Rabbit – 10 (see 520 ILCS 5/2.27)

- 2) Exceeding the possession limit is a petty offense.
- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code [520 ILCS 5/1.13 or 3.27] or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors. Illegal taking of hen pheasants is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 40 Ill. Reg. 15149, effective October 18, 2016)

Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. For Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. [Applications for reservations on public/private partnership areas will be accepted on July 1.](#) Should the concessionaire, for any reason, fail to operate the concession, applicants must contact the DNR. Applications for reservations [on areas operated by DNR](#) will be accepted on the first Monday of August until 24 hours before the last hunt date. Methods for making reservations are available on the Department's Website at: www.dnr.illinois.gov, by email at: dnr.pheasant@illinois.gov or by writing to the Department's Division of Parks and Recreation-Pheasant at the address cited in subsection (c). Only applications for reservations submitted by Illinois residents will be accepted during the first application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the

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site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) For all DNR operated sites the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. Methods for changing hunting reservations and transferring permits will be provided on the Department's Website at: www.dnr.illinois.gov, by email at: dnr.pheasant@illinois.gov or by writing to:

Illinois Department of Natural Resources
Division of Parks and Recreation – Pheasant
One Natural Resources Way
Springfield IL 62702-1271

- d) Reservations for pheasant hunting will be issued by the Department for the Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Lee County Conservation Area (Green River), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerald State Park.
- e) The Department will operate a conveyance or authorize a conveyance to be used for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for Disabled Controlled Pheasant Hunting Permits must be made at least 48 hours in advance of the hunt. Sites where the conveyance will be available, as well as dates of operation, shall be provided on the Department's Controlled Pheasant Hunting Website and/or publicly announced.

(Source: Amended at 40 Ill. Reg. 15149, effective October 18, 2016)

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

- a) Hunting Seasons:
- 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season (except as provided in subsection (a)(3)) and on

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December 25.

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Horseshoe Lake State Park – Madison County

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Kankakee River State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open only to participants into the Illinois Youth Pheasant Hunting Program ~~only~~ on the first Saturday following the opening of the statewide upland game season.

Chain O'Lakes State Park

Des Plaines State Conservation Area

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Eldon Hazlet State Park (Carlyle Lake)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River State Wildlife Area)

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

- 3) Controlled pheasant hunting seasons are listed below; exceptions are in parentheses; with written authorization from the Director, captive-reared game bird hunting may be scheduled during the season provided for in [Section 1.13 or 2.6 of the Wildlife Code \[520 ILCS 5\]/4.13 or 2.6](#), whichever is longer, on the following DNR operated areas:

Chain O'Lakes State Park (closed during the November 3-day firearm deer hunting), Lee County State Conservation Area (Green River) (closed during the November and December firearm deer hunting season) – the Wednesday before the first Saturday in November through the seventh Sunday following

Des Plaines State Conservation Area (closed during the November 3-day firearm deer hunting), Iroquois County State Conservation Area (closed during the November firearm deer hunting season) and Moraine View State Park – the Wednesday before the first Saturday of November through the ninth Sunday following

Eldon Hazlet State Park and Wayne Fitzgerald State Park – the Wednesday following the first Saturday of November through the

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ninth Sunday following

Horseshoe Lake State Park-Madison County (closed Wednesday and Thursday from opening day until the close of the central zone duck season and New Year's Day) – the second Friday~~Wednesday~~ of December or the first hunting day after the close of the central zone duck season, whichever occurs first, through the ~~next~~ following January 31

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit (closed during the November and December firearm deer hunting season), Johnson-Sauk Trail State Park (closed New Year's Day), Kankakee River State Park (closed New Year's Day), ~~Ramsey Lake State Park (closed on Wednesdays, Thursdays and Fridays during the first through third weeks after the opening date of upland game season, Wednesdays and Thursdays thereafter, and New Year's Day)~~, Sand Ridge State Forest – season dates are those specified in Section 530.20

Ramsey Lake State Park (closed New Year's Day) – Saturdays and Sundays from the first Saturday of November through the last Sunday of the following January

Silver Springs State Park (closed New Year's Day) – the third Saturday of October through the ~~next~~ following January 8

- b) Hunting hours are listed below. On Thanksgiving Day, hunting hours are 9:00 a.m.-1:00 p.m. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Des Plaines State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

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Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County State Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Johnson-Sauk Trail State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Kankakee River State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Lee County State Conservation Area (Green River State Wildlife Area)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees with a Disabled Controlled Pheasant Hunting Permit, during the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued by drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon unless an earlier time is posted at the site's hunter check station at the following sites:

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Des Plaines State Conservation Area

Eldon Hazlet State Park

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park

Lee County State Conservation Area (Green River)

Kankakee River State Park

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park

- d) Hunting licenses, daily "Public Hunting Grounds for Pheasants" fees and hunting permit fees collected by public/private partnership area concessionaire:
- 1) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card, they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) Pursuant to [Section 520 ILCS 5/1.13 of the Wildlife Code](#), at Lee County State Conservation Area (Green River), hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day, hunters under ~~18~~16 are not required to pay the daily Public Hunting Grounds for Pheasants fee.

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- 3) Pursuant to [Section 520 ILCS 5/1.13 of the Code](#), at Des Plaines State Conservation Area, Iroquois County State Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit, Johnson-Sauk Trail State Park, Kankakee River State Park, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must pay the following daily Public Hunting Grounds for Pheasants fee to the Department prior to hunting: \$30 residents; \$35 non-residents. On the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Year's Day, hunters under ~~18~~¹⁶ are not required to pay the daily Public Hunting Grounds for Pheasants fee.
- 4) Hunters must pay the following hunting permit fees to be collected by the public/private partnership area concessionaire under the terms of a Controlled Pheasant Hunting Agreement with the Department prior to hunting. On youth hunting days requested by the concessionaire and authorized by the Department, hunters under the age of ~~18~~¹⁶ are not required to pay a hunting permit fee.

Hunting permit fees at Chain O'Lakes, Horseshoe Lake (Madison County), Ramsey Lake and Silver Springs State Parks shall be set in the lease agreement between the Department and the public/private partnership area concessionaire. The lease agreement may allow the concessionaire to charge a different fee for standard hunting days and special non-standard hunting days. Fee and date information is publically available on the Department's website at: www.dnr.illinois.gov. On other hunting days requested by the concessionaire and authorized by the Department, all hunters may purchase a hen pheasant permit at Horseshoe Lake and Ramsey Lake State Parks for \$40 per 4-pheasant permit and at Chain O'Lakes and Silver Springs State Parks for \$44 per 4-pheasant permit.

Chain O'Lakes State Park – \$33 per 2-pheasant permit for residents and \$35 per 2-pheasant permit for non-residents; \$44 per 3-pheasant permit; \$55 per 4-pheasant permit. Two 2-pheasant permits can be hunted at the site per day.

Horseshoe Lake State Park (Madison County) – \$33 per

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~~2 pheasant permit for residents, \$35 per 2 pheasant permit for non-residents; \$44 per 3 pheasant permit; \$55 per 4 pheasant permit.~~

~~Ramsey Lake State Park – \$33 per 2 pheasant permit for residents, \$35 per 2 pheasant permit for non-residents; \$44 per 3 pheasant permit; \$55 per 4 pheasant permit.~~

~~Silver Springs State Park – \$33 per 2 pheasant permit for residents and \$35 per 2 pheasant permit for non-residents; \$44 per 3 pheasant permit; \$55 per 4 pheasant permit.~~

- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in possession or in their vehicle must declare it with the person in charge of the area during check-in. All game found in a hunter's possession after hunting has started on the area shall be considered illegally taken if the hunter has not declared it prior to going afield.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or a non-toxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O' Lakes State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size ballistically equivalent to No. 5 lead or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field, except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances and Standing Vehicle Permittees and a single dog handler for the Permittee.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Daily limits – On the following areas, a permit authorizes the harvest of 2 pheasants of either sex per hunter; exceptions are in parentheses. With written authorization from the Director, the Department may issue more than one permit

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to a hunter, and, further, the Department may authorize the harvest of released game birds and migratory game birds as provided for in [Section 520 ILCS 5/3.28 of the Code](#). The limits provided for in [Section 520 ILCS 5/3.28](#) shall apply at the following sites:

Chain O'Lakes State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Des Plaines State Conservation Area

Eldon Hazlet State Park

Lee County State Conservation Area (2 cock pheasants per permit hunter)

Horseshoe Lake State Park-Madison County (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, first day only, 4 quail and 2 rabbits per hunter)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area (additionally, 8 bobwhite quail opening day through the Sunday following Thanksgiving Day and 4 rabbits per hunter)

Johnson-Sauk Trail State Park (additionally, 8 bobwhite quail, 2 Hungarian partridge and 4 rabbits per hunter)

Kankakee River State Park (additionally, 8 bobwhite quail and 4 rabbits per hunter)

Moraine View State Park

Ramsey Lake State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day; additionally, 8 bobwhite quail and 4 rabbits per hunter)

Sand Ridge State Forest (additionally, 8 bobwhite quail and 4 rabbits per hunter)

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Silver Springs State Park (two 2 pheasant permits or one 3 or 4 pheasant permit per hunter each day)

Wayne Fitzgerald State Park

- k) Tagging of Birds
During the controlled pheasant hunting season, all pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or ~~510.10(d)(7)~~ or Section 2.33(n), (x) or (z) of the Wildlife Code ~~[520 ILCS 5/2.33(n), (x) or (z)]~~ shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes, including Section 720 ILCS 5/21-5 of the Criminal Code, (Criminal Trespass to State Supported Land). Hunters may request a hearing within 10 days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. ~~The Such~~ hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 40 Ill. Reg. 15149, effective October 18, 2016)

Section 530.95 Youth Pheasant Hunting Regulations

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
- 1) the Saturday preceding the opening of the statewide upland game season:

Clinton Lake State Recreation Area

Mackinaw River State Fish and Wildlife Area

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- 2) the Saturday following the opening of the statewide upland game season:

Chain O'Lakes State Park

Des Plaines State Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Lee County State Conservation Area (Green River)

Iroquois County State Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit

Johnson-Sauk Trail State Park

Moraine View State Park

Sand Ridge State Forest

Sangchris Lake State Park

Wayne Fitzgerrell State Park (Rend Lake)

- 3) the second Sunday following the opening of the statewide upland game season:

Horseshoe Lake State Park (Madison County)

- 4) the first Saturday of the statewide upland game season:

World Shooting Complex

- 5) the first Saturday of March:

Pere Marquette State Park/Mississippi River Area – Pool 26 State Fish and Wildlife Area

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- 6) the Saturday two weeks before the opening of the statewide upland game season:

Edward R. Madigan State Fish and Wildlife Area

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except that, at Sangchris Lake, hunting hours are from 11:00 a.m. to 4:00 p.m., and ~~except~~ at Edward R. Madigan State Fish and Wildlife Area, Eldon Hazlet State Park, Mackinaw River State Fish and Wildlife Area, Pere Marquette State Park/Mississippi River Area-Pool 26 State Fish and Wildlife Area, and the World Shooting Complex, hunting hours are from 1:00 p.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10 ~~and 17-15~~ inclusive and have a youth hunting permit. Stand-by permits shall be issued by drawing held at the conclusion of check-in time when daily quotas are not filled. Hunters under age ~~1816~~ are not required to pay a daily fee.
- d) Depending on the availability of staff during the controlled pheasant hunting season, hunters may be required to deposit their hunting licenses in the check station while hunting. Each permit holder must be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) card, the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Persons who have killed game previously and have it in their possession or in their vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after

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hunting has started on the area will be considered illegally taken if the hunter has not declared it prior to going afield.

- g) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead or a nontoxic shot size ballistically equivalent to No. 5 lead or smaller may be used, except at Chain O'Lakes State Park, Eldon Hazlet State Park, Johnson-Sauk Trail State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as nontoxic by the U.S. Fish and Wildlife Service with a shot size ballistically equivalent to No. 5 lead or smaller may be used.
- h) Daily Limit
- 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines State Conservation Area, Eldon Hazlet State Park, Iroquois County State Conservation Area, Horseshoe Lake State Park (Madison County), Johnson-Sauk Trail State Park, Moraine View State Park, Pere Marquette State Park/Mississippi River Area-Pool 26 State Fish and Wildlife Area, Sand Ridge State Forest, Wayne Fitzgerald State Park and the World Shooting Complex.
 - 2) Two cock pheasants only at Clinton Lake State Recreation Area, [Edward R. Madigan State Fish and Wildlife Area](#), Lee County State Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
 - 3) Statewide upland game limits at Sangchris Lake State Park ~~and Edward R. Madigan State Fish and Wildlife Area~~.
 - 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area – Controlled Unit.
- i) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 40 Ill. Reg. 15149, effective October 18, 2016)

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- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
235.100	New Section
235.105	New Section
235.110	New Section
235.120	New Section
235.130	New Section
235.140	New Section
- 4) Statutory Authority: 105 ILCS 5/1C-2
- 5) Effective Date of Rules: October 24, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see Section 235.100(a)(2).
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 6758; April 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In subsection 100(a), subsection (4) was added to state one of the intended uses of the grants is to support programs, leaders and teachers to continuously improve practices and student outcomes. Subsection 100(b)(1) was amended to include program leaders as those included as receiving web-based services and clarified materials must be in languages other than English. Subsection 105(a) clarified for-profit institutions are eligible to receive grants. Subsection 120(a)(3) clarified proposed activities must be evidence based. Finally, various technical changes suggested by JCAR were made to enhance readability.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: Over the last decade or so, the State Board has funded various other initiatives to assist recipients of Early Childhood Block Grant (ECBG) funding and other early childhood stakeholders in providing high-quality programming in areas of the state with families and children most in need of services. The agency is required to articulate administrative rules for this grant. The administrative rules must include, at a minimum, the entities eligible to apply for funding, required content of the application, criteria for review of the applications, and the terms and conditions of any grants awarded. Staff has determined that funding for programs providing training, technical assistance, high-quality supports and programs for web-based services will be provided as grants; therefore, rulemaking is necessary.

As adopted in Part 235, new Subpart B recognizes the differences between and the unique nature of programs providing training, technical assistance, high-quality supports, and programs offering web-based services [see Sections 235.100 ("Purpose"), 235.105 ("Eligible Applicants"), and 235.120 ("Application Review and Approval of New Programs")]. Services under the programs for training, technical assistance, and high-quality supports will be offered to all recipients of ECBG funding (i.e., both Prevention Initiative and Preschool Education, ages 3 to 5 years).

Programs for web-based services include both early childhood resources offered online, as well as a mapping system used by early childhood agencies and stakeholders to target ECBG funding to areas with the highest needs and fewest services (e.g., the Illinois Early Childhood Asset Map system).

Early Childhood staff intend to issue a Request for Proposals (RFP) for programs for training, technical assistance, and high-quality supports and one or more RFPs for web-based services when sufficient funding is available. These grants are to be funded for a period of 5 years. Funding in any year subsequent to the initial grant year will be dependent on the availability of state funding and on the progress of the grantee in the previous year [see Section 235.130, ("Application Content and Approval for Continuation Programs")]. Limitations on the use of the funds and reporting requirements are proposed in Section 235.140 ("Terms of the Grant").

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

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

217/782-5270

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235
 EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND
 PREVENTION INITIATIVE PROGRAMS

Section	
235.10	Purpose; Eligible Applicants
235.20	Application Procedure and Content for New or Expanding Programs
235.30	Additional Program Components for Preschool Education Proposals
235.40	Additional Program Components for Prevention Initiative Proposals
235.50	Proposal Review and Approval for New or Expanding Programs
235.55	Proposal Review Process and Additional Funding Priorities for Preschool Education Programs
235.60	Application Content and Approval for Continuation Programs
235.65	ExceleRate Illinois: Quality Rating and Improvement System
235.67	Program Monitoring
235.70	Terms of the Grant

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES~~PRESCHOOL FOR ALL CHILDREN PROGRAM~~

Section	
235.100	Purpose; Eligible Applicants (Repealed)
<u>235.105</u>	<u>Eligible Applicants</u>
235.110	Application Procedure and Content for New or Expanding Programs (Repealed)
235.120	Proposal Review and Approval for New or Expanding Programs (Repealed)
235.130	Application Content and Approval for Continuation Programs (Repealed)
235.140	Terms of the Grant (Repealed)

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section

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- 235.200 Implementation and Purpose; Eligible Applicants
235.210 Application Procedure and Content
235.220 Proposal Review and Approval of Proposals
- 235.APPENDIX A Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age
235.APPENDIX B Illinois Birth to Five Program Standards
235.APPENDIX C Illinois Early Learning Guidelines – Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71 and 2-3.89 of the School Code [105 ILCS 5/2-3.71 and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. 15168, effective October 24, 2016.

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES PRESCHOOL FOR ALL CHILDREN PROGRAM

Section 235.100 Purpose; ~~Eligible Applicants (Repealed)~~

This Subpart B establishes the procedure and criteria for the award of one or more grants to eligible applicants for the purposes set forth in this Section.

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports, which are intended to:
- 1) provide training, technical assistance and high-quality supports to recipients of funding under the Early Childhood Block Grant (see Subpart A) and offer other professional development opportunities that include, but are not limited to, evidence-based program models, job-specific

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training, support for mental health consultation and research-based curricula, as applicable to the early childhood program offered (i.e., Preschool Education or Prevention Initiative);

- 2) align training and technical assistance opportunities to the Standards for Professional Learning (2011) promulgated by Learning Forward, 504 South Locust Street, Oxford OH 45056 and posted at <http://learningforward.org/> (no later additions to or editions of these standards are incorporated);
- 3) ensure that each provider of professional development meets the requirements set forth in 23 Ill. Adm. Code 25.Subpart J (Renewal of Professional Educator Licenses) to award credit for professional development for educator license renewal purposes; and
- 4) support programs, leaders and teachers to continuously improve practice and student outcomes.

b) Grants for Web-Based Services shall address:

- 1) Web-Based Resources. These resources must:
 - A) be provided through an early learning website for parents, caregivers, teachers, program personnel and program leaders;
 - B) offer evidence-based, reliable information on early childhood education focusing on standards-based instruction in a variety of formats (e.g., printable tip sheets; video, webinars and other multi-media resources; discussion boards and "frequently asked questions" posts; "rich site summary" feeds; interactive tools and activities; in-person workshops; and online newsletters); and
 - C) be made available in languages other than English.
- 2) Web-Based Early Childhood Asset Mapping System. The System shall relate early care and education site locations to other contexts, such as income and ethnic variables, in order to ensure that allocations of early care and education resources:

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- A) are more equitably distributed across the State; and
- B) focus on geographic areas with high concentrations of at-risk children (as defined in Section 235.10(a)(3)).

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. 15168, effective October 24, 2016)

Section 235.105 Eligible Applicants

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports Entities eligible to apply for grants for statewide training, technical assistance and high-quality supports are:
 - 1) school districts;
 - 2) university laboratory schools approved under 23 Ill. Adm. Code 452 (Public University Laboratory Schools);
 - 3) charter schools authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A];
 - 4) area vocational centers;
 - 5) regional offices of education;
 - 6) intermediate service centers; and
 - 7) other not-for-profit and for-profit entities with experience in providing training and technical assistance about educational, health, social and child development services to young children and their families.
- b) Entities eligible to apply for grants for web-based services are university laboratory schools approved under 23 Ill. Adm. Code 452 (Public University Laboratory Schools), area vocational centers, regional offices of education, intermediate service centers and not-for-profit entities with the expertise and demonstrated experience in early childhood learning and development necessary to deliver professional development or develop web-based resources, as these are defined in Section 235.100.

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(Source: Added at 40 Ill. Reg. 15168, effective October 24, 2016)

**Section 235.110 Application Procedure and Content for New ~~or Expanding~~ Programs
(Repealed)**

Programs established under this Subpart B shall be funded for a five-year period. Funding in each year subsequent to the initial grant year is subject to a sufficient appropriation for the program and satisfactory progress of the grantee in the previous grant year. (See Section 235.130.)

- a) When State funding is expected to be available under this Subpart B for a given fiscal year, the State Superintendent of Education shall issue a Request for Proposals (RFP) to eligible entities. This request shall:
- 1) indicate the amount or expected amount for the program and the expected range for grant awards;
 - 2) describe the required content and format of proposals and identify the services and activities that will receive priority consideration for funding, if applicable;
 - 3) identify the data that recipients will be required to collect and report regarding the services and activities provided, the timelines for reporting and, as applicable, specifics about the evaluation to be conducted to measure the impact of the grant;
 - 4) identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget description that provides a detailed explanation of each line item of expenditure;
 - 5) include the information to be provided regarding any staff to be assigned to program activities, including any subcontractors proposed to provide services or conduct activities;
 - 6) include certifications, assurances and program-specific terms of the grant that the State Superintendent may require (also see Section 235.140); and

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- 7) indicate the deadline for submission of proposals, which shall provide applicants with at least 30 days in which to respond.
- b) Each proposal shall be signed by an authorized representative of the applicant entity.
- c) Applicants may be requested to clarify various aspects of their proposals. The content of any approved proposal shall be incorporated into a Grant Agreement to be signed by the applicant's authorized representative and the State Superintendent of Education or designee.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. 15168, effective October 24, 2016)

**Section 235.120 Proposal Review and Approval for New ~~or Expanding~~ Programs
(Repealed)**

Proposals submitted for initial funding under this Subpart B shall be evaluated in accordance with the criteria applicable to the specific grant for which a proposal is being submitted.

- a) Grants for Statewide Training, Technical Assistance and High-Quality Supports
 - 1) Experience (30 points)
The applicant demonstrates sufficient knowledge about educational, health, social and child development services to young children and their families. The applicant demonstrates prior successful experience in providing training, technical assistance activities and high-quality supports similar in scope and type to those required under the RFP.
 - 2) Program Planning (15 points)
The proposal presents thorough procedures for assessing the staff development needs of the personnel in local Early Childhood Block Grant programs and assuring that all stakeholders have a voice in articulating training and technical assistance needs and involvement in evaluation efforts. The proposal describes a comprehensive data collection, evaluation and continuous quality improvement plan and sufficiently explains how the information will be provided to the State Board of Education by the deadlines indicated.

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3) Program Description (30 points)

The proposed activities are comprehensive, demonstrate a sound approach, are evidence-based and have a strong likelihood of effectively addressing the staff development needs of Early Childhood Block Grant personnel to assist them in complying with the statutory mandate to implement an evidence-based program model (as applicable), research-based curriculum, and the components of the Early Childhood Block Grant program. The proposal describes appropriate staff development activities, reasonable outputs and timelines, and proposes evaluation methods that will be successful in determining the effectiveness of the approaches taken.

4) Cost-Effectiveness of the Proposed Activities (25 points)

The proposed staffing level is sufficient to assure that the proposal's activities and services will be provided in an effective and efficient manner. The proposed budget is consistent with the proposal's activities and appears to be cost-effective, as evidenced by the cost in relation to the numbers to be served and the services to be provided.

b) Grants for Web-Based Services1) Grantee Capability (30 points)

A) The applicant demonstrates sufficient capacity to fully deliver a project of the magnitude and scope inherent in web-based resources and services. The applicant includes a thorough description of its proposed staffing (indicating the number of staff to be employed and their responsibilities and qualifications). The staffing plan appears to have a high likelihood of contributing positively to the applicant's capacity to successfully perform the work outlined in the RFP.

B) The proposal adequately demonstrates the applicant's ability to effectively manage and account for allocations and expenditures of the awarded funds.

C) The proposal presents sufficient evidence of the applicant's expertise and experience in website construction and maintenance to suggest that the project will be implemented in a high-quality

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manner in accordance with the program specifications outlined in the RFP.

- 2) Quality of the Project Implementation/Work Plan (50 points)
The proposed plan is appropriate and demonstrates thorough planning, communication and innovation sufficient to meet each of the objectives identified in the RFP. The activities proposed are appropriate for the work to be accomplished.
 - 3) Timeline, Cost-Effectiveness and Budget (20 points)
The project timeline is appropriate for the scope of the work and project deliverables. The proposal represents a cost-effective use of State resources, as evidenced by the amount requested to support the activities proposed. The budget is reasonable in relation to the services to be provided.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular RFP.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. 15168, effective October 24, 2016)

Section 235.130 Application Content and Approval for Continuation Programs (~~Repealed~~)

The requirements of this Section shall apply to those applicants seeking funding to continue either training, technical assistance and support programs or web-based services grants beyond the initial grant period.

- a) In order to continue to provide services outlined in the initial Grant Agreement funded under this Subpart B, a grantee, each year, shall electronically submit an application for continuation. The application shall include at least the following:
 - 1) a description of activities undertaken to date and any other information required to be reported, demonstrating that the project has been implemented in conformance with the Grant Agreement;
 - 2) an updated scope of the work that discusses the services and activities for which the funding will be used, as articulated in the application for continuation, and a rationale for the activities to be undertaken;

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- 3) budget summary and payment schedule, as well as a narrative budget description, i.e., a detailed explanation of each line item of expenditure;
 - 4) information about any subcontractors proposed to provide services or conduct activities; and
 - 5) the certifications and assurances referred to in Section 235.110(a)(6) applicable to the renewal period.
- b) A program established under this Subpart B shall be approved for continuation, provided that:
- 1) a need continues to exist for the program or services, and the specific services and activities proposed meet the priorities set forth in the application for continuation;
 - 2) the activities and services proposed will be effective in providing high-quality training, technical assistance and supports, or web-based services, as applicable, that meet the needs of Early Childhood Block Grant recipients and other providers;
 - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
 - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received under this Subpart B.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. 15168, effective October 24, 2016)

Section 235.140 Terms of the Grant ~~(Repealed)~~

- a) Subcontracting is allowed with prior written approval of the State Superintendent of Education.

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- b) Activities shall be supported by funding under this Subpart B only to the extent that they do not duplicate or supplant efforts already conducted by or under the auspices of the grantee.
- c) Reporting: Each grantee shall submit evaluation information and other reports containing program-related data in a format specified by the State Board of Education, providing, at a minimum:
- 1) For grants for statewide training, technical assistance and high-quality supports, data and information regarding trainings, technical assistance activities, mental health consultation support and participants; and
 - 2) For grants for web-based services, data and information regarding the events administered with grant funds, completed activities, website maintenance and website traffic.
- d) Travel expenses, including transportation costs and, when overnight stay is required, lodging and per diem, are subject to the State rates published by the Governor's Travel Control Board for State employees and posted at <http://www.illinois.gov/cms/employees/travel/pages/travelreimbursement.aspx>.

(Source: Former Section repealed at 35 Ill. Reg. 3742, effective February 17, 2011, and new Section added at 40 Ill. Reg. 15168, effective October 24, 2016)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Developmental Disabilities Services
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: 144.102 Emergency 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 Emergency Rule: October 19, 2016
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: October 19, 2016
- 8) A copy of the adopted 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: The Department is adopting these emergency amendments to the emergency rulemaking to correct the rate computation methodology of the Adjustment Factor. Due to the high costs associated with caring for clients who have the most severe developmental disabilities, the emergency rulemaking amended the rate computation methodology of the Adjustment Factor to provide increased rates to facilities who are serving high populations of clients with high medical/high personal care needs. The increased rate will help providers maintain operations by eliminating significant losses associated with caring for high medical/high personal care needs clients. The increased rate will also prevent clients with exceptional needs from most likely being transferred to unknown environments/settings or from being institutionalized in a State Operated Developmental Center at a much higher cost and further away from their families, friends and community. Studies have shown that the stress and anxiety of having to move from their homes compounded with the fragile medical conditions of many could have significant negative health consequences, including death. For these reasons, the Department finds that a threat exists to the public's safety and welfare. The emergency

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NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

rulemaking addresses this threat by allowing providers to continue providing services and will increase the amount of funding eligible for federal, Medicaid matching funds.

- 10) A Complete Description of the Subjects and Issues Involved: Currently, 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 proposed rulemaking amends the rate computation methodology of the Adjustment Factor to provide increased rates to facilities who are serving high populations of clients with high medical/high personal care needs. The amendment facilitates continued care and services to the most vulnerable developmentally disabled clients being cared for in facilities whose populations are comprised predominantly of clients with high medical/high personal care needs.

- 11) Are there any proposed rulemakings to this Part pending? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
144.102	Amendment	40 Ill. Reg. 14366; October 21, 2016

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these emergency rules shall be directed to:

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

217/785-9772

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

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
<u>EMERGENCY</u>	
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

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NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 144.TABLE C IPP Outcomes (Repealed)
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; emergency amendment at 40 Ill. Reg. 14366, effective October 7, 2016, for a maximum of 150 days; emergency amendment to emergency rule at 40 Ill. Reg. 15180, effective October 19, 2016, for the remainder of the 150 days.

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

EMERGENCY

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- 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**
In order to receive rate adjustments under this Section, facilities must meet the following criteria:
 - 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 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 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 ~~50~~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 ~~50~~60 percent and:
 - A) For facilities with a Medical Level III percentage less than 80 percent – 3.9; or

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- B) For all other facilities – 5.0.
- 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.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 14366, effective October 7, 2016, for a maximum of 150 days; emergency rule amended by emergency rule at 40 Ill. Reg. 15180, effective October 19, 2016, for the remainder of the 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
NOVEMBER 15, 2016
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChief Procurement Officer – General Services

44-1-16-08884 MR

1. Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 40 Ill. Reg. 8884 – 7/8/16
 - Expiration of Second Notice: 12/2/16

Healthcare and Family Services

89-140-16-06936 EMS

2. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 40 Ill. Reg. 6936 – 5/6/16
 - Expiration of Second Notice: 12/8/16

89-140-16-09909 EMS

3. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 40 Ill. Reg. 9909 – 7/22/16
 - Expiration of Second Notice: 12/8/16

89-152-16-06966 EMS

4. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
 - First Notice Published: 40 Ill. Reg. 6966 – 5/6/16
 - Expiration of Second Notice: 12/8/16

Insurance

50-928-16-05783 MR

5. Medical Professional Liability Database (50 Ill. Adm. Code 928)
 - First Notice Published: 40 Ill. Reg. 5783 – 4/8/16
 - Expiration of Second Notice: 11/20/16

Public Health

77-215-16-11115 AC

6. Regional Poison Control Center Code (77 Ill. Adm. Code 215)
 - First Notice Published: 40 Ill. Reg. 11115 – 8/19/16
 - Expiration of Second Notice: 12/9/16

77-525-16-11131 AC

7. Automated External Defibrillator Code (77 Ill. Adm. Code 525)
 - First Notice Published: 40 Ill. Reg. 11131 – 8/19/16
 - Expiration of Second Notice: 12/9/16

77-946-16-10751 AC

8. Compassionate Use of Medical Cannabis Patient Registry (77 Ill. Adm. Code 946)
 - First Notice Published: 40 Ill. Reg. 10751 – 8/12/16
 - Expiration of Second Notice: 12/9/16

Revenue

86-120-16-11235 ES

9. Real Estate Transfer Tax (86 Ill. Adm. Code 120)
 - First Notice Published: 40 Ill. Reg. 11235 – 8/26/16
 - Expiration of Second Notice: 12/1/16

Sex Offender Management Board

20-1905-16-10366 ES

10. Adult Sex Offender Evaluation and Treatment (Repealer) (20 Ill. Adm. Code 1905)
-First Notice Published: 40 Ill. Reg. 10366 – 8/5/16
-Expiration of Second Notice: 12/3/16

20-1905-16-10408 ES

11. Adult Sex Offender Evaluation and Treatment (New Part) (20 Ill. Adm. Code 1905)
-First Notice Published: 40 Ill. Reg. 10408 – 8/5/16
-Expiration of Second Notice: 12/7/16

State Universities Civil Service System

80-250-16-07537 MR

12. State Universities Civil Service System (80 Ill. Adm. Code 250)
-First Notice Published: 40 Ill. Reg. 7537 – 5/20/16
-Expiration of Second Notice: 11/23/16

Student Assistance Commission

23-2775-16-12942 BT

13. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)
-First Notice Published: 40 Ill. Reg. 12942 – 9/9/16
-Expiration of Second Notice: 12/9/16

EMERGENCY RULEMAKINGHuman Services

89-144-16-14366E EMS

14. Developmental Disabilities Services (89 Ill. Adm. Code 144)
-First Notice Published: 40 Ill. Reg. 14366 – 10/21/16

PEREMPTORY RULEMAKINGHuman Services

89-121-16-14114P EMS

15. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-First Notice Published: 40 Ill. Reg. 14114 – 10/14/16

AGENCY RESPONSE

Chief Procurement Officer for the Capital Development Board

44-8-16-06294 MR

16. Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8)
 - First Notice Published: 40 Ill. Reg. 6294 – 4/15/16
 - Agency Response: Modification

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 18, 2016 through October 24, 2016. The rulemakings are scheduled for review at the Committee's November 15, 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>
12/1/16	<u>Department of Revenue</u> , Real Estate Transfer Tax (86 Ill. Adm. Code 120)	8/26/16 40 Ill. Reg. 11235	11/15/16
12/1/16	<u>Chief Procurement Officer for General Services</u> , Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1)	7/8/16 40 Ill. Reg. 8884	11/15/16
12/1/16	<u>Sex Offender Management Board</u> , Adult Sex Offender Evaluation and Treatment (Repealer) (20 Ill. Adm. Code 1905)	8/5/16 40 Ill. Reg. 10366	11/15/16
12/7/16	<u>Sex Offender Management Board</u> , Adult Sex Offender Evaluation and Treatment (New Part) (20 Ill. Adm. Code 1905)	8/5/16 40 Ill. Reg. 10408	11/15/16

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 40, Issue 45 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.

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