

2003

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

- Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
- Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
- Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)
- Issue 15 - April 00, 2004: Data through March 31, 2004 (1stQuarter)

Editor’s Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor’s Note3:

To: All State Agencies – Springfield Area
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code

100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: [All State Agencies in the **Chicago Area**](#)
From: [Secretary of State](#)
[Department of Index](#)
[Administrative Code Division](#)

[Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.](#)

Workshop Schedule and Signup Sheet on following page:

**Secretary of State
Department of Index
Administrative Code Division**
SPRINGFIELD AREA - Workshop Schedule and Signup Sheet

Springfield – July 23, 2003

Topics:

- Proposed Rulemaking
 - Regulatory Agenda
 - 1st Notice - Proposed
 - 2nd Notice – JCAR Approval
 - Final Notice - Adopted

Number
Attending

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to: Springfield Workshops

Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Illinois State Library
300 S. Second St.
Rm. 403-404
Springfield, IL 62701
8:30am – 12:00pm

If you have any question please call (217) 782-6537.

**Secretary of State
Department of Index
Administrative Code Division**
CHICAGO AREA - Workshop Schedule and Signup Sheet

CHICAGO – July 30, 2003

Topics

Number
Attending

- Miscellaneous Information
 - Emergency Rules
 - Second Notices
 - Executive Orders/Proclamations
 - Regulatory Agenda
 - Other Notices
- Checklists
- Proposed Rulemaking
 - Regulatory Agenda
 - 1st Notice - Proposed
 - 2nd Notice – JCAR Approval
- Final Notice - Adopted

Agency Name: _____

Contact Name: _____

Address: _____

City/Zip: _____

Phone Number: _____

Please return this registration sheets to:

Secretary of State

Department of Index

Administrative Code Division

Attn: Brenna Boston

111 E. Monroe

Springfield, IL 62756

Fax Number: (217) 524-0308

If you have any question please call (217) 782-6537.

Chicago Workshops

Thompson Center

100 West Randolph

Chicago, IL

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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

2003 REGISTER SCHEDULE VOLUME # 27

<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>	<u>Issue#</u>	<u>Copy Due by 4:30 pm</u>	<u>Publication Date</u>
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
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Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
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Issue 19	April 28, 2003	May 09, 2003			
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Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
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Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Number: Proposed Action:
600.310 Amend
- 4) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- 5) A Complete Description of the Subjects and Issues Involved: The Bureau of Weights and Measures inspects all commercially-used weighing and measuring devices in the State of Illinois. The Bureau is mandated to inspect all known devices within a 12-month period, and device owners are charged a fee for the inspection. The FY'04 budget is based upon fee increases proposed by the Governor's Office of Management and Budget. The additional revenue will be used to support the Weights and Measures Program.
- 6) Will this proposed rule replace an emergency rule in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day this notice of rulemaking appears in the Illinois Register. Written comments should be sent to the attention of:

Linda Rhodes
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any business with a commercially used weighing or measuring device.
 - B) Reporting, bookkeeping or other procedures required for compliance: The Department's invoice statements will be changed.
 - C) Types of professional skills necessary for compliance: No additional professional skills are necessary.
- 13) Regulatory agenda on which this rulemaking was summarized: The Department did not anticipate a need to adopt permanent changes to the regulation.

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

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600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Prominence and Placement: Consumer Packages (Repealed)
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600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois

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Section	
600.250	Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section	
600.300	Vehicle Scales Regulation

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 600.310 Fees
- 600.320 Scales Used for the Enforcement of Highway Weight Laws
- 600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

Section

- 600.350 General (Repealed)
- 600.360 Testing and Inspection (Repealed)
- 600.370 Rejected Moisture Testing Devices (Repealed)
- 600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

Section

- 600.450 Policy (Repealed)
- 600.460 Definitions (Repealed)
- 600.470 Certificate of Registration (Repealed)
- 600.480 Types of Certificates (Repealed)
- 600.490 Examinations (Repealed)
- 600.500 Exemptions (Repealed)
- 600.510 Registration Fee (Repealed)
- 600.520 Reports (Repealed)
- 600.530 Bonds (Repealed)
- 600.540 Standards and Testing Equipment (Repealed)
- 600.550 Revocation of Certificate of Registration (Repealed)
- 600.560 Publication of Lists (Repealed)

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- 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons
- 600.670 System Used to Sell Petroleum Product
- 600.680 Unit Price Per Gallon Displayed (Repealed)
- 600.690 Price of Gasoline
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DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

600.720	Information Sign Indicating Half Gallon Pricing of Gasoline
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
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600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility
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PETROLEUM PRODUCTS

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600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562, effective October 1, 1981; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994 for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT

Ill. Reg. _____, effective July 1, 2003, for a maximum of 150 days

SUBPART C: WEIGHING AND MEASURING DEVICES: METERS -- SCALES -- FEES

Section 600.310 Fees

The Director of Agriculture and each city sealer of weights and measures shall collect and receive fees for the use of the State or city as the case may be at the following rates, ~~which shall be due and payable at the time of such inspection.~~ Per hour fee is charged for each hour or portion thereof.

DEVICE	CURRENT FEE	2002	2003	2004
Scales by capacity 0-50 pounds	10	11	<u>18</u> 12	13
Scales by capacity 51-2000 pounds	25	25	<u>39</u> 25	25
Scales by capacity 2001 + pounds	100	110	<u>186</u> 121	133
Additional readouts	0	25	<u>39</u> 25	25
Railroad track scales per hour	50	55	<u>94</u> 61	67
Use of scale truck per hour	100	110	<u>186</u> 121	133
Belt conveyor scales per hour	50	55	<u>94</u> 61	67
Livestock scales	100	110	<u>186</u> 121	133
Motor fuel dispensers	10	11	<u>18</u> 12	13
Motor fuel meters up to 2-3/4"	50	55	<u>94</u> 61	67
Motor fuel meters over 2-3/4"	100	110	<u>186</u> 121	133
LPG meters	75	83	<u>140</u> 91	100

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT

Mass flow meters per hour	0	55	94 61	67
Grain moisture meters	50	55	94 61	67
Metrology lab fee per hour plus shipping	75	83	140 91	100

(Source: Amended at 27 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) Section Numbers: Proposed Action:
 - 310.80 Amend
 - 310.100 Amend
 - 310.110 Amend
 - 310.130 Amend
 - 310.220 Amend
 - 310.230 Amend
 - 310.290 Amend
 - 310.450 Amend
 - 310.530 Amend
 - 310.540 Amend
 - Appendix B Amend
 - Appendix C Amend
 - Appendix D Amend
 - Appendix G Amend

- 4) Statutory Authority:

Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

- 5) A Complete Description of the Subjects and Issues Involved:

These amendments to the Department of Central Management Services' Pay Plan reflect the Fiscal Year 2004 changes that affect those employees subject to the Schedule of Salary Grades and Merit Compensation System. The following sections are being amended:

Section 310.80, Increases in Pay, step increases are being suspended under paragraph a.(1); and superior performance increases are being suspended under paragraph d)2).

In Section 310.100, Other Pay Provisions, the paragraph relating to "Incentive Pay" is being deleted.

In Sections 310.110, 310.130, 310.290, 310.530, 310.540, Appendices B, C, D, and G, the Fiscal Year is being changed from 2003 to 2004.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.220, Negotiated Rate, pay increases for positions that are excluded from the bargaining unit are being suspended in paragraph b).

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the hourly and daily part time rate for the Office Assistant and Office Clerk are being upgraded to reflect the increase that was negotiated for RC-014-OCB union employees. All other rates are remaining the same as the previous Fiscal Year.

In Section 310.290, Out-of-State or Foreign Service Rate, increases under this Section are being suspended.

In Section 310.450, Procedures for Determining Annual Merit Increases, merit increases are being suspended as expressed in paragraph d).

In Section 310.540, Annual Merit Increase Guidechart for Fiscal Year 2004, the percentage of increase is being changed to zero amount for all categories.

In Appendix B, Schedule of Salary Grades, the previous July 1, 2002 Step 8 rate is being deleted and replaced with the current (January 1, 2003) Step 8.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes No

If "yes", please specify date:

- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.280	Amend	27 Ill. Reg. 8570, 5/30/03
Table L	Amend	27 Ill. Reg. 8570, 5/30/03
Table W	Amend	27 Ill. Reg. 8570, 5/30/03
310.280	Amend	27 Ill. Reg. 9277, 6/20/03
310.280	Amend	27 Ill. Reg. 9656, 6/16/03
Table W	Amend	27 Ill. Reg. 9656, 6/16/03

- 10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

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

Ms. Marianne Armento
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January, 2003

The full text of the proposed amendments is identical to the emergency amendments published on page 10442 of the Illinois Register.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Numbers: Proposed Action:
2800.Appendix A Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000)
- 5) A Complete Description of the Subjects and Issues Involved: On June 10, 2003, JCAR filed no objection to a proposed rule change by the Travel Regulation Council to increase the maximum lodging reimbursement rates in the 96 downstate Illinois counties. In order to adopt these changes for employees specifically under the jurisdiction of the Governor, a change is necessary to the reimbursement schedule in the rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized: This amendment was not included on either of the 2 most recent agendas because the Governor's Travel Control Board is making this change in reaction to the rulemaking of the Travel Regulation Council to adopt the increases.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears on page 10476 of this issue of the Illinois Register.

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Numbers: Proposed Action:

25.11	Amendment
25.20	Amendment
25.30	Amendment
25.35	Amendment
25.40	Amendment
25.80	Amendment
25.92	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved:

Much of this material will serve to assure Illinois school districts that individuals they hire will be considered highly qualified under the federal No Child Left Behind Act (NCLB). For example, Section 25.92 establishes a new certificate for visiting international teachers who are recruited by Illinois districts to fill a need for qualified teachers. This is an initiative that responds to NCLB by providing a separate, full certificate to individuals whose preparation and background have been evaluated against standards established by the State.

Another principal purpose of these amendments is to clarify current policies and practices for issuing elementary, secondary, special, and early childhood certificates and to make explicit how the requirements are applied to various groups of candidates, including those who are completing approved programs, those who come to Illinois with comparable credentials from other states or countries, and those who are seeking “subsequent” certificates, i.e., those that are not their first certificates. Within this context, ending dates for several provisions are being deleted so that those provisions will continue in effect for the foreseeable future. In particular, it would be counter to NCLB’s provisions to allow the requirement for a major to “sunset” this year as has previously been slated in Sections 25.30 and 25.40.

Finally, Sections 25.20 and 25.30 are being amplified to eliminate a point of confusion regarding professional education by reinserting specific coursework requirements in place of a cross-reference. This is not a substantive change and merely serves to state all applicable requirements for each certificate in one location.

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- 6) Will these proposed amendments replace emergency amendments currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes; please see Section 25.92(c)(2)
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Action</u>	<u>Illinois Register Citation</u>
25.67	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.115	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.125	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.127	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.140	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.145	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.155	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.160	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.313	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.442	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.710	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.728	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.Appendix D	Amendment	27 Ill. Reg. 6432, April 18, 2003

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-5270

Comments may also be submitted via e-mail, addressed to:

ILLINOIS STATE BOARD OF EDUCATION

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rules@isbe.net

- 12) 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
- 13) Regulatory Agenda on which this rulemaking was summarized:
July 2003

The full text of the proposed 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 b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section
25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section
25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates
25.20 Requirements for ~~Initial~~ [the](#) Elementary Certificate
25.30 Requirements for ~~Initial~~ [the](#) Secondary Certificate
25.35 ~~Temporary Provisions for the~~ Acquisition of Subsequent ~~Standard~~ Certificates;
[Removal of Deficiencies](#)
25.40 Requirements for ~~Initial~~ [the](#) Special K-12 Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
(Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for ~~Initial~~ [the](#) Early Childhood Certificate
25.85 Special Provisions for Endorsement in Foreign Language for Individuals
Currently Certified
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared
as Teachers But Not Currently Certified
25.90 Transitional Bilingual Certificate and Examination
[25.92 Visiting International Teacher Certificate](#)
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate

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25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL
EDUCATORS IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125 Fifth-Year Review of the Educational Unit
25.127 Fifth-Year Review of Individual Programs
25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001
25.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from Spring of 2002 through Spring of 2003
25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
25.140 Transitional Requirements for Unit Assessment Systems
25.145 Approval of New Programs Within Recognized Institutions
25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
25.150 The Periodic Review Process (Repealed)
25.155 Initial Recognition Procedures
25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.210 Requirements for the Certification of School Social Workers
25.220 Requirements for the Certification of Guidance Personnel
25.230 Requirements for the Certification of School Psychologists
25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND
SUPERVISORY STAFF

Section

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NOTICE OF PROPOSED AMENDMENTS

25.310	Definitions (Repealed)
25.311	Administrative Certificate
25.313	Alternative Route to Administrative Certification
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement
25.344	Chief School Business Official Endorsement
25.355	Superintendent Endorsement

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
25.415	Credit in Junior College
25.420	Psychology Accepted as Professional Education
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Three-Year Limitation
25.430	Institutional Approval
25.435	School Service Personnel Certificate--Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE
25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses
25.450	Lapsed Certificates
25.455	Substitute Certificates
25.460	Provisional Special and Provisional High School Certificates
25.465	Credit
25.470	Meaning of Experience on Administrative Certificates
25.475	Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes
25.485	Provisional Recognition of Institutions (Repealed)
25.490	Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493	Part-Time Teaching Interns
25.495	Approval of Out-of-State Institutions and Programs
25.497	Supervisory Endorsements

ILLINOIS STATE BOARD OF EDUCATION

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SUBPART G: THE UTILIZATION OF TEACHER AIDES AND OTHER NONCERTIFIED PERSONNEL

Section	
25.510	Teacher Aides
25.520	Other Noncertificated Personnel
25.530	Specialized Instruction by Noncertificated Personnel
25.540	Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section	
25.705	Purpose - Severability
25.710	Definitions
25.715	Test Validation
25.717	Test Equivalence
25.720	Applicability of Testing Requirement
25.725	Applicability of Scores
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Examination
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

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Section

25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.872	Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875	Continuing Professional Development Units (CPDUs)
25.880	“Valid and Exempt” Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING
CERTIFICATE

Section

25.900	Applicability of Requirements in this Subpart
25.905	Choices Available to Holders of Initial Certificates
25.910	Requirements for Induction and Mentoring
25.915	Requirements for Coursework on the Assessment of One’s Own Performance
25.920	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
25.925	Requirements Related to Advanced Degrees
25.930	Requirements for Continuing Professional Development Units (CPDUs)
25.935	Additional Activities for Which CPDUs May Be Earned
25.940	Examination
25.945	Procedural Requirements

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- 25.APPENDIX A Statistical Test Equating - Certification Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000
- 25.APPENDIX C Exchange of Certificates
- 25.APPENDIX D National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. _____, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART B: CERTIFICATES

ILLINOIS STATE BOARD OF EDUCATION

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Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] establishes a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that will be available as of that date is found in Appendix B to this Part. The transition to the new system will affect certified individuals and candidates for certification as set forth in this Section.

- a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.
 - 1) Certificates subject to exchange are listed in Appendix C to this Part.
 - 2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000, shall continue to be acceptable for those assignments.

- b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations shall receive either initial or standard teaching certificates, and those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. ~~For out-of-state candidates, the “applicable examinations” for a standard certificate shall be those required for the comparable initial certificate.~~ An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].
 - 1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States, unless a candidate elects to receive an initial certificate to afford himself or herself time to complete the requirements of Subpart K of this Part.
 - 2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience. A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of

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four years' teaching experience on a valid certificate and may either count his or her teaching time outside Illinois or elect to wait until he or she has accumulated four years' teaching on the Illinois initial certificate.

- 3) Certificates will be endorsed according to the coursework presented and the examination(s) passed.
- c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part.
 - d) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.
 - 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
 - 2) A candidate who does not complete four years of teaching within twelve years after his or her initial certificate is issued may receive another initial certificate by taking and passing the initial certification examinations required at that time and meeting all other requirements then in force for that certificate.
 - 3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate. No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (d)(3).
 - 4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
 - e) A holder of ~~a standard~~ an Illinois teaching certificate who has ~~at least four years~~

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~~of~~ teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional ~~standard~~ certificate of another type ~~by passing the examinations required for the comparable initial certificate and by meeting the other requirements for that certificate set forth in this Subpart B (see Sections 25.20, 25.30, 25.40, 25.43, 25.45, and/or 25.80 of this Part, as applicable)~~ as set forth in Section 25.35 of this Part.

- f) “Four years of teaching experience” means the equivalent of four years’ full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching.
- g) “Evidence of teaching experience” means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate’s teaching. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
- h) For purposes of this Section, “valid certificate” means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.
- i) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards shall be issued a comparable Illinois master certificate as shown in Appendix D to this Part. Endorsements comparable to those held by the individual shall appear on the master certificate.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.20 Requirements for ~~Initial~~ the Elementary Certificate

- a) Each applicant shall either:
 - 1) have completed an approved Illinois teacher preparation program for the elementary certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, ~~or another state~~

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~~and have less than four years of teaching experience as defined in Section 25.11(g) of this Part~~ submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

- | | | |
|----|--|----------|
| A) | <u>Educational psychology</u> | <u>2</u> |
| B) | <u>Methods and techniques of teaching on the elementary level</u> | <u>2</u> |
| C) | <u>History and/or philosophy of education</u> | <u>2</u> |
| D) | <u>Methods of teaching reading</u> | <u>2</u> |
| E) | <u>Coursework addressing THE PSYCHOLOGY OF, THE IDENTIFICATION OF, AND THE METHODS OF INSTRUCTION FOR THE EXCEPTIONAL CHILD, INCLUDING WITHOUT LIMITATION THE LEARNING DISABLED (Section 21-2a of the School Code[105 ILCS 5/21-2a])</u> | |
| F) | <u>Pre-student teaching clinical experiences equivalent to 100 clock hours</u> | |
| G) | <u>Student teaching (grades K-9)</u> | <u>5</u> |
| H) | <u>Electives to total 16 semester hours</u> | <u>3</u> |

- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.
- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

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- d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.30 Requirements for ~~Initial~~ the Secondary Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program for the secondary certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, ~~or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part~~ submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
 - A) Educational psychology, including human growth and development 2
 - B) Methods and techniques of teaching on the secondary level or in a teaching field 2
 - C) History and/or philosophy of education 2

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D Coursework addressing THE PSYCHOLOGY OF, THE IDENTIFICATION OF, AND THE METHODS OF INSTRUCTION FOR THE EXCEPTIONAL CHILD, INCLUDING WITHOUT LIMITATION THE LEARNING DISABLED (Section 21-2a of the School Code)

E Pre-student teaching clinical experiences equivalent to 100 clock hours

F Student teaching (grades 6-12) 5

G Electives to total 16 semester hours 5

- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experience.
- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required ~~through June 30, 2003~~.
- e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject-matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the secondary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.35 ~~Temporary Provisions for the~~ Acquisition of Subsequent ~~Standard~~ Certificates; Removal of Deficiencies

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~~Until October 1, 2003, the~~ The provisions of this Section shall apply when an individual who already holds one or more Illinois ~~standard~~ teaching certificates applies to receive an ~~elementary or high school~~ additional certificate ~~through transcript evaluation pursuant to Section 21-11.2 of the School Code.~~

- a) The applicant shall submit to the State ~~Teacher Certification~~ Board of Education, through the office of a regional superintendent of schools:
 - 1) a completed application form;
 - 2) an official transcript of any college credits not already on file with the Certification Board;
 - 3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and
 - 4) the application fee required by Section 21-12 of the School Code.
- b) ~~An applicant shall qualify for the certificate in question if he or she demonstrates that he or she has met the professional education requirements that, prior to May 1, 2000, were enumerated in Section 25.20(b) or Section 25.30(b) of this Part, as applicable.~~
- e) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:
 - 1) compare the applicant's deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part) or that addresses the content area, as applicable; and
 - 2) advise the applicant as to the coursework needed to remedy the deficiency.
- c) ~~d)~~ An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the ~~tests of basic skills and subject matter knowledge on or before September 30, 2003~~ applicable

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tests in keeping with Sections 25.427 and 25.720 of this Part.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.40 Requirements for ~~Initial~~ the Special K-12 Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program for the special K-12 certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold a special K-12 or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, ~~or another state~~ and ~~have less than four years of teaching experience as defined in Section 25.11(g) of this Part~~ submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

~~b) Through June 30, 2003, the professional education requirements for the initial special K-12 certificate (in semester hours) are:~~

- | | |
|--|---|
| 1)A) <u>1)A)</u> Educational Psychology, including HumanGrowth and Development | 2 |
| 2)B) <u>2)B)</u> Methods and Techniques of Teaching in the area of specialization | 2 |
| 3)C) <u>3)C)</u> History and/or Philosophy of Education | 2 |
| 4)D) <u>4)D)</u> Pre-student Teaching Clinical Experiences at theElementary and Secondary Levels Equivalent to100 Clock Hours in the Area of Specialization | |
| 5)E) <u>5)E)</u> Coursework, equivalent to three semester hours, on thepsychology of | |

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~~exceptional children, identification of exceptional children, and methods of teaching exceptional children; Learning Disabilities must be explicitly included in this coursework.~~ Coursework addressing THE PSYCHOLOGY OF, THE IDENTIFICATION OF, AND THE METHODS OF INSTRUCTION FOR THE EXCEPTIONAL CHILD, INCLUDING WITHOUT LIMITATION THE LEARNING DISABLED (Section 21-2a of the School Code)

- ~~F)~~ Student Teaching in Area of Specialization and at K-12 Level 5
- ~~G)~~ Electives to Total 16 Semester Hours 5
(may include additional coursework in the areas enumerated in this subsection (a)(2) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials).
- ~~b)~~ Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants ~~Applicants~~ with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.
- ~~c)~~ Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants ~~Applicants~~ presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- ~~d)~~ One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required ~~through June 30, 2003~~.
- ~~e)~~ Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the special certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.80 Requirements for ~~Initial~~ the Early Childhood Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program for the early childhood certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, ~~or another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part~~ submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

~~b) Through June 30, 2003, the professional education requirements for the initial early childhood certificate (in semester hours) are:~~

- | | |
|---|---|
| 1)A) Child growth and development with emphasis on the young child | 3 |
| 2)B) History and philosophy of early childhood education | 3 |
| 3)C) Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading instruction, mathematics, natural and social science | 4 |
| 4)D) Methods of teaching reading, with emphasis on the young child | 2 |
| 5)E) Techniques and methodologies of teaching language | |

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- arts, mathematics, science and social studies at the primary level 4
- ~~6)F)~~ The development and acquisition of language in young children 2
- ~~7)G)~~ Child, family and community relationships 3
- ~~8)H) Coursework, equivalent to three semester hours, on the psychology of exceptional children, identification of exceptional children and methods of teaching exceptional children. Learning disabilities must be explicitly included in this coursework 3~~
Coursework addressing THE PSYCHOLOGY OF, THE IDENTIFICATION OF, AND THE METHODS OF INSTRUCTION FOR THE EXCEPTIONAL CHILD, INCLUDING WITHOUT LIMITATION THE LEARNING DISABLED(Section 21-2a of the School Code)
- ~~9)I)~~ Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students
- ~~10)J)~~ Student teaching 5
- ~~11)K)~~ Electives in professional education 3
- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching clinical experience.
- c) ~~Those who have had five semester hours of student teaching at the primary grade level (K-3) and who have had teaching experience are not required to take another practicum at the preschool level. Applicants seeking this waiver shall secure official letters from the employing school district and/or the college or university documenting the nature and duration of their teaching and the grade level of their student teaching assignment.~~ Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

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- d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the early childhood certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 25.92 Visiting International Teacher Certificate

The procedure and requirements described in this Section shall apply when Illinois school districts conduct formal recruitment programs outside the United States to secure the services of qualified teachers.

- a) The school district that is seeking to recruit teachers shall enter into a written agreement with the State Board of Education regarding its recruitment program, shall provide such assurances as the State Board may require regarding compliance with applicable procedures, training of representatives, and support for candidates employed under the program, and shall be responsible for preliminary verification that each candidate:
- 1) holds the equivalent of a bachelor's degree issued in the U.S.;
 - 2) has been prepared as a teacher at the grade level for which he or she will be employed;
 - 3) has adequate content knowledge in the subject matter to be taught; and
 - 4) has an adequate command of the English language.
- b) A representative of the recruiting school district shall review the equivalence of each candidate's degree to a bachelor's degree earned in the U.S., the concentration of the candidate's coursework in the area of potential teaching assignment, and the grade levels for which the candidate has been prepared, using reports of foreign educational systems furnished by the National Association of Foreign Student Affairs (AFSA) and the American Association of Collegiate Registrars and Admission Officers (AACRAO).

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- c) A representative of the recruiting school district who has been trained by the State Board of Education or its designee in the use of the required instruments shall:
- 1) administer the Nelson-Denny Reading Assessment to evaluate each candidate's English-language vocabulary and reading comprehension against a passing score expressed as the grade-level equivalent of 10.7; and
 - 2) administer the Oral Proficiency Interview described in "ACTFL Proficiency Guidelines – Speaking" (1999), published by the American Council on the Teaching of Foreign Languages (ACTFL), 6 Executive Plaza, Yonkers, NY 10701 (no later amendments to or editions of these standards are incorporated) and evaluate the candidate's oral English-language proficiency against a minimum passing score of 2+ (Advanced Plus) on the rating rubric of the ACTFL.
- d) The recruiting school district shall provide a report to the State Board of Education outlining the district's conclusions regarding each candidate whose eligibility it considers to have been verified. This report shall provide or summarize at least:
- 1) the information that has led the district to conclude that the individual's degree should be considered the equivalent of a bachelor's degree earned in the U.S.;
 - 2) how the district has identified the grade levels for which the individual has been prepared;
 - 3) the information that has led the district to conclude that the coursework completed by the individual is at least comparable to a major in the field of specialization and that the individual has passed an examination that provides evidence of subject-matter competency; and
 - 4) the scores achieved by the candidate on the Nelson-Denny Reading Assessment and the Oral Proficiency Interview.
- e) Either the recruiting district or the candidate shall furnish to one of the evaluation services identified in Section 25.425(f) of this Part the candidate's university transcript, his or her diploma reflecting the degree granted, and his or her results from the comprehensive terminal examination or the periodic formal examinations required by the university where he or she completed teacher

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preparation, as applicable, along with translations of all these materials into English.

- f) The recruiting school district shall review and analyze the procedures that exist in the country where recruitment is being conducted for ascertaining individuals' criminal history. The district shall provide the State Board of Education with a description of those procedures and shall affirm:
- 1) that the procedures have, to the district representative's knowledge, been performed with respect to each potential candidate; and
 - 2) that no candidate recommended by the district as potentially eligible to teach in Illinois would be disqualified under Section 10-21.9(c) of the School Code.
- g) Upon receipt of the information and documents identified in subsections (d) and (f) of this Section, confirmation of the individual's eligibility from the evaluation service to which credentials were submitted under subsection (e) of this Section, and an application for the certificate from the individual, accompanied by the fee required by Section 21-12 of the School Code, the State Board of Education shall issue a Visiting International Teacher Certificate endorsed for the field and grade levels the individual is qualified to teach. He or she shall not be required to pass any test that forms part of the Illinois Certification Testing System (see Subpart I of this Part) in order to qualify for this certificate. An individual may receive an additional endorsement on the Visiting International Teacher Certificate to teach his or her native language even if he or she was not prepared as a teacher of that language, provided that it was the language of instruction in the program completed.
- h) The Visiting International Teacher Certificate shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable. The certificate-holder shall pay the fee required by Section 21-16 of the School Code to register the certificate with the regional superintendent in the region where the teaching will be done.

(Source: Added at 27 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Numbers: Proposed Action:
3000.1071 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10] (specifically 230 ILCS 10/5(b)(4) and 5(c)(3), and Public Act 91-40)
- 5) A Complete Description of the Subjects and Issues Involved: The General Assembly passed Senate Bill 1606 and 1607 on May 31, 2003. Senate Bill 1606 became Public Act 93-0027 and Senate Bill 1607 became Public Act 93-0028 upon approval by the Governor on June 20, 2003. Senate Bill 1606 amends Section 13 of the Riverboat Gambling Act, 230 ILCS 10/13, to change the tax paid by riverboat gaming operations to the State of Illinois and to create the Common School Fund. Senate Bill 1607 amends Section 12 of the Riverboat Gambling Act, 230 ILCS 10/12, to change the admission tax paid by riverboat gaming operations and creates an admission fee to be paid by license managers, as described in Section 7.3 of the Riverboat Gambling Act, 230 ILCS 10/7.3. This emergency amendment is necessary in order to ensure collection pursuant to the new tax rates, admission tax and admission fee rates.
- 6) Will these proposed amendments replace any emergency amendment currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? Yes. The Wagering Tax imposed under subsection (j), as amended, shall no longer be imposed beginning the earlier of (1) July 1, 2005; (ii) the first date after July 1, 2003 that riverboat gambling operations are conducted pursuant to a non-operating or dormant license; or (iii) the first date that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under Section 7 of the Riverboat Gambling Act.
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
3000.100	Amendment	27 Ill. Reg. 5640
3000.140	Amendment	27 Ill. Reg. 5640

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3000.165	Amendment	27 Ill. Reg. 5640
3000.200	Amendment	27 Ill. Reg. 5640
3000.210	Amendment	27 Ill. Reg. 5640
3000.270	Amendment	27 Ill. Reg. 5640
3000.272	New Section	27 Ill. Reg. 5640
3000.285	New Section	27 Ill. Reg. 5640
3000.320	Amendment	27 Ill. Reg. 5640
3000.600	Amendment	27 Ill. Reg. 5640
3000.635	Amendment	27 Ill. Reg. 5640
3000.636	Amendment	27 Ill. Reg. 5640
3000.640	Amendment	27 Ill. Reg. 5640
3000.655	Amendment	27 Ill. Reg. 5640
3000.660	Amendment	27 Ill. Reg. 5640
3000.661	New Section	27 Ill. Reg. 5640
3000.665	Amendment	27 Ill. Reg. 5640
3000.666	Amendment	27 Ill. Reg. 5640
3000.667	New Section	27 Ill. Reg. 5640
3000.670	Amendment	27 Ill. Reg. 5640
3000.671	New Section	27 Ill. Reg. 5640
3000.756	Amendment	27 Ill. Reg. 5640
3000.770	Amendment	27 Ill. Reg. 5640
3000.800	Amendment	27 Ill. Reg. 5640
3000.1010	Amendment	27 Ill. Reg. 5640
3000.1050	Amendment	27 Ill. Reg. 5640
3000.1060	Amendment	27 Ill. Reg. 5640

- 10) Statement of Statewide Policy Objectives: The General Assembly amended the tax rate and admission tax and fee paid by riverboat gaming operations to the State of Illinois. These amendments implement immediately those changes, thereby allowing the collection of taxes and fees at the correct rates.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the Illinois Register to:

Chief Legal Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601

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(312) 814-4700; FAX (312) 814-8798

- 12) 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:
Not applicable
 - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: These proposed amendments were not included on the Regulatory Agenda because they were just recently necessitated by the enactment of Senate Bill 1606 and Senate Bill 1607, which was signed into law by the Governor as Public Act 93-0027 and Public Act 93-0028, respectively, on June 20, 2003.

The full text of the Proposed Amendments is identical to the Emergency Amendments published in this edition of the Illinois Register that begins on page :10503

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: Proposed Action:
50.240 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].
- 5) A Complete Description of the Subjects and Issues involved:

This rulemaking implements sanctions against child care providers who owe the Department a refund of an overpayment and who have ignored repayment requests. A recommendation to establish provider sanctions was submitted by the Program Integrity and Quality Assurance Subcommittee of the Illinois Network of Child Care Resource and Referral Agencies. The Family Outcomes Subcommittee of the Child Care Advisory Council approved the recommendation. Child care provider sanctions are being implemented because child care providers have been ignoring repayment requests.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
50.110	Amendment	27 Ill. Reg. 2523; 02-14-03
50.610	New Section	27 Ill. Reg. 2523; 02-14-03
50.620	New Section	27 Ill. Reg. 2523; 02-14-03
50.630	New Section	27 Ill. Reg. 2523; 02-14-03
50.640	New Section	27 Ill. Reg. 2523; 02-14-03
50.650	New Section	27 Ill. Reg. 2523; 02-14-03

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed

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rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Karl Menninger, Acting Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building 3rd Floor
Springfield, Illinois 62762
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Child care providers will be sanctioned if they do not make any attempt to return overpayments to the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: January 2003

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section

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50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. _____, effective_____.

SUBPART B: APPLICABILITY

Section 50.240 Qualified Provider

- a) Payment will be made for child care that otherwise meets the requirements of this Section; meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code: Chapter I, Subchapter e: Requirements for Licensure, and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 100; and is provided in any of the following:
 - 1) Licensed Day Care Center;
 - 2) Day Care Center Exempt from Licensing;

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- 3) Licensed Day Care Home;
 - 4) Licensed Group Day Care Home;
 - 5) Day Care Home Exempt from Licensing (No more than three children may be cared for, including the provider's own children, unless all children are from the same household);
 - 6) Relative Exempt from Licensing (Care provided in the home of a relative. No more than three children may be cared for, including the provider's own children, unless all children are from the same household);
 - 7) Non-relative Exempt from Licensing (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household); and
 - 8) Relative Exempt from Licensing (Care provided in the home of the child. No more than three children may be cared for, including the provider's own children, unless all children are from the same household).
- b) Payments will not be made to a provider who is the child's mother or father, or to a stepparent who is currently married to the child's parent and is living in the same household as the child, or to any provider who is included in the same public assistance grant as the child (for those families receiving such assistance).
 - c) Payments will not be made to a provider (even if operating within a setting exempt from licensing) who has been convicted of crimes enumerated in 89 Ill. Adm. Code 385, Background Checks.
 - d) Payments will not be made to a provider who, after receiving written notification of an outstanding overpayment, fails to establish a repayment plan or is in default of a repayment plan.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Number: Proposed Action:
121.63 Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4.through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues involved:

These proposed amendments standardize the food stamp housing cost for residents of a Community Integrated Living Arrangement (CILA) and residents of a Supportive Living Facility (SLF). As a result of these proposed amendments, when a resident of a CILA lives alone, the monthly housing cost will be equal to the current SSI rate for an individual minus \$50. When spouses live together in a CILA and are a single food stamp unit, the monthly housing cost will be equal to the current SSI rate for a couple minus \$100.

This rulemaking also establishes that when a resident of a SLF lives alone and receives medical assistance, the monthly housing cost will be equal to the current SSI rate for an individual minus \$90. When a resident of a SLF shares an apartment, the monthly housing cost will be equal to ½ of the current SSI rate for a couple minus \$90. When spouses who receive medical assistance live together in a SLF and are a single food stamp unit, the monthly housing cost will be equal to the current SSI rate for a couple minus \$180.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

If "yes" date:
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section NumbersProposed ActionIllinois Register Citation

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121.20	Amendment	27 Ill. Reg. 2531; 02/14/03
121.31	Amendment	27 Ill. Reg. 9389; 06/20/03
121.32	Amendment	27 Ill. Reg. 9389; 06/20/03
121.34	Amendment	27 Ill. Reg. 9389; 06/20/03
121.59	Expedited Correction	27 Ill. Reg. 5065; 03/21/03
121.63	Amendment	27 Ill. Reg. 6479; 04/18/03

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Karl Menninger, Acting Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) 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 form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income

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121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from From Monthly Income
121.64	Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)

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121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work (Repealed)

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121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section	
121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222	Volunteer Community Work Component (Repealed)
121.223	Work Experience Component(Repealed)
121.224	Supportive Service Payments to Meet the Work Requirement (Repealed)_
121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

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SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p.173, effective October 19, 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; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 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. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 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. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective

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October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921,

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effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. _____, effective _____.

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SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions ~~from~~ from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is equal to 8.31 percent of the net monthly income standard for the household size, or \$134, whichever is greater. The amount for a household of 6 or larger is calculated using the net monthly income standard for a household of 6. See Section 121.60 for the Net Monthly Income Standards.
- d) Dependent Care Deduction
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
 - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
 - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b),(c),(d), and (e) of this Section have been made. The shelter deduction shall not exceed \$300. The shelter deduction shall not exceed \$367 for certification periods starting March 1, 2001 or later.

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- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2000) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
- 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- 6) A standard for housing costs must be used for residents of a public or private non-profit Community Integrated Living Arrangement (CILA) or Supportive Living Facility (SLF) (see Section 121.140). The household size is determined in accordance with Section 121.70.
 - A) For a resident of a CILA who lives alone, the monthly housing cost is equal to the current SSI rate for an individual minus \$50. When spouses live together in a CILA and are a single food stamp unit as

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defined in Section 121.70, the monthly housing cost is equal to the current SSI rate for a couple minus \$100.

B) For a resident of a SLF who lives alone and receives medical assistance, the monthly housing cost is equal to the current SSI rate for an individual minus \$90. For a resident of a SLF who shares an apartment, the monthly housing cost is equal to ½ of the current SSI rate for a couple minus \$90. When spouses who receive medical assistance live together in a SLF and are a single food stamp unit, the monthly housing cost is equal to the current SSI rate for a couple minus \$180.

g) Utility Costs

1) Utility costs include:

- A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
- B) basic service fee for one telephone (including tax on the basic fee) of \$27.00; and
- C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

- 3) Except for households that claim utility expenses for an unoccupied home, either the air conditioning/heating standard or the electricity standard must be used if the household is billed for air conditioning, heating or electricity. See Section 121.63 (g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$259. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$155. Households living in rental housing who are billed on a regular basis by a landlord for costs for air conditioning, heating, or electricity must use the appropriate standard. If the air conditioning/heating standard allowance or the electricity standard allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, then actual, verified costs may be claimed,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed.

- 4) A household that is billed less often than monthly for its costs for heating, air conditioning, or electricity must continue to use the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are not entitled to use the air conditioning/heating standard allowance or the electricity standard allowance. When households (as defined at 7 CFR 273.1(a) (2000)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate (7 CFR 273.9 and 273.10(d)(6) (2000)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) When the household claims a utility expense for an unoccupied home (as defined in Section 121.63 (f)(4), actual utility expenses are allowed for the unoccupied home as well as the current residence. The air conditioning/heating standard or the standard is not used for either home. The appropriate utility standard may be used if the household chooses not to claim utilities for the unoccupied home.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2000) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: amended at 27 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Aircraft Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 152
- 3) Section Numbers: Proposed Action:
152.101 New Section
152.105 New Section
152.110 New Section
152.115 New Section
- 4) Statutory Authority: Implementing and authorized by Public Act 93-0024, effective July 1, 2003.
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-0024, which enacts the Aircraft Use Tax, is effective July 1, 2003. These rules describe the filing of returns, payment of tax and transactions that are taxable.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Melanie A. Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, municipalities and not-for-profit corporations that use, purchase or transfer aircraft in Illinois
 - B) Reporting, bookkeeping or other procedures required for compliance: Returns and payment of tax required
 - C) Types of professional skills necessary for compliance: None
- 13) These rules were not included on either of the 2 most recent agendas because: They were unanticipated at that time.

The full text of the proposed amendment is identical to the text of the emergency amendment on page 10518 of this issue of the Illinois Register.

ILLINOIS DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: Proposed Action:
440.90 Amendment
- 4) Statutory Authority: 35 ILCS 130
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 93-002 amends the Cigarette Tax Act to provide that beginning July 1, 2003 all payments for cigarette tax stamps must be made by means of electronic funds transfer. The 30-day “float” procedure, which allows cigarette stamps to be purchased by means of a draft that is postdated 30 days, is no longer allowed.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses engaged as cigarette distributors.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Minimal
 - C) Types of professional skills necessary for compliance: None
- 13) These rules were not included on either of the 2 most recent agendas because: They were unanticipated at that time.

The full text of the proposed amendment is identical to the text of the emergency amendment on page 10524 of this issue of the Illinois Register.

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: Proposed Action:
450.10 Amendment
- 4) Statutory Authority: 35 ILCS 135
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the legislative changes of Public Act 93-0022 to the Cigarette Use Tax Act. The legislation provided that all payments for Cigarette Use Tax stamps must be made by electronic funds transfer. The 30-day “float” procedure, which allows cigarette stamps to be purchased by means of a draft that is postdated 30 days, is no longer allowed.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses engaged as distributors of cigarettes.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Minimal
 - C) Types of professional skills necessary for compliance: None
- 13) These rules were not included on either of the 2 most recent agendas because: They were unanticipated at that time.

The full text of the proposed amendment is identical to the text of the emergency amendment on page 10529 of this issue of the Illinois Register.

ILLINOIS DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Coin-Operated Amusement Device and Redemption Machine Tax
- 2) Code Citation: 86 Ill. Adm. Code 460
- 3) Section Numbers: Proposed Action:
460.101 Amendment
460.105 Amendment
460.110 Amendment
- 4) Statutory Authority: 35 ILCS 510
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Coin-Operated Amusement Device and Redemption Machine Tax Act to reflect the new tax rate and new procedures for privilege tax decals set forth in Public Act 93-0032. It also provides that there will be no part-year privilege tax decals.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses engaged in operating coin-operated amusement devices and redemption machines.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Minimal
 - C) Types of professional skills necessary for compliance: None
- 13) These rules were not included on either of the 2 most recent agendas because: They were unanticipated at that time.

The full text of the proposed amendment is identical to the text of the emergency amendment on page 10539 of this issue of the Illinois Register.

ILLINOIS DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Proposed Action:
500.203 Amendment
- 4) Statutory Authority: 35 ILCS 505
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Motor Fuel tax Law to comply with the provisions of P.A. 93-0032, which changed the discount for distributors, suppliers, and receivers for returns timely filed and paid. The discount is currently 2%. Beginning July 1, 2003, the discount will become 1.75%.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit

ILLINOIS DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

corporations affected: Distributors, supplies, and receivers of motor fuel.

B) Reporting, bookkeeping or other procedures required for compliance:
Minimal

C) Types of professional skills necessary for compliance: None

13) These rules were not included on either of the 2 most recent agendas because: They were unanticipated at that time.

The full text of the proposed amendment is identical to the text of the emergency amendment on page 10547 of this issue of the Illinois Register.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Numbers: Adopted Action:
125.260 Amend
- 4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: February 14, 2003; 27 Ill. Reg. 2358
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? N/A
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Effective July 1, 1996, the United States Department of Agriculture-Food Safety Inspection Service (USDA-FSIS) meat and poultry regulations, 9 CFR 317.5 and 381.133 respectively, streamlined the label approval process and allowed establishments more flexibility. The generic approval category was expanded so that establishments could use certain labeling without prior USDA-FSIS approval.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Linda Rhodes
Illinois Department of Agriculture
P. O. Box 19281, State Fairgrounds
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY
INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003.

SUBPART B: MEAT INSPECTION

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999; 64 FR 72168, effective January 24, 2000; 64 FR 72150, effective February 22, 2000; 65 FR 34381, effective August 28, 2000; 66 FR 40843, effective September 5, 2001; 66 FR 52484, effective November 15, 2001; 66 FR 54912, effective December 31, 2001).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) of this Section without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

the proceedings prescribed in 225 ILCS 650/13.

- h) Generically approved labeling is labeling that complies with the following:
- 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
 - 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
 - 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;
 - 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
 - 6) Meat inspection legends;
 - 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
 - 8) Labeling for consumer test products not intended for sale;
 - 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:

DEPARTMENT OF AGRICULTURE

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- A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
- B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
- C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
- D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);
- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;

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- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word “new” on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with CFR 317.2(k) and 318.125(a);
- Q) The addition of safe handling instructions as required by CFR 317.2(1) and 381.125(b);
- R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in CFR 318, 319 and 381.147;
- S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
- T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
- U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
- V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for

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serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;

W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and

X) The addition or deletion of a direct translation of the English language into a foreign language for products marked “for export only”.

~~f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.~~

~~ig)~~ With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.

~~jh)~~ The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).

~~ki)~~ Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

~~lj)~~ The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

~~mk)~~ Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

~~nl)~~ References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 27 Ill. Reg. 10205, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Right-of-Way Precondemnation Negotiations by Telephone Companies
- 2) Code Citation: 83 Ill. Adm. Code 780
- 3) Section Numbers: Adopted Action:
780.5 Amendment
780.10 Amendment
780.20 Amendment
APPENDIX A Amendment
APPENDIX B Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the Telephone Company Act [220 ILCS 65/4].
- 5) Effective Date of Amendments: August 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted amendments, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
12/06/2002, at 26 Ill. Reg. 17321
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.
- 13) Will these amendments replace an emergency amendment currently in effect? No

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

15) Summary and Purpose of Amendments?

These amendments update statutory references and addresses in this Part.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217)785-3922

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELECOMMUNICATIONS CARRIERSPART 780
RIGHT-OF-WAY PRECONDEMNATION NEGOTIATIONS
BY TELEPHONE COMPANIES

Section

780.5	Applicability
780.10	Right-of-Way Precondemnation Requirements
780.20	Precondemnation of Land Right-of-Way Easements
780.30	Compliance with Statute
780.APPENDIX A	Company Statement
780.APPENDIX B	Statement of information from the Illinois Commerce Commission concerning acquisition of right-of-way by Illinois telephone companies.

AUTHORITY: Implementing and authorized by Section 4 of the Telephone Company Act [220 ILCS 65/4].

SOURCE: Adopted at 15 Ill. Reg. 5062, effective April 1, 1991; amended at 27 Ill. Reg. 10216, effective August 1, 2003.

NOTE: Capitalization denotes statutory language.

Section 780.5 Applicability

- a) This Part shall apply whenever any telephone company seeks to negotiate the acquisition of a land right-of-way easement pursuant to Section 4 of [the Telephone Company Act \[220 ILCS 65/4\]](#) ~~“AN ACT relating to the powers, duties and property of telephone companies” (Ill. Rev. Stat. 1989, ch. 134, par. 20) (“Act”)~~.
- b) As used in this Part, “telephone company” shall mean any entity to which the Act is applicable pursuant to Section 1 of ~~the that~~ [Act \[220 ILCS 65/1\]](#), including telecommunications carriers as defined in Section 13-202 of the [Public Utilities Act \[220 ILCS 5/13-202\]](#) ~~Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1989, ch. 111-2/3, par. 13-202)~~.
- c) This Part shall be prospectively applied. This Part shall not affect the following:

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- 1) The validity of any existing certificate issued by the Illinois Commerce Commission (~~“Commission”~~).
- 2) The validity of any existing easement.
- d) This Part shall not cause the revocation of any existing Commission certificate.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)

Section 780.10 Right-of-Way Precondemnation Requirements

- a) When a telephone company, or its agent, initially contacts any landowner to negotiate the acquisition of a land right-of-way easement, either in person or in writing, the landowner shall be advised in writing that if the landowner has any questions about his rights or the rules of the Commission pertaining to the authority of a telephone company to acquire right-of-way easements, inquiry can be directed to the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois ~~62706~~ [62701](#). The telephone company shall provide the landowner with a copy of Appendix A.
- b) Upon request of the landowner the telephone company shall provide the landowner with the information in Section 780.20(f)(1) and (2) and shall provide the landowner with a copy of Appendix B.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)

Section 780.20 Precondemnation of Land Right-of-Way Easements

- a) This Section shall govern the actions of every person acting in behalf of a telephone company when it has been unsuccessful in negotiating a land right-of-way easement, and intends to initiate formal action before the Commission or courts.
- b) At least 14 days prior to a telephone company filing a Petition for an Order under Section 8-503 of ~~the~~ ~~The~~ Public Utilities Act [\[220 ILCS 5/8-503\]](#) (~~Ill. Rev. Stat. 1989, ch. 111 2/3, par. 8-503~~) or initiating formal action before a court, as may be applicable, the telephone company representative shall send to the landowner a letter by certified mail, return receipt requested, containing the information [detailed in subsection \(d\)](#) ~~set forth below~~ together with a copy of Appendix B.
- c) The representative shall keep and maintain a record, for one year, of letters sent in

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compliance with this Section.

- d) The letter sent by the representative shall be on that representative's letterhead or on the letterhead of the telephone company and shall set forth:
- 1) The identity, address and telephone number of the telephone company representative;
 - 2) The identity of the telephone company attempting to acquire the land or land rights;
 - 3) The general purpose of the proposed project;
 - 4) The type of facility to be constructed;
 - 5) The general description of the land or land rights the telephone company seeks to acquire and the type of structures, if any, which the company seeks to build;
 - 6) A statement that the company or its representative continues to seek to negotiate with the landowner to arrive at an agreement for such land or land rights; and
 - 7) An invitation to the landowner to contact the telephone company representative to arrange a mutually agreeable time for an appointment to further discuss the matter.
- e) Each telephone company representative shall carry with him/her and show to every landowner contacted an identification card showing the name and address of the contacting person and his/her employer. The contacting person shall leave his/her telephone number with the landowner.
- f) At the time of the contact, the telephone company representative shall:
- 1) Orally state the reason for the contact, i.e., general purpose of the proposed project, type of facilities to be constructed; and
 - 2) Provide written information and data surrounding the proposed project. This shall include, to the extent then known to the telephone company, a statement outlining briefly the purpose of the project, a map or sketches indicating types ~~type(s)~~ of facility, approximate location of facilities,

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compensation and basis for compensation and, if applicable, type of structures, and amount (length and width) of the land right-of-way deemed necessary. This information shall be left with the landowner for review, along with any agreement or contract proposed by the [telephone company utility](#).

- g) If the company and the landowner do not reach agreement within two weeks [after](#) ~~of~~ the mailing of the original letter, the company may then file a Petition for an Order under Section 8-503 of [the](#) ~~The~~ Public Utilities Act, or may initiate formal action before a court.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)

Section 780.APPENDIX A Company Statement

Company Name _____

Company Address _____

Company Contact Name _____

Company Telephone Number _____

As a telephone company responsible for providing telephone service to this area, at times it becomes necessary to place new telephone facilities to serve new customers and improve service to existing customers.

We recognize your rights as a landowner and desire to negotiate with you for an easement to construct these necessary facilities.

Questions pertaining to your rights, as well as our rights to acquire right-of-way easements, may be directed to the Chief Telephone Engineer of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL [62701](#) ~~62706, telephone 217-785-8596~~.

Please do not hesitate to contact our representative for answers to questions pertaining to this project.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)

Section 780.APPENDIX B Statement of information from the Illinois Commerce Commission concerning acquisition of right-of-way by Illinois telephone companies

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The purpose of this Statement is to provide you with the general information concerning the procedures involved. This Statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.

This Statement is not a legal opinion concerning your rights under the law or the rules of the Commission, nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Telephone companies and telecommunications carriers are granted the right of eminent domain or condemnation by Illinois law.¹ Eminent domain is simply the power of the State, or those delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts.

Prior to attempting to acquire a right-of-way easement by applying to the courts to exercise the right of eminent domain or condemnation, a telephone company or telecommunications carrier shall attempt to secure the right-of-way easement through negotiations with the landowner.²

Negotiation means discussion and bargaining between the landowner and the telephone company or telecommunications carrier in an effort to arrive at an equitable agreement concerning the land or land rights and the price to be paid for such land or land rights. It does not mean that an agreement must be reached or that either the landowner or the telephone company or telecommunications carrier must agree with the other.

The price to be paid to the landowner by the telephone company or telecommunications carrier for the land or land rights is a matter of negotiation between the landowner and the telephone company or telecommunications carrier. The Commission does not participate in the negotiations, nor does it establish or approve the price. Specific information on the price to be offered for the land or land rights will be provided by the telephone company or telecommunications carrier representative.

The telephone company or telecommunications carrier representative may be negotiating with you for the acquisition of an easement for the use of the land or for the purchase of the land. In either case, the telephone company or telecommunications carrier will have its own form of easement or deed, as the Commission has no standard forms which the utility is required to use.

¹ [220 ILCS 65](#) ~~Ill. Rev. Stat. 1989, ch. 134, par. 17 et seq.~~

² [735 ILCS 5/Art. VII](#) ~~Ill. Rev. Stat. 1989, ch. 110, pars. 7-101 et seq.~~

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There is no certainty that the telephone company or telecommunications carrier will be allowed to acquire land or land rights through the use of eminent domain. However, you should not delay in contacting the telephone company or telecommunications carrier's representative to attempt to negotiate fair compensation for the land or land rights which the utility seeks.

If you have any questions about this Statement or the rules and procedures of the Illinois Commerce Commission, please contact the Chief Telephone Engineer, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield [IL 62701](#), ~~Illinois 62706~~. Any specific questions concerning your individual property should be addressed to the telephone company or telecommunications carrier representative.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310
- 3) Section Number(s): Proposed Action:
2310.80 Amendment
- 4) Statutory Authority: Implementing Section 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (110 ILCS 1015/5.01, 1015/5.07 and 1015/5.13).
- 5) Effective Date of Amendment: June 27, 2003
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) A copy of the adopted amendment including any material incorporated, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register:
February 28, 2003 27 Ill. Reg. 3194
- 10) Has JCAR issued a Statement of Objections in this amendment? No.
- 11) Difference(s) between proposal and final version:
Line 58 has been changed to read as follows:
of each year. For Annual Fees coming due on or after July 1, 1999, the
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Not Applicable due to Internal rule requirements
- 13) Will this amendment replace an emergency amendment currently in effect? Not Applicable
- 14) Are there any amendment(s) pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 2310.80 is being amended to abate the

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Annual Fee for Fiscal Year 2003-2004. Authority charges its constituents Annual Fee to cover its operating expenses. Based upon the accountant's determination, Authority's reserves are adequate to meet its operating expenses for Fiscal Year 2003-2004. Authority also projects that it will have more than sufficient reserves at the end of Fiscal Year 2003-2004.

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

Name:	Thomas P. Conley Executive Director
Address:	Illinois Educational Facilities Authority 120 South Riverside Plaza, Suite 1200 Chicago, Illinois 60606
Telephone:	(312) 876-7809

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

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATIONAL AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITYPART 2310
FUNCTIONS AND PLANNING PROGRAM

Section

2310.5	Introduction
2310.10	Who May Apply for Financing
2310.20	Types of Educational and Cultural Facilities that can be Financed
2310.30	Types of Costs that can be Financed: Outstanding Debt
2310.40	Interest Rate on the Authority's Bonds
2310.50	Method of Financing
2310.60	Length of Bond Issue
2310.70	Type of Bond Issue
2310.80	Fees
2310.90	Authority Bond Issues and Bond Ratings (Repealed)

2310.EXHIBIT A Estimated Fee Schedule as Special Bond Counsel with Respect to Bonds Issued by Illinois Educational Facilities Authority (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act [110 ILCS 1015/5.01, 5.07 and 5.13].

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p.270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 9106, effective April 28, 1987; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at 13 Ill. Reg. 7898, effective May 15, 1989; amended at 17 Ill. Reg. 9680, effective July 1, 1993; amended at 20 Ill. Reg. 10336, effective July 1, 1996; amended at 21 Ill. Reg. 8926, effective July 1, 1997; emergency amendment at 23 Ill. Reg. 5877, effective April 30, 1999, for a maximum of 150 days; emergency expired September 27, 1999; amended at 24 Ill. Reg. 7720, effective May 11, 2000; amended at 27 Ill. Reg. 10224, effective, June 27, 2003.

Section 2310.80 Fees

- a) The Authority charges the following fees to participating institutions for the services it provides:

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NOTICE OF ADOPTED AMENDMENT

- 1) Application Fee - for processing an Application for Assistance. - An "Application Fee", based upon the following schedule, is payable upon submission of an application and is not refundable:

- A) \$250 on issues up to but not including \$1,000,000 principal amount;
- B) \$500 on issues of \$1,000,000 up to but not including \$5,000,000 principal amount; and
- C) \$1,000 on issues of \$5,000,000 principal amount and over.

AGENCY NOTE: This fee will be credited to the Administrative Charge upon completion of the related bond financing.

- 2) Administrative Charge - for completing a bond financing. - An "Administrative Charge" equal to 1/4 of 1% of the principal amount of bonds issued or \$10,000, whichever is less minus the Application Fee paid, will be assessed at the closing of a financing.

AGENCY NOTE: The Administrative Charge includes the Annual Fee for the fiscal year in which the bonds are issued.

- 3) Annual Fee - for servicing a bond financing during a fiscal year. - An "Annual Fee" will be assessed for each bond issue outstanding on July 1 of each year. For Annual Fees coming due on or after July 1, 1999, the Annual Fee shall be 1/100 of 1% of the original amount of the financing or \$7,500, whichever is less. The Annual Fee is payable in advance and is not refundable. [The Annual Fee coming due on July 1, 2003 shall be abated based on the Authority's projection of having sufficient reserves to meet its operating expenses for Fiscal Year 2003-2004.](#)

- b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institutions will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These fees may be financed with bond proceeds.

(Source: Amended at 27 Ill. Reg. 10224, effective June 27, 2003.)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dietetic and Nutrition Services Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1245
- 3) Section Numbers: Adopted Action:

1245.10	Amendment
1245.110	Amendment
1245.130	Amendment
1245.150	Amendment
1245.210	Amendment
1245.220	Amendment
1245.230	Amendment
1245.250	Amendment
1245.260	Amendment
1245.300	Amendment
1245.320	Amendment
- 4) Statutory Authority: Dietetic and Nutrition Services Practice Act [225 ILCS 446].
- 5) Effective Date of Amendments: June 26, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 21, 2003, at 27 Ill. Reg. 2844.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive differences; various technical changes have been made.
- 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 these Amendments replace Emergency Amendments currently in effect? Yes, at 27

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 3121, effective February 19, 2003.

- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: P.A. 92-0642, effective July 11, 2002, is the sunset reauthorization of the Dietetic and Nutrition Services Practice Act; this rulemaking implements its provisions. Among its changes are elimination of the two separate license categories, dietitian and nutrition counselor, after October 31, 2003 and the creation of a new licensure category, licensed dietitian nutritionist. When renewing, all licensed dietitians will be issued the new license. Nutrition counselors may obtain the new license at renewal if they submit proof of completion of 30 hours of continuing education, at least 24 of which must be in medical nutrition therapy. Numerous technical changes are also being made in various sections to facilitate this transition.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1245
DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

Section
1245.10 Definitions

SUBPART B: DIETITIAN

Section
1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act
 (Grandfather) (Repealed)
1245.110 Application for Examination/Licensure
1245.120 Examination
1245.130 Approved Programs in Dietetics
1245.140 Experience
1245.150 Endorsement
1245.160 Restoration

SUBPART C: NUTRITION COUNSELOR

Section
1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the
 Act (Grandfather) (Repealed)
1245.210 Application for Examination/Licensure
1245.220 Examination
1245.230 Approved Programs of Nutrition Counselors
1245.240 Experience
1245.250 Endorsement
1245.260 Restoration

SUBPART D: GENERAL

Section
1245.300 Renewal
1245.305 Fees

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1245.310	Continuing Education
1245.320	Inactive Status
1245.330	Unprofessional Conduct
1245.340	Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 22 Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. 19856, effective October 30, 1998; amended at 24 Ill. Reg. 518, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 3121, effective February 19, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 10228, effective June 26, 2003.

SUBPART A: DEFINITIONS

Section 1245.10 Definitions

"Act" means the Dietetic and Nutrition Services Practice Act [225 ILCS 30].

"Board" means the Dietetic and Nutrition Services Practice Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Direct Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240 of this Part. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour each week;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Licensed dietitian nutritionist" means a person who, beginning November 1, 2003, pursuant to P.A. 92-0642, is licensed under the Act to practice dietetics and

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nutrition services, including medical nutrition therapy. Activities of a licensed dietitian nutritionist do not include the medical differential diagnosis of the health status of an individual.

"Licensed dietitian" means a person licensed by the Department until October 31, 2003, to practice dietetics as defined in Section 10 of the Act. Dietetics include all aspects of nutrition care for individuals and groups, including, but not limited to, nutrition assessment, nutrition counselin, nutrition education, nutrition service and medical nutrition care. Activities of a licensed dietitian do not include the medial differential diagnoses of the health status of an individual.

"Licensed nutrition counselor" means a person licensed by the Department until October 31, 2003, to provide nutrition services as defined in Section 10 of the Act. Nutrition services to individuals and groups include, but are not limited to, nutrition assessments, nutrition education, nutrition counseling and nutrition care. Activities of a licensed nutrition counselor do not include medical nutrition care and do not include the medical differential diagnoses of the health status of an individual.

"Medical nutrition therapy care" means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.

"Nutrition assessment" means the evaluation of the nutrition needs of individuals or groups using appropriate data to determine nutrient needs or status and make appropriate nutrition recommendations. The mere collection of nutrition and health data is not nutrition assessment and does not require licensure under the Act, unless activities include an evaluation of nutrition needs and nutrition recommendations.

"Nutrition care" means a dietary intervention whose primary function is to improve an individual's nutrition status and involves modification to meet individual needs. Provision of food for general sustenance of being is not construed as nutrition care and not subject to regulation under the Act and this Part.

"Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition information by integrating information from the nutrition

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assessment. The distribution by an individual of written nutrition educational material prepared by or approved in writing by a licensee is not nutrition counseling or nutrition education and any person distributing such written material need not be licensed under this Act.

"Nutrition education" means a planned nutrition program based on learning objectives with expected outcomes.

"Nutrition information" is oral or written factual data that includes:

Food sources of vitamins, minerals and nutrients;

Nutrient analysis of food, food items, recipes and menus;

Reporting the results of published scientific studies as long as the source is cited and recommendations are general in nature and are limited to those included in the published study;

Instruction and uses of food, dietary supplements and food material consistent with State and federal laws (i.e., Federal Food and Drug Administration, Department of Public Health); and

The display or distribution of printed, audio or video nutrition education information developed by a licensee, an entity of any federal, state or local government, or any nonprofit organization as outlined in Section 20(g) of the Act.

All health claims shall be consistent with the Federal Food and Drug Administration regulations.

Individuals are not required to be licensed to provide nutrition information; however, the evaluation of an individual's or group's dietary intake and/or recommendation for dietary changes is considered nutrition services and a license would be required to perform these activities.

"Registered dietitian" means a person registered with the Commission on Dietetic Registration.

"Restorative care to attainment of optimal health" relates to the use of foods, nutrients and/or dietary supplements for individuals or groups who may or may not have a diagnosed disease or medical condition, as long as it is not medical

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nutrition therapy. If a person has a diagnosed disease or medical condition and is on a medically prescribed diet, a licensed nutrition counselor shall be limited to use of foods, nutrients and/or dietary supplements so as to ~~not indirectly~~ ~~directly~~ impact or not contraindicate the diagnosed disease or medical condition of the individual or group.

"Supervision" means supervision by a licensed dietitian, licensed nutrition counselor or other appropriate supervisor as defined in Sections 1245.140 and 1245.240. The supervisor shall:

Meet at regularly scheduled sessions with the supervisee a minimum of one hour per month;

Be responsible for the standard of work performed by the individual under supervision; and

Have knowledge of patients/clients and the case information.

"Treatment Program" is any nutrition intervention designed for an individual or group with a specific medical diagnosis, using foods, nutrients and/or dietary supplements so as to directly and specifically impact the medical condition and health status of the individual or group.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

SUBPART B: DIETITIAN

Section 1245.110 Application for Examination/Licensure

- a) An applicant for examination to obtain licensure as a dietitian shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:
 - 1) Certification of education and an official transcript indicating the applicant holds one of the following:
 - A) A baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by a regional ~~an~~-accrediting agency recognized by the Council on Higher Education Accreditation (CHEA) ~~Commission on~~

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~~Recognition of Post-Secondary Accreditation and the United States Department of Education; or~~

- B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
- 2) Verification of 900 hours of experience, on forms provided by the Department:
 - A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian;
 - B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;
 - 3) A complete work history;
 - 4) The required fee set forth in Section 1245.305; and
 - 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) In lieu of the documents in subsections (a)(1) and (2) above an applicant for licensure as a dietitian who at the time of application has maintained a "registered dietitian" designation from the Commission on Dietetic Registration shall submit a copy of his/her current registration from the Commission. The applicant will not be required to take the examination set forth in Section 1245.120.

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- c) If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.
- f) [Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a dietitian after October 31, 2003. All individuals will be issued a dietitian nutritionist license.](#)

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.130 Approved Programs in Dietetics

- a) The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:
- 1) Is accredited by [a regional accrediting an](#)-agency recognized by the [Council on Higher Education Accreditation \(CHEA\)](#) ~~Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education~~, or is a foreign program that has been validated by an accrediting agency approved by the U.S. Department of Education as offering a degree equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States;

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- 2) Has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas ~~area(s)~~ of teaching from professional colleges or institutions;
 - 3) Has a designated program director;
 - 4) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance;
 - 5) Grants a baccalaureate or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education; or
 - 6) Offers a baccalaureate or post baccalaureate degree with a major course of study that includes all of the following course work:
 - A) Biological Sciences – 9 semester hours (must include human anatomy and physiology or the equivalent, and microbiology or the equivalent);
 - B) Chemistry – 6 semester hours (must include biochemistry or the equivalent);
 - C) Behavioral Sciences – 6 semester hours (such as psychology, sociology, counseling or educational psychology);
 - D) Management – 6 semester hours (must include food service management, institutional management or the equivalent); and
 - E) Foods and Nutrition – 25 semester hours (must include):
 - i) therapy, medical dietetics, clinical nutrition or the equivalent;
 - ii) Nutrition through the life cycle, applied human nutrition, advanced human nutrition or the equivalent; and
 - iii) Food science or the equivalent.
- b) The Department, upon recommendation of the Board, has determined that dietetic

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programs approved by the Commission on Dietetic Registration are approved.

- c) Individuals who are deficient in any of the courses set forth in subsection (a)(6) above may complete those courses in an approved program.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.150 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian shall file an application with the Department, on forms provided by the Department, which includes:
- 1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by [a regional](#) ~~an~~ accrediting agency recognized by the [Council on Higher Education Accreditation \(CHEA\)](#) ~~Commission on Recognition of Post-Secondary Accreditation~~, or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130(a) of this Part;
 - 2) Certification of at least 900 hours of supervised or internship experience as set forth in Section 1245.140 of this Part;
 - 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:
 - A) The time during which the applicant was originally licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) [Examinations](#) ~~Examination(s)~~-taken and examination [scores](#) ~~score(s)~~-received;
 - 4) A complete work history since graduation from a baccalaureate or post

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baccalaureate program; and

- 5) The required fee as set forth in Section 1245.305.
- b) In lieu of the documents in subsections (a)(1) and (2)-~~above~~, the applicant may submit a current registration as a "registered dietitian" from the Commission on Dietetic Registration.
- c) An applicant for licensure as a dietitian who is registered/licensed under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian may practice dietetics in this State until:
 - 1) The expiration of 6 months after the filing of the written application;
 - 2) The withdrawal of the application; or
 - 3) The denial of the application by the Department.
- d) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 27 Ill. Reg 10228, effective June 26, 2003)

SUBPART C: NUTRITION COUNSELOR

Section 1245.210 Application for Examination/Licensure

- a) Pursuant to P.A. 92-0642, the Department will no longer issue a separate license as a nutrition counselor after October 31, 2003.
 - 1) No new applications as a nutrition counselor will be accepted by the Department 120 days prior to November 1, 2003.
 - 2) An applicant for a nutrition counselor license prior to that date will be allowed to sit for the October 2003 administration of the nutrition counselor examination; however, a license will not be issued as a nutrition counselor. All applicants no matter where they are in the process will be required to complete 24 hours of continuing education in medical nutrition therapy as set forth in Section 1245.300 prior to the issuance of a dietitian nutritionist license. The 24 hours of continuing education may be waived for an applicant whose education already fulfills the requirements set forth

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in Section 1245.130 as an approved program in dietetics.

3) Any person who has not taken and passed the nutrition on counselor examination by October 31, 2003, will be required to sit for the CDR examination set forth in Section 1245.120.

b)a) An applicant for examination to obtain licensure as a nutrition counselor shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- 1) Certification of education, on forms provided by the Department, and an official transcript indicating the applicant holds one of the following:
 - A) A baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health granted from a school or program accredited by a regional ~~an~~-accrediting agency recognized by the Council on Higher Education Accreditation (CHEA) Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or
 - B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;
- 2) Verification of 900 hours of experience, on forms provided by the Department:
 - A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a nutrition counselor;
 - B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.240 of this Part;
- 3) A complete work history since graduation from a baccalaureate program;
- 4) The required fee set forth in Section 1245.305; and
- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally

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licensed and the state in which the applicant is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

cb) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.220 Examination

- a) The examination for licensed nutrition counselors shall be the examination authorized by the Department.
- b) The passing score on the examination shall be the passing score of the testing entity.
- c) Applicants who fail the examination 3 times in Illinois or any other jurisdiction shall be required to submit proof to the Department of the completion of 6 semester hours of nutrition course work as set forth in Section 1245.230(a)(6) prior to sitting for the examination a fourth time. An individual who has failed the examination 3 times shall be allowed to work under the direct supervision of an appropriate supervisor as defined in Section 1245.240(a).
- d) The last administration of this examination will be October 2003.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.230 Approved Programs of Nutrition Counselors

The Department of Professional Regulation shall approve a program if it meets the following minimum criteria:

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- a) Is accredited by a regional accrediting ~~an~~ agency recognized by the Council on Higher Education Accreditation (CHEA) ~~Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education~~, or is a foreign program that has been validated by an accrediting agency approved by the U.S. Department of Education as offering a degree equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States;
- b) Has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas ~~area(s)~~ of teaching from professional colleges or institutions;
- c) Has a designated program director;
- d) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance; and
- e) Either:
 - 1) Grants a baccalaureate or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health; or
 - 2) Offers a baccalaureate or post baccalaureate degree with a major course of study that includes all of the following course work:
 - A) Foods and Nutrition – 12 semester hours must include:
 - i) Principles of human nutrition or the equivalent;
 - ii) Principles of food preparation or the equivalent; and
 - iii) Nutrition through the life cycle, applied human nutrition, advanced human nutrition or the equivalent;
 - B) Management – 3 semester hours (such as food service or health systems) or the equivalent;
 - C) Education – 3 semester hours (methods of education, student teaching or the equivalent course work);

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- D) Behavioral Science – 3 semester hours (such as psychology, sociology, counseling or educational psychology) or the equivalent;
 - E) Organic Chemistry or Biochemistry – 3 semester hours or the equivalent; and
 - F) Human Anatomy and Physiology – 3 semester hours or the equivalent.
- f) Individuals who are deficient in any of the courses set forth in subsection (e)(2) above may complete those courses in an approved program.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.250 Endorsement

- a) An applicant who is registered/licensed under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a nutrition counselor shall file an application with the Department, on forms provided by the Department, which includes:
- 1) Certification of a baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health from a school or program accredited by [a regionally accredited](#) ~~an accrediting~~ agency recognized by the [Council on Higher Education Accreditation \(CHEA\)](#), ~~Commission on Recognition of Post-Secondary Accreditation~~ or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;
 - 2) Certification of at least 900 hours of experience in accordance with Section 1245.240 of this Part;
 - 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered, stating:
 - A) The time during which the applicant was originally licensed/registered;

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- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examinations ~~Examination(s)~~ taken and examination scores ~~score(s)~~ received;
- 4) A complete work history; and
 - 5) The required fee as set forth in Section 1245.305.
- b) An applicant for licensure as a nutrition counselor who is registered/licensed under the laws of another state or territory of the United States or of a foreign country may practice in this State until:
 - 6) The expiration of 6 months after the filing of the written application;
 - 7) The withdrawal of the application; or
 - 8) The denial of the application by the Department.
 - c) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

Section 1245.260 Restoration

- a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 and providing proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 and proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration. The applicant shall also submit:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence

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shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;

- 2) An affidavit attesting to military service as provided in Section 65 of the Act; or
 - 3) Proof of passage of the Department authorized examination for nutrition counselor during the period the license was lapsed or on inactive status.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.
- f) [Individuals holding a license as a nutrition counselor applying for restoration of that license 90 days prior to November 1, 2003 or any time thereafter will be required, in addition to any other requirements for restoration, to complete 24 hours of continuing education that shall be in medical nutrition therapy as set forth in Section 1245.300.](#)

(Source: Amended at 27 Ill. Reg. 10228, effective June 26, 2003)

SUBPART D: GENERAL

Section 1245.300 Renewal

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- a) ~~The first renewal period for licenses issued under the Act shall be October 31, 1997. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education.~~ In order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.
- b) In order for licensed nutrition counselors to renew their licenses for the October 31, 2003 renewal, the licensees will be required to complete and submit proof to the Department of 30 hours of continuing education, of which 24 hours shall be in medical nutrition therapy, that includes diet therapy, medical dietetics, clinical nutrition or the equivalent.
- 1) "Medical nutrition therapy" means the component of nutrition care that deals with interpreting and recommending nutrient needs relative to medically prescribed diets, including, but not limited to, tube feedings, specialized intravenous solutions and specialized oral feedings; food and prescription drug interactions; and developing and managing food service operations whose chief function is nutrition care and providing medically prescribed diets.
- 2) Courses or programs in medical nutrition therapy shall be provided by a continuing education sponsor approved pursuant to Section 1245.310(c) and may only be earned in the following manner:
- A) Verified attendance at or participation in a medical nutrition therapy program or course that is offered or sponsored by the sponsor; or
- B) Verified completion of a postgraduate training program (e.g., extern, residency or fellowship programs) or completion of a medical nutrition therapy course that is a part of the curriculum of a regionally accredited college or university.
- No self study courses will be accepted.
- 3) Proof of continuing education shall be in the form of a certificate of attendance or certificate of completion from an approval sponsor or a transcript from a college or university.

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- c) [All individuals will be issued a dietitian nutritionist license at the time to renewal.](#)
- ~~d)~~ It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 27 Ill. Reg. 10228, effective June 26,2003)

Section 1245.320 Inactive Status

- a) A licensed dietitian or nutrition counselor who notifies the Department, on forms provided by the Department, may place the license on inactive status and shall be excused from paying renewal fees until he/she notifies the Department in writing of the intention to resume active practice.
- b) Any dietitian or nutrition counselor whose license is on inactive status shall not practice dietetics and shall not use the title "licensed dietitian" or "licensed nutrition counselor" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.
- c) [Any dietitian or nutrition counselor whose license was on inactive status as of November 1, 2003 will be restored as a dietitian nutritionist. A nutrition counselor will be required to restore in accordance with Section 1245.260.](#)

(Source: Amended at 27 Ill. Reg. 10228, effective June 26,2003)

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- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1247.20	Amendment
1247.25	New Section
1247.55	Amendment
1247.75	Amendment
1247.100	Amendment
- 4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) Effective Date of Amendments: June 26, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 21, 2003, at 27 Ill. Reg. 2846.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive differences; several technical changes have been made.
- 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 these Amendments replace Emergency Amendments currently in effect? Yes, at 27 Ill. Reg. 3143, effective February 19, 2003.
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 92-837, effective August 22, 2002, is the sunset reauthorization of the Environmental Health Practitioner Licensing Act. Among its changes was the creation of a new licensure category, an environmental health

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practitioner in training; this rulemaking implements this provision. Section 1247.25 sets forth the process for application for licensure as an EHP in training, while Section 1247.55 includes the requirements for supervision of licensed environmental health practitioners in training and environmental health inspectors. Section 1247.75 adds the \$50 application fee for an EHP in training and also decreases the renewal fee for an environmental health practitioner from \$110 per year to \$75 per year. Various other technical changes are also included.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1247
ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section

1247.10	Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather) (Repealed)
1247.20	Application for Examination/Licensure as an Environmental Health Practitioner
1247.25	Application for Licensure as an Environmental Health Practitioner in Training
1247.30	Examination
1247.40	Approved Programs of Environmental Health Practitioners
1247.50	Experience
1247.55	Definition of Direct Supervision
1247.60	Endorsement
1247.70	Renewal
1247.75	Fees
1247.80	Inactive Status
1247.90	Restoration
1247.100	Continuing Education
1247.110	Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. 16038, effective November 24, 1997; amended at 22 Ill. Reg. 15612, effective August 12, 1998; amended at 24 Ill. Reg. 537, effective December 31, 1999; amended at 25 Ill. Reg. 2082, effective January 22, 2001; emergency amendment at 27 Ill. Reg. 3143, effective February 19, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 10248, effective June 26, 2003.

Section 1247.20 Application for Examination/Licensure [as an Environmental Health Practitioner](#)

An applicant for examination to obtain licensure as an environmental health practitioner shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

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- a) Verification, on forms provided by the Department, that the applicant meets one of the following qualifications:
 - 1) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part;
 - 2) Holds a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full-time experience as set forth in Section 1247.50; or
 - 3) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
- b) A complete work history since receipt of a bachelor's degree;
- c) The required fee set forth in Section 1247.75; and
- d) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

(Source: Amended at 27 Ill. Reg.10248, effective June 26, 2003)

[Section 1247.25 Application for Licensure as an Environmental Health Practitioner in Training](#)

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An applicant for licensure as an environmental health practitioner in training shall file an application, on forms provided by the Department.

- a) Pursuant to Section 21 of the Act, a person who, on August 22, 2002, was certified by his or her employer as serving as a sanitarian or unlicensed environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003. The application shall be filed with the Department on forms supplied by the Department and shall include:
 - 1) A work history for the last 10 years;
 - 2) Verification of employment signed by the supervisor; and
 - 3) The required fee set forth in Section 1247.75.

- b) Individuals applying for an environmental health practitioner in training license, except for those qualified pursuant to subsection (a), shall file an application with the Department, on forms provided by the Department, that the applicant meets one of the following qualifications:
 - 1) Verification
 - A) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part;
 - B) Holds a bachelor's degree from an accredited college or university that included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Department in accordance with Section 1247.40; or
 - C) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
 - 2) A complete work history since receipt of a bachelor's degree;

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- 3) The required fee set forth in Section 1247.75; and
- 4) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) An environmental health practitioner in training license will be issued for 3 years. If a person has not passed an examination within the 3 years, an applicant may request an extension.
 - 1) The applicant shall request an extension in writing stating the reasons for the extension and shall pay the required fee.
 - 2) Upon the recommendation of the Board and approval by the Department, an environmental health practitioner in training license shall be extended, not to exceed 3 years, for the following reasons:
 - A) Service in the military;
 - B) Incapacitating illness and/or hospitalization verified by a physician; or
 - C) Other extenuating circumstances.
 - 3) In no instance can an environmental health practitioner in training license be extended that would allow an environmental health practitioner in training to practice more than 6 years.

(Source: Added at 27 Ill. Reg. 10248, effective June 26, 2003)

Section 1247.55 ~~Definition of Direct~~ Supervision

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- a) *A licensed environmental health practitioner in training or an environmental health inspector may perform the duties and functions of environmental health practice under the supervision of a licensed environmental health practitioner or licensed professional engineer.*
- b) *A licensed environmental health practitioner or a licensed professional engineer may serve as a supervisor to any licensed environmental health practitioner in training or environmental health inspector. The supervisor shall fulfill the minimum supervisor requirements, including but not limited to:*
- 1) *being available for consultation on a daily basis;*
 - 2) *reviewing and advising on law enforcement proceedings; and*
 - 3) *evaluating the practice of environmental health performed by the licensed environmental health practitioner in training or the environmental health inspector.*
- c) *A licensed environmental health practitioner or licensed professional engineer is responsible for assuring that a licensed environmental health practitioner in training or environmental health inspector that he or she is supervising properly engages in the practice of environmental health. (Section 23 of the Act)*

~~*A person can perform the functions and duties of an environmental health practitioner under the direct supervision of a licensed environmental health practitioner or licensed professional engineer if that person is not responsible for the administration or supervision of one or more employees engaged in an environmental health program. (Section 16(1) of the Act)*~~

- a) ~~*Pursuant to Section 16(1) of the Act, the term "direct supervision" means that a licensed environmental health practitioner or licensed professional engineer shall be responsible for all actions of the unlicensed exempt individual in the performance of his/her duties.*~~
- b) ~~*The supervisor shall be responsible for, but not be limited to, the following:*~~
- 1) ~~*Conducting performance evaluations on the technical application of environmental health practices;*~~
 - 2) ~~*Documenting that the work performed by the exempt individual has been reviewed on a routine basis;*~~

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- 3) ~~Documenting that routine communication regarding environmental health practices has taken place between the supervisor and the exempt individual.~~

(Source: Amended at 27 Ill. Reg. 10248, effective [June 26, 2003](#))

Section 1247.75 Fees

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

- a) ~~Application Fees-~~
- 1) The fee for application for a license as an environmental health practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a continuing education sponsor is \$500. State colleges, universities, and State agencies are exempt from payment of this fee.
 - 3) [The fee for an application for an environmental health practitioner in training license shall be \\$50.](#)
- b) ~~Renewal Fees-~~
- 1) The fee for the renewal of a license shall be calculated at the rate of [\\$75](#) ~~\$110~~ per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250 for the renewal period (see Section 1247.100(c)(7)).
 - 3) [The fee for an extension of an environmental health practitioner in training license shall be \\$35.](#)
- c) ~~General Fees-~~

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- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$600.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as environmental health practitioners in this State shall be the actual cost of producing the roster.

(Source: Amended at 27 Ill. Reg. 10248, effective June 26, 2003)

Section 1247.100 Continuing Education

- a) Continuing Education Hours Requirements
 - 1) ~~In Beginning with the April 30, 2000 renewal and every renewal thereafter, in~~ order to renew a license as an environmental health practitioner, a licensee shall be required to complete 20 hours of continuing education (CE) relevant to the practice of environmental health.
 - 2) A prerenewal period is the 24 months preceding April 30 of each even-numbered year.
 - 3) One CE hour shall equal 60 minutes of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

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- 5) Environmental health practitioners licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 6) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education ([CE](#))
- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor meeting the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.
 - 2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor meeting the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
 - 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of environmental health related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) CE credit may be earned for verified teaching in the field of environmental health in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 2 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.
 - 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of environmental health. The preparation of each published paper, book

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chapter or professional presentation dealing with environmental health may be claimed as 5 hours of credit. A presentation must be before an audience of professionals. Five credit hours may be claimed for only the first time the information is published or presented.

- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
- A) American Association of Safety Engineers
 - B) American Public Health Association
 - C) American Society of Safety Engineers
 - D) Associated Illinois Milk, Food and Environmental Sanitarians
 - E) Association of Food and Drug Officials
 - F) Conference for Food Protection
 - G) Illinois Association of [Local](#) Environmental Health Administrators
 - H) Illinois Association of Ground Water Professionals
 - I) Illinois Association of Public Health Administrators
 - J) Illinois Environmental Health Association and Affiliates
 - K) Illinois Public Health Association
 - L) International Association of Milk, Food, and Environmental Sanitarians
 - M) Interstate Shellfish Shippers Conference
 - N) National Conference of Interstate Milk Shippers
 - ~~O) Illinois Association of Environmental Health Administrators~~
 - ~~O)P)~~ [National Environmental Health Association and Affiliates](#)

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~~P)Q~~ National Restaurant Association and Educational Foundation

~~Q)R~~ National Sanitation Foundation International

~~R)S~~ North Central Association of Food and Drug Officials

~~S)T~~ Underwriters Laboratory

~~T)U~~ State and federal agencies

~~U)V~~ Any other accredited school, college or university, or any other person, firm, or association, applying pursuant to subsection (c)(2) below and has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the application fee specified in Section 1247.75. The application shall include:

A) Certification:

i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;

ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;

iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

B) A copy of a sample program, including course materials, syllabi and a list of faculty.

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- 3) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of environmental health;
 - B) Foster the enhancement of general or specialized practice and values of environmental health;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor to be completed by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor shall review together the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all licensed environmental health practitioners and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor, each sponsor shall submit to the

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Department by April 30 of each even numbered year a renewal application, the fee specified in Section 1247.75 and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
 - 9) The sponsor shall maintain attendance records for not less than 5 years.
 - 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Department, after notice to the sponsor and hearing before the Board and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
 - 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full

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compliance with the CE requirements set forth in subsections (a) and (b) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1247.75.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a

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renewal application along with the required fee set forth in Section 1247.75, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 27 Ill. Reg. 10248, effective June 26, 2003)

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- 1) Heading of the Part: Illinois Occupational Therapy Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1315
- 3) Section Numbers: Adopted Action:
1315.130 Amendment
1315.140 Amendment
1315.145 New Section
1315.160 Amendment
- 4) Statutory Authority: Illinois Occupational Therapy Practice Act [225 ILCS 75].
- 5) Effective Date of Amendments: June 26, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: March 7, 2003, at 27 Ill. Reg. 4326.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 92-297 made various changes in the Act, including a requirement for continuing education; Section 1315.145 is added to implement this provision. Other sections are amended to reflect the CE requirement.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1315
ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT

Section

1315.90	Application for Licensure Under Section 14 of the Act (Repealed)
1315.100	Approved Programs
1315.110	Application for Licensure
1315.120	Examination
1315.130	Fees for the Administration of the Act
1315.140	Renewal
1315.145	Continuing Education
1315.150	Endorsement
1315.160	Restoration
1315.162	Modalities in Occupational Therapy
1315.163	Supervision of an Occupational Therapy Assistant
1315.164	Supervision of an Aide in Occupational Therapy
1315.165	Professional Conduct Standards
1315.170	Advertising
1315.180	Conduct of Hearings (Repealed)
1315.200	Granting Variances

AUTHORITY: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 676, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16455, effective August 28, 1984; recodified from Chapter I, 68 Ill. Adm. Code 315 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1315 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2940; amended at 18 Ill. Reg. 7373, effective May 2, 1994; amended at 18 Ill. Reg. 16615, effective October 27, 1994; amended at 23 Ill. Reg. 2304, effective January 22, 1999; amended at 26 Ill. Reg. 18330, effective December 13, 2002; amended at 27 Ill. Reg. 10264, effective June 26, 2003.

Section 1315.130 Fees for the Administration of the Act

The following fees shall be paid to the Department for the functions performed by the

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Department under the Illinois Occupational Therapy Practice Act [225 ILCS 75] (the Act) and shall be non-refundable:

a) Application Fees

- 1) The fee for application for a license as an occupational therapist or occupational therapy assistant is \$25. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The fee for application as a continuing education sponsor is \$250. State colleges, universities, and State agencies are exempt from payment of this fee.

b) Renewal Fees

- 1) The fee for the renewal of a license as an occupational therapist shall be calculated at the rate of \$20 per year.
- 2) The fee for the renewal of a license as an occupational therapy assistant shall be calculated at the rate of \$10 per year.
- 3) The fee for renewal of continuing education sponsor approval is \$125 for the renewal period.

c) General Fees

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$110.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

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- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as occupational therapists or occupational therapy assistants in this State shall be the actual cost of producing the roster.

~~The fee for application and for an original license as a registered occupational therapist or certified occupational therapy assistant is \$25. In addition, applicants may be required to pay, either to the Department or to the designated testing service, a fee for the cost of providing the examination;~~

- b) ~~The fee for the renewal of a license as a registered occupational therapist is \$20 per year;~~
- e) ~~The fee for the renewal of a license as a certified occupational therapy assistant is \$10 per year;~~
- d) ~~The fee for a license as a registered occupational therapist or a certified occupational therapy assistant by endorsement from another jurisdiction is \$50;~~
- e) ~~The fee for restoration of a license that has been placed on inactive status is the current renewal fee;~~
- f) ~~The fee for restoration of a license other than from inactive status is \$10 plus payment of all lapsed renewal fees, not to exceed \$110;~~
- g) ~~The fee for certification of a license is \$20;~~
- h) ~~The fee for a duplicate or replacement license is \$20;~~
- i) ~~The fee for a wall certificate showing licensure is the actual cost of producing the certificate;~~
- j) ~~The fee for a change of name or address on a licensee's record, other than during~~

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~~renewal, is \$20;~~

- k) ~~The fee for a roster of licensees is the actual cost of producing the roster [(total number of registrants in list required) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms)].~~

(Source: Amended at 27 Ill. Reg. 10264, effective June 26, 2003)

Section 1315.140 Renewal

- a) Every license issued under the Act shall expire on December 31 of each odd numbered year. The holder of the license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the December 31, 2005 renewal and every renewal thereafter, a renewal applicant will be required to complete 24 contact hours of continuing education as set forth in Section 1315.145 of this Part.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing on an expired license shall be considered unlicensed practice.

(Source: Amended at 27 Ill. Reg. 10264, effective June 26, 2003)

Section 1315.145 Continuing Education

- a) Continuing Education (CE) Hour Requirements
- 1) Every occupational therapist and occupational therapy assistant shall complete 24 contact hours of continuing education (CE) relevant to the practice of occupational therapy during each prerenewal period as a condition of renewal. A prerenewal period is the 24 months preceding December 31 in the year of the renewal. 24 contact hours of continuing education (CE) is equivalent to 12 units of Continued Competency Activities (CCA) (2 contact hours = 1 unit).
- 2) A CE contact hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

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- 3) Courses that are part of the curriculum of an accredited university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 5) Individuals licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
 - 6) All continuing education hours must be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) or by other CE activities set forth in subsection (b).
 - 7) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if they meet the requirements for CE in Illinois.
 - 8) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- b) Additional CE activities
- 1) Independent Study
 - A) Independent Study Activities include reading books or journal articles, reviewing professional videos, etc.
 - B) A licensee may earn contact hours spent in an independent study activity with a maximum of 4 contact hours per renewal period.
 - C) Documentation shall include title, author, publisher, time spent, and date of completion. A licensee shall include a statement that describes how the activity relates to a licensee's current or anticipated roles and responsibilities.
 - 2) Mentorship

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A) Participation as Mentee

- i) Participation in a formalized mentorship agreement with a mentor as defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee.
- ii) A licensee may earn contact hours spent in activities directly related to achievement of goals and objectives with a maximum of 8 contact hours per renewal period. The Department may accept formalized mentorship programs for the amount of credit recommended by the mentor, not to exceed 8 hours per renewal period.
- iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.

B) Participation as Mentor

- i) Participation in a formalized mentorship agreement with a mentee as defined by a signed contract that designates the responsibilities of the mentor and specific goals and objectives that are to be met by the mentee.
- ii) A licensee may earn contact hours spent in mentorship activities as a mentor with a maximum of 8 hours per renewal period.
- iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.

- 3) Fieldwork Supervision
Participation as the primary clinical fieldwork educator for Level I/Level II OT or OTA fieldwork students.

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- A) A licensee may earn 2 contact hours for each Level I student supervised. A licensee may earn 6 contact hours for each Level II student supervised. A licensee may earn a maximum of 8 contact hours for student supervision per renewal period.
 - B) Documentation shall include verification provided by the school to the fieldwork educator with the name of student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments should be deleted or blocked out.
- 4) Professional writing
- A) First time publication of a professional or non-professional book, chapter, or article. A licensee may earn a maximum per renewal period as follows:
 - i) 18 hours as an author of a book;
 - ii) 12 hours as an author of a chapter;
 - iii) 12 hours as an author of an article in a professional publication;
 - iv) 6 hours as an author of an article in a non-professional publication;
 - v) 12 hours as an editor of a book.
 - B) Documentation shall consist of full reference for publication including: title, author, editor, and date of publication, or copy of acceptance letter if not yet published.
- 5) Presentation and Instruction
- A) First time or significantly revised presentation of an academic course or workshop, seminar, in-service, electronic or Web-based course. Speeches made at luncheons or banquets or any other presentation not within the guidelines of this Part are not eligible for CE credit.

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- B) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
 - C) Documentation shall include a copy of official program/schedule/syllabus, including presentation title, date, hours of presentation, and type of audience or verification of such signed by the sponsor.
- 6) Research
- A) Development of or participation in a research project.
 - B) A licensee may earn credit for hours spent working on a research project, for a maximum of 12 hours per renewal period.
 - C) Documentation includes verification from the primary investigator indicating the name of the research project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project.
- 7) Grants
- A) Development of a grant proposal.
 - B) A licensee may earn credit for hours working on a grant proposal for a maximum of 12 hours per renewal period.
 - C) Documentation includes name of grant proposal, name of grant source, purpose and objectives of the project, and verification from the grant author regarding licensee's role in the development of the grant if not the author.
- 8) Professional meetings and activities

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- A) Participation in board or committee work with agencies or organizations in professionally related areas to promote and enhance the practice of occupational therapy.
 - B) A licensee may earn 2 hours per appointment on a committee or board for one year for a maximum of 8 hours per renewal period.
 - C) Documentation includes name of committee or board, name of agency or organization, purpose of service, and description of licensee's role. Participation must be validated by an officer or representative of the organization or committee.
- 9) Advanced competence recognition/specialty certification
- A) Advanced recognition and/or specialty certification from a nationally recognized certifying body or approved provider.
 - B) A licensee may earn 12 contact hours for each advanced competence recognition or specialty certification credential earned.
 - C) Documentation includes certificate of completion or other documentation that identifies satisfactory completion of requirements for obtaining advanced competence or specialty certification.
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
 - A) American Occupational Therapy Association and its affiliates;
 - B) American Physical Therapy Association and the Illinois Physical Therapy Association;
 - C) AOTA Approved Providers;
 - D) American Speech and Hearing Association and the Illinois Speech and Hearing Association;
 - E) Accredited Colleges and Universities;

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- F) Any other person, firm, association, corporation, or group that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(F) shall file a sponsor application, along with the required fee set forth in Section 1315.130. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
- B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(7); and
- C) That, upon request by the Department, the sponsor will submit evidence as is necessary to establish compliance with this Section. This evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by December 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section 1315.130. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a course description and location, date and time the course was offered.
- 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. The evaluation forms shall be kept for 5 years and shall be made available to the Department upon written request.

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- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6) All programs given by approved sponsors shall be open to all licensees and not be limited to the members of a single organization or group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name and address of the participant and his/her license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program; and
 - vi) Signature of the sponsor.
 - B) The sponsor shall maintain these records for not less than 5 years.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.

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- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- e) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10 65 of the Illinois Administrative Procedure Act [5 ILCS 100/10 65].
- f) Waiver of CE Requirements

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- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 1315.130, a statement setting forth the facts concerning the non compliance, and a request for waiver of the CE requirements on the basis of these facts. If the Department, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of these requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Added at 27 Ill. Reg. 10264, effective June 26, 2003)

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- a) A person seeking restoration of a license that has expired or been placed on inactive status for 5 years or more shall file an application with the Department, on forms supplied by the Department, along with the required fees specified in Section 1315.130 of this Part. The applicant shall also submit one of the following:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 11 of the Act (no fee is required when restoring from a period of military service if application is made within 2 years after termination of the service);
 - 3) Verification of successful completion of the Certification Examination of the NBCOT for licensure as a registered occupational therapist or certified occupational therapy assistant within the last 5 years prior to applying for restoration; or
 - 4) Evidence of successful completion of 48 hours of continuing education ~~recent attendance at educational programs~~ in occupational therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program, completed within 2 years prior to application for restoration ~~or evidence of recent related work experience to show that the applicant has maintained competence in his/her field.~~
- b) A registrant seeking restoration of a license that has been expired for less than 5 years shall have the license restored upon payment of \$20 ~~10~~ plus all lapsed renewal fees required by Section 1315.130 of this Part. A licensee seeking restoration of a license shall be required to submit proof of the required 24 hours of continuing education in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.
- c) A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee. A licensee seeking restoration of a license shall be required to submit proof of the required 24 hours of continuing education in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.

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- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 27 Ill. Reg. 10264, effective June 26, 2003)

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- 1) Heading of the Part: Visa Waiver Program for International Medical Graduates
- 2) Code Citation: 77 Ill. Adm. Code 591
- 3) Section Numbers: Adopted Action:

591.10	Amendment
591.20	Amendment
591.100	Amendment
591.110	Amendment
591.120	Amendment
591.130	Amendment
591.140	Amendment
- 4) Statutory Authority:
Immigration and Nationality Act (8 USC 1182 and 1184)
Exchange Visitor Program (22 CFR Part 514)
Illinois Administrative Procedure Act (5 ILCS 100/5-40)
- 5) Effective Date of Rulemaking: June 30 , 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 7, 2003, 27 Ill. Reg. 2277
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

Corrected title heading by inserting "DEPARTMENT OF PUBLIC HEALTH" after "CHAPTER I".

In title heading, added "SUBCHAPTER j:" before "PROCESSING" to correct format.

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In the Table of Contents, Section 591.40, replaced “Terms of Performance” with “Administrative Hearings” to reflect current rule text on file.

In the Table of Contents, Section 591.140, replaced “Performances” with “Performance” to reflect current rule text on file.

In the Authority Note, third line down, capitalized “two” to reflect current text on file.

In Section 591.20, under the definition of “Community Health Center” replaced “354b” with 254b” and changed “C” to lowercase to reflect current rule text on file.

In Section 591.20, under the definition of “Primary care physician” underlined the comma after “gynecology”.

In Section 591.20, under the definition of “[Psychiatric physician \(psychiatrist\)](#)” replaced the parentheses around the ILCS cite with brackets to reflect current rule text on file.

In the heading to Section 591.100, corrected section heading to reflect mixed case letters on file.

In Section 591.100 (a)(1) and (a)(3), changed “specialities” to “specialties” to reflect current rule text on file.

In Section 591.100 (a)(2), underlined the comma after “gynecology”.

In Section 591.100 (a)(2), after “pediatrics,” inserted “~~or~~” to reflect current rule text on file.

In Section 591.100 (b)(1), inserted “in rural areas,” before “be” and added “located in an” after “facility” to reflect current rule text on file.

Reworked Section 591.100 (b)(2) to read as follows:

- “2) in urban areas~~;~~
 - [A\)](#) be located in a geographic HPSA~~;~~
 - [B\)](#) be designated as a facility located in an HPSA or serve a population group HPSA [and](#); be able to document that at least 75% of the patients seen at the facility are a part of the HPSA’s population group~~;~~ and

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C) be a not-for-profit facility or a public facility.”

In Section 591.110 and Section 591.120, corrected section headings to reflect mixed case letters on file.

In Section 591.120 (b)(6), struck the comma after “license” and removed the strikeout from the semicolon.

In Section 591.120(b)(10), inserted “(1)” after “(k)” to reflect current rule text on file.

In Section 591.130, corrected section headings to reflect mixed case letters on file.

In Section 591.130 (e)(1), deleted the comma after “year”, inserted a comma after the closing parenthesis, deleted “six” and the parenthesis around “6”, after “facilities” changed the comma to a semicolon, and deleted “are serving” and inserted “will serve”.

In Section 591.130 (e)(2), after “year,” inserted “if enough applications from rural areas are submitted,” changed “serve” to “reserve”, and changed “percent” to “%”.

In Section 591.130 (e)(3), after “third” inserted “and fourth”, changed “quarter” to “quarters”, after “June” added a comma, and after “care” inserted “or psychiatrist”.

In Section 591.130 (g)(2) and (3) corrected the numbering format.

In Section 591.140, corrected section heading to reflect mixed case letters on file.

In Section 591.140 (a), after “granting”, struck “of”.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking revamps the visa waiver program that allows placement of international physicians in urban and rural areas that are medically underserved. Also, allows for recruitment of psychiatrists in addition to primary care physicians.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Peggy Snyder, Rules Coordinator
Illinois Department of Public Health
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER j: PROCESSING J-1 VISA WAIVERS FOR INTERNATIONAL MEDICAL GRADUATES

PART 591

VISA WAIVER PROGRAM FOR INTERNATIONAL MEDICAL GRADUATES

SUBPART A: GENERAL PROVISIONS

Section

591.10	Applicability
591.20	Definitions
591.30	Incorporated or Referenced Materials
591.40	Administrative Hearings

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section

591.100	Participation Eligibility of Physicians and Facilities
591.110	Application Submission Timeframes
591.120	Application Materials and Processing
591.130	Selection Process
591.140	Terms of Performance

AUTHORITY: Authorized by and implementing Section 212(e) of the Immigration and Nationality Act (8 USC 1182(e)) and Section 214(k) of the Immigration and Nationality Act (8 USC 1184), and 22 CFR 514, the Final Rule of the U.S. Information Agency, Waiver of Two-Year Home-Country Physical Presence Requirement, Foreign Medical Graduates, Exchange Visitor Program.

SOURCE: Adopted at 22 Ill. Reg. 14485, effective July 24, 1998; amended at 24 Ill. Reg. 7551, effective May 15, 2000; emergency amendment at 27 Ill. Reg. 2277, effective January 22, 2003, for a maximum of 150 days; emergency expired on June 22, 2003; amended at 27 Ill. Reg. 10281, effective June 30, 2003.

SUBPART A: GENERAL PROVISIONS

Section 591.10 Applicability

This Part implements Section 1182(e) of the federal Immigration and Nationality Act, that allows

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state health departments to request a waiver of the J-1 Visa requirement that international medical graduates must return to their home country upon completion of graduate medical training in the United States. If an international medical graduate is offered a three year employment contract in a health professional shortage area in Illinois, the Illinois Department of Public Health and certain federal agencies can request that the international medical graduate be allowed to remain in the United States. The Illinois Department of Public Health has been authorized by the U.S. Information Agency to request ~~up to 20~~ J-1 Visa Waivers annually for eligible physicians.

- a) The provisions of this Part are organized into two Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.
- b) Subpart B establishes eligibility criteria for an international medical graduate to request that the Department seek a waiver of the J-1 Visa home-country requirements. The Subpart sets forth the application time table and components, and the criteria to be used to select those physicians for whom a waiver will be requested.

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

Section 591.20 Definitions

"Act" means the Immigration and Nationality Act (8 USC 1182(e) and 8 USC 1184(k)).

"Community Health Center" means community/migrant health centers or health care for the homeless projects supported under Section 329, 330 or 340 of the federal Public Health Service Act (42 USC 254b, 254c, and 256), respectively, or federally qualified health center look-alikes, as designated by the U.S. Public Health Service.

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will and Kane.

"Full time practice" means maintaining 40 hours of ambulatory access ~~hours for~~

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~~medical care~~ as required under the Act and the Code of Federal Regulations.

"Health Professional Shortage Area" or "HPSA" is a designation given by the U.S. Department of Health and Human Services, Bureau of Primary Health Care, ~~Shortage Designation Branch~~ ~~Division of Shortage Designation~~. The HPSA designation ~~is based on the ratio of providers to population for primary care physicians is based on the ratio of physicians in the specialties of family practice, general internal medicine, general pediatrics, and obstetrics-gynecology~~ and is used to identify areas needing additional ~~primary care~~ physicians. The list of HPSAs is published periodically in the Federal Register, ~~and can be found at <http://bphr.hrsa.gov> most recently on December 31, 1996.~~

"Medical facility" means a facility for the delivery of health services and includes:

a community health center, public health center, outpatient medical facility, or community mental health center;

a hospital, State mental hospital, facility for long-term care or rehabilitation facility;

a facility for delivery of health services to inmates in a U.S. penal or correctional institution (under section 323 of the Public Health Service Act) or a State correctional institution;

a Public Health Service medical facility (used in connection with the delivery of health service under Section 320, 321, 322, 324, 325 or 326 of the Public Health Service Act); or any other federal medical facility.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care is comprehensive in nature and not organ or problem specific, is oriented toward the longitudinal care of the patient, and includes responsibility for coordination of other health and social services as they relate to patients' needs.

"Primary care physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] with a specialty in family practice, general internal medicine, general pediatrics, ~~or~~ obstetrics/gynecology, or medicine/pediatrics.

"Psychiatric physician (psychiatrist)" means a person licensed to practice

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[medicine in all its branches under the Medical Practice Act of 1987 \[225 ILCS 60\] with a specialty in psychiatry.](#)

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less.

"Urban" means any geographic area located in a U.S. Bureau of the Census Metropolitan Statistical Area, except a county located within a Metropolitan Statistical Area having a population of 60,000 or less.

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

SUBPART B: PROCEDURES FOR J-1 VISA WAIVER REQUESTS

Section 591.100 Participation Eligibility of Physicians and Facilities

- a) Physicians eligible to participate in the J-1 Visa Waiver Program for International Medical Graduates in Illinois shall meet the following requirements:
 - 1) have entered into an employment contract with a facility located in an HPSA with employment to begin no later than six months after the completion of their residency training in one of the primary care specialties, [or general psychiatry](#);
 - 2) be board eligible or board certified in family practice, general internal medicine, general pediatrics, ~~or~~ obstetrics/gynecology, [or general psychiatry](#); and
 - 3) have completed a residency in general internal medicine or general pediatrics, if either of those specialties are indicated in the application of the physician seeking participation in this program.
- b) Medical facilities eligible to participate in the J-1 Visa Waiver Program in Illinois shall meet the following requirements:
 - 1) in rural areas, be located in a geographic HPSA, be designated as a facility located in an HPSA, or serve a population group HPSA, and be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; or

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- 2) in urban areas;
- A) be located in a geographic HPSA;
 - B) be designated as a facility located in an HPSA or serve a population group HPSA and; be able to document that at least 75% of the patients seen at the facility are a part of the HPSA's population group; and
 - C) be a not-for-profit facility or a public facility.

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

Section 591.110 Applications Submission Timeframes

- a) Applications for each federal fiscal year will be accepted initially between October 1 and October ~~31~~³⁰ of each year.
- b) If all ~~20~~ Visa Waivers are not identified from the applications received between October 1 and October ~~31~~³⁰, applications will be accepted again between January 1 and January ~~31~~³⁰; between April 1 and April 30, if necessary; and between July 1 and July ~~31~~³⁰, if necessary.
- ~~c) Applications will not be accepted for employment start dates, as specified in the employment contracts, that are more than nine months after the date the application is submitted to the Department.~~

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

Section 591.120 Application Materials and Processing

- a) Application materials are available from, and should be returned to, the following address:

J-1 Visa Waiver Program
Illinois Department of Public Health
Center for Rural Health
535 West Jefferson Street
Springfield, Illinois 62761
- b) The application materials to be prepared by or on behalf of the international

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medical graduate seeking the waiver of the two-year home-country residency requirement shall include the following items:

- 1) statement from the administrator or director of the health care facility or agency that will be employing the international medical graduate describing prior recruitment difficulties experienced by the facility, the expected practice arrangement for the international medical graduate, and the impact on the facility and the patients it serves if the home country residency requirement is not waived;
- 2) copy of a minimum three-year employment contract between the international medical graduate and a health care facility. The contract shall include the name and address of the facility, the specific geographic area or areas in which the international medical graduate will practice, and a statement that the physician will practice full-time (40 hours) in the HPSA or HPSAs identified in the contract;
- 3) statement from the employing health care facility or agency that the salary or other form of financial support offered to the international medical graduate is at a level equivalent to that offered to all other physicians recruited by the health care facility;
- 4) letter of support from a hospital chief of staff verifying that hospital admitting privileges will be granted to the international medical graduate, and if not, how admissions of the international medical graduate's patients will be arranged;
- 5) letter of support for the visa requirements waiver from at least one ~~a~~-local organization or agency such as the chamber of commerce, local health department, or other community-based organization;
- 6) copy of the applicant's Illinois medical license or application for an Illinois medical license, ~~the latter submitted to the Illinois Department of Professional Regulation sufficiently in advance of the employment beginning date to reasonably expect the license to be granted prior to the nine-month deadline described in Section 591.110(c);~~
- 7) completed United States Information Agency Data Sheet;
- 8) copy of international medical graduate's curriculum vitae;

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- 9) copy of the IAP-66 (Certificate for Exchange Visitor J-1 Status) for each year international medical graduate was in J-1 status;
 - 10) completed and notarized Certification Statement A signed by the international medical graduate agreeing to the contractual requirements set forth in Section 214(k)(1)(B) and (C) of the Immigration and Nationality Act;
 - 11) completed and notarized Certification Statement B describing international medical graduate's obligation to his/her home country;
 - 12) completed and notarized Certification Statement C in which international medical graduate states that his or her medical license has never been suspended or revoked and that he or she is not subject to any criminal investigation or proceedings by any medical licensing authority;
 - 13) completed and notarized Certification Statement D regarding accuracy of application materials; and
 - 14) completed and notarized Certification Statement E regarding specialty status.
- c) Upon receipt of the application materials, Center for Rural Health staff will verify completeness and accuracy of the application. One written request to the applicant, or the facility or legal agency acting on behalf of the international medical graduate, will ask for any materials not included in the application. If the requested materials are not received within one month after the date of the written request, the application will be returned to the applicant.

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

Section 591.130 Selection Process

- a) In the first and second calendar quarters of the federal fiscal year, a maximum of two Visa Waiver applications will be approved per facility requesting J-1 Visa Waivers for international medical graduates. In subsequent calendar quarters, facilities that have already had two waivers approved may apply for additional waivers; however, selection priority will be given to applications from facilities that have not previously had waivers approved.
- b) Selection preference will be given to the Visa Waiver application for the

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international medical graduate whose position represents the largest proportion of primary care specialty vacancies at the facility offering employment to the physician.

- c) Selection preference will be given to applications received from HPSAs having the greatest unmet need for primary care physicians. Unmet need is the number of primary care physician full-time-equivalents needed to cause the HPSA to no longer meet the threshold ratio for HPSA designation.
- d) Applications received in the first and second calendar quarters of the federal fiscal year will not be considered if the addition of the international medical graduate will increase the number of primary care physicians beyond the number needed to eliminate the health professional shortage area designation for the geographic area, facility or population group.
- e) The following selection allocations will be used in processing waiver applications:
 - 1) In the first and second calendar quarters of the federal fiscal year (October 1 through December 31 and January 1 through March 31), 6 waivers will be reserved for psychiatrists who will serve in rural facilities; the remaining waivers will be reserved for primary care physicians.
 - 2) In the first and second quarters of the federal fiscal year, if enough applications from rural areas are submitted, the Department will reserve 50% of the waiver applications for primary care physicians serving rural, underserved areas.
 - 3) In the third and fourth quarters of the federal fiscal year (April through June), if all 6 waivers that were reserved for psychiatrists have not been used, those remaining waivers may be used for primary care or psychiatrist waiver applicants, both rural and urban.
- ~~e) The Department will consider Visa Waiver applications only from urban facilities as long as the U.S. Department of Agriculture continues to accept applications from rural facilities. If the U.S. Department of Agriculture no longer accepts any Visa Waiver applications, the Department will accept applications from rural applicants.~~
- ~~f) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture processes waiver applications from~~

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~~rural facilities:~~

- ~~1) in each of the first and second calendar quarters of the federal fiscal year (October 1 through December 31 and January 1 through March 31), if sufficient applications are received, 25 percent of the approved applications will be reserved for downstate urban facilities; and~~
 - ~~2) in the first and second calendar quarters of the federal fiscal year, urban-based community health centers will be eligible to receive, but will not be limited to, a cumulative minimum of three waivers.~~
- ~~g) The following selection allocations will be used in those calendar quarters in which the U.S. Department of Agriculture no longer is processing waiver applications from rural facilities:~~
- ~~1) in such quarters and if sufficient applications are received, the Department will reserve one half of the available waivers for rural facilities;~~
 - ~~2) if sufficient applications are received, 25 percent of the approved waivers will be reserved for downstate urban facilities; and~~
 - ~~3) in the first and second calendar quarters of the federal fiscal year, community health centers statewide will be eligible to receive, but will not be limited to, a cumulative minimum of four waivers.~~

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

Section 591.140 Terms of Performance

- a) Each six months subsequent to the date of ~~receiving the granting of~~ the J-1 waiver by the U.S. Department of Justice, the international medical graduate shall send to the Department of Public Health ~~a shall request~~ written verification of the full-time practice of the international medical graduate in the health professional shortage area originally identified in the waiver application.
- b) If at any time the international medical graduate fails to practice on a full-time basis in the approved shortage area, the Department will notify the Immigration and Naturalization Service of the physician's breach of obligation.

(Source: Amended at 27 Ill. Reg. 10281, effective June 30, 2003)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3) Section Numbers: Adopted Action:
690.100 Amendment
690.655 Added
- 4) Statutory Authority: Implementing the Communicable Disease Report Act [745 ILCS 45], and implementing and authorized by the Department of Public Health Act [20 ILCS2305].
- 5) Effective Date of Rulemaking: June 30, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 4343, March 7, 2003
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
The following changes were made in response to comments received during the first notice or public comment period:
 1. In the Table of Contents, after Section 690.650, inserted:
“690.655 Smallpox, complications of vaccination fro (Reportable by telephone or electronically as soon as possible, within 24 hours)”
 2. At the end of the Table of Contents added the following Authority and Source Note that is currently on file:

“AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45], and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7,

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effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days.”

3. At the end of the Source Note, changed the period to a semicolon and added "amended at 27 Ill. Reg. _____, effective _____."
4. In Section 690.100(a)(2), capitalized "Foodborne" to reflect text on file.
5. In Section 690.100(b) added:
"[17](#)) [Smallpox, complications of vaccination for 690.655](#)" after "16").
6. In Section 690.100(b), renumbered "[17](#)" through "[21](#)" properly.
7. In Section 690.655(b), changed the dash to a period, changed "[of](#)" to "[after](#)", changed the comma to a semicolon, and added a comma before "[vaccinia](#)".
8. In Section 690.655(e), changed "[of](#)" to "[after](#)".

The following changes were made in response to comments and suggestions of the JCAR:

1. In Section 690.100(c)(25), added a closing parenthesis after "25".
 2. In Section 690.655(b), capitalized "[most](#)".
- 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 an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Requires the reporting of complications of vaccination for smallpox by telephone or electronically as soon as possible, within 24 hours of diagnosis.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690

CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section	
690.100	Diseases and Conditions
690.110	Diseases Repealed From This Part

SUBPART B: REPORTING

Section	
690.200	Reporting

SUBPART C: DETAILED PROCEDURES FOR THE CONTROL OF
COMMUNICABLE DISEASES

Section	
690.290	Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
690.295	Any Unusual Case or Cluster of Cases That May Indicate a Public Health Hazard (Reportable by telephone as soon as possible, within 24 hours)
690.300	Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.310	Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
690.320	Anthrax (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
690.325	Blastomycosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.327	Botulism, Foodborne, Infant, Wound, Other (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease for foodborne or within 24 hours for other types)
690.330	Brucellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
690.335	Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)

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- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.360 Cholera (Reportable by telephone as soon as possible, within 24 hours)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours)
- 690.380 Diphtheria (Reportable by telephone as soon as possible, within 24 hours)
- 690.385 Ehrlichiosis, Human Granulocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.386 Ehrlichiosis, Human Monocytic (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.400 Enteric Escherichia coli Infections (E. coli: 0157:H7 and Other Enterohemorrhagic E. coli, Enterotoxigenic E. coli, and Enteropathogenic E. coli) (Reportable by telephone as soon as possible, within 24 hours)
- 690.410 Foodborne or Waterborne Illness (Reportable by telephone as soon as possible, within 24 hours)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus influenzae, Meningitis and Other Invasive Disease (Reportable by telephone, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone as soon as possible, within 24 hours)
- 690.451 Hepatitis B (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.452 Hepatitis C Infection (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon

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- as possible, within 7 days)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionnaires' Disease (Legionellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.480 Leprosy (Hansen's Disease) (infectious and non-infectious cases are reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.495 Listeriosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.570 Plague (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone as soon as possible, within 24 hours)
- 690.590 Psittacosis (Ornithosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.595 Q-fever (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.600 Rabies, Human (Reportable by telephone as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure (Reportable by telephone, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable

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- by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.650 Smallpox (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- [690.655 Smallpox, complications of vaccination for \(Reportable by telephone or electronically as soon as possible, within 24 hours\)](#)
- 690.660 Staphylococcus aureus Infections Occurring In Infants Under 28 Days of Age Within a Health Care Institution or With Onset After Discharge (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.661 Staphylococcus aureus Infections with Intermediate or High Level Resistance to Vancomycin (Reportable by telephone, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Toxic Shock Syndrome) and Sequelae to Group A Streptococcal Infections (rheumatic fever and acute glomerulonephritis)(Reportable by telephone, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.678 Streptococcus pneumoniae, Invasive Disease (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Staphylococcus aureus Infection, Toxic Shock Syndrome (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)
- 690.730 Typhoid Fever (Reportable by telephone as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone as soon as possible, within 24 hours)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone

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immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART D: DEFINITIONS

Section
690.900 Definition of Terms

SUBPART E: GENERAL PROCEDURES

Section
690.1000 General Procedures for the Control of Communicable Diseases
690.1010 Incorporated Materials

SUBPART F: SEXUALLY TRANSMITTED DISEASES (Repealed)

Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART G: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

.EXHIBIT A Typhoid Fever Agreement (Repealed)

AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45], and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20,

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1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired on May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003.

SUBPART A: REPORTABLE DISEASES AND CONDITIONS

Section 690.100 Diseases and Conditions

The following are declared to be contagious, infectious, communicable and dangerous to the public health and each suspected or diagnosed case shall be reported to the local health authority who shall subsequently report each case to the Illinois Department of Public Health. This listing includes those diseases and conditions reportable because of classification as communicable or sexually transmitted. Communicable diseases and conditions are reportable under this Part (77 Ill. Adm. Code 690) and sexually transmissible diseases and conditions are reportable under the Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693). (See Subpart B, Section 690.200.)

a) Class I(a)

The following diseases shall be reported immediately (within 3 hours) upon initial clinical suspicion of the disease to the local health authorities, who shall then report to the Department immediately (within 3 hours). This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities who are required to report to the Department. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable.

1)	Anthrax	690.320
2)	Botulism, Foodborne	690.327
3)	Plague	690.570
4)	Q-fever	690.595
5)	Smallpox	690.650
6)	Tularemia	690.725
7)	Any suspected bioterrorist threat or event	690.800

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b) Class I(b)

The following diseases shall be reported as soon as possible during normal business hours, but within 24 hours (i.e., within 8 regularly scheduled business hours after identifying the case), to the local health authorities, who shall then report to the Department as soon as possible, but within 24 hours. This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities who are required to report to the Department. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable.

	Section
1) Any unusual case or cluster of cases that may indicate a public health hazard	690.295
2) Botulism, infant, wound, and other	690.327
3) Cholera	690.360
4) Diarrhea of the newborn	690.370
5) Diphtheria	690.380
6) Enteric Escherichia coli infections (E. coli: 0157:H7 and other enterohemorrhagic E. coli, enterotoxigenic E. coli, enteropathogenic E. coli)	690.400
7) Foodborne or waterborne illness	690.410
8) Haemophilus influenzae, meningitis and other invasive disease	690.441
9) Hemolytic uremic syndrome, post-diarrheal	690.444
10) Hepatitis A	690.450
11) Measles	690.520
12) Neisseria meningitidis, meningitis and invasive disease	690.555
13) Pertussis (whooping cough)	690.750

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14)	Poliomyelitis	690.580
15)	Rabies, human	690.600
16)	Rabies, potential human exposure	690.601
<u>17)</u>	<u>Smallpox, complications of vaccination for</u>	<u>690.655</u>
<u>1817)</u>	Staphylococcus aureus infections with intermediate or high level resistance to vancomycin *	690.661
<u>1918)</u>	Streptococcal infections, Group A, invasive (including toxic shock syndrome) and sequelae to Group A streptococcal infections (rheumatic fever and acute glomerulonephritis)	690.670
<u>2019)</u>	Typhoid fever*	690.730
<u>2120)</u>	Typhus	690.740

c) Class II

The following diseases shall be reported as soon as possible during normal business hours, but within 7 days, to the local health authority which shall then report to the Department within 7 days. The Section number associated with each of the listed diseases indicates the Part under which the diseases are reportable.

	Section
1) Acquired immunodeficiency syndrome (AIDS)	693.20
2) Amebiasis*	690.300
3) Blastomycosis	690.325
4) Brucellosis	690.330
5) Campylobacteriosis*	690.335
6) Chancroid	693.20
7) Chickenpox	690.350
8) Chlamydia	693.20

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9)	Cryptosporidiosis	690.365
10)	Cyclosporiasis	690.368
11)	Ehrlichiosis, human granulocytic	690.385
12)	Ehrlichiosis, human monocytic	690.386
13)	Encephalitis	690.390
14)	Giardiasis*	690.420
15)	Gonorrhea	693.20
16)	Hantavirus pulmonary syndrome	690.442
17)	Hepatitis B*	690.451
18)	Hepatitis C*	690.452
19)	Hepatitis, viral, other*	690.453
20)	Histoplasmosis	690.460
21)	Human immunodeficiency virus (HIV) infection	693.20
22)	Legionnaires' disease (legionellosis)	690.475
23)	Leprosy	690.480
24)	Leptospirosis	690.490
25)	Listeriosis	690.495
26)	Lyme disease	690.505
27)	Malaria	690.510
28)	Meningitis, aseptic (including arboviral infections)	690.530
29)	Mumps	690.550

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30)	Ophthalmia neonatorum (gonococcal)	693.20
31)	Psittacosis	690.590
32)	Rocky Mountain spotted fever	690.610
33)	Rubella, including congenital rubella syndrome	690.620
34)	Salmonellosis* (other than typhoid fever)	690.630
35)	Shigellosis*	690.640
36)	Staphylococcus aureus infection, toxic shock syndrome	690.695
37)	Staphylococcus aureus infections occurring in infants under 28 days of age (within a health care institution or with onset after discharge)	690.660
38)	Streptococcal infections, group B, invasive disease, of the newborn	690.675
39)	Streptococcus pneumoniae, invasive disease * (including antibiotic susceptibility test results)	690.678
40)	Syphilis	693.20
41)	Tetanus	690.690
42)	Trichinosis	690.710
43)	Tuberculosis	696.170
44)	Yersiniosis	690.752

*Cases and carriers (when carriers are required to be reported) of these diseases should be confirmed by appropriate laboratory tests before reporting.

When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, more stringent requirements shall be issued by this Department.

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(Source: Amended at 27 Ill. Reg. 10294, effective June 30, 2003)

SUBPART C: DETAILED PROCEDURES FOR THE
CONTROL OF COMMUNICABLE DISEASES

Section 690.655 Smallpox, complications of vaccination for (Reportable by telephone or electronically as soon as possible, within 24 hours)

- a) Complications of vaccination for smallpox include, but are not limited to, the following: eczema vaccinatum, erythema multiforme major or Stevens-Johnson syndrome, fetal vaccinia, generalized vaccinia, autoinoculation, ocular vaccinia, post-vaccinial encephalitis or encephalomyelitis, progressive vaccinia, pyogenic infection of the vaccination site, vaccinia transmission to contacts, and other adverse events resulting in hospitalization, permanent disability, life-threatening illness, or death.
- b) Incubation Period. Most complications occur within 14-28 days after vaccination; complications may occur later (e.g., vaccinia infection in contacts, fetal vaccinia).
- c) Control of case and contacts. Isolation and infection control precautions for individuals with vaccinia complications vary depending upon the type of complication.
- d) Laboratory reporting. As laboratory tests become available to identify vaccinia virus as the cause of complication, laboratories shall be required to report positive test results and accompanying demographic information.
- e) Reporting of cases. Complications of smallpox vaccination shall be reported to the local health department within 24 hours after diagnosis.

(Source: Added at 27 Ill. Reg. 10294, effective June 30, 2003)

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- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3) Section Numbers: Proposed Action:

1230.10	Amendment
1230.20	Amendment
1230.50	Amendment
1230.60	Amendment
1230.70	Amendment
1230.100	Amendment
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].
- 5) Effective Date of Amendments: June 26, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg 4502, March 14, 2003
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive differences. Editing and formatting changes recommended by JCAR were made as follows:

The reference to Exhibit A was corrected from "Application of" to "Application for".

In Section 1230.20, "Firearm Owner's Identification Section" was struck and "Firearms Services Bureau" was underlined.

In Section 1230.100(a), "interlineations" was changed to "interlineation" and "the check" was changed to "any check".

In Section 1230.100(c), "the above" was struck and "subsection (a)" was added.

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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? No agreements were issued by JCAR.
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The proposed amendments will revise and update procedures associated with granting, denying, and revoking Firearm Owner's Identification Cards and related activities. In addition, the definition of antique firearms will be clarified.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

1230.10	Definitions
1230.20	Application Procedures
1230.30	Duration and Renewal of Identification Card
1230.40	Sponsorship of a Minor
1230.50	Denial of Application or Revocation and Seizure of Identification Card
1230.60	Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
1230.70	Appeal
1230.80	Judicial Review
1230.90	Certification
1230.100	Reduction of Remittance
1230.110	Retention of Remittance
1230.EXHIBIT A	Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B	Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003.

Section 1230.10 Definitions

As used in this Part, the following definitions apply unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act [430 ILCS 65].

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“Antique firearm” means, for the purpose of 430 ILCS 65/1.1(4), any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, provided it is not likely to be used as a weapon.

"Applicant" means an applicant for a Firearm Owner's Identification Card.

"Department" means the Department of State Police.

"Director" means the Director of State Police or designee.

"Firearm" and "firearm ammunition" mean the terms as defined in Section 1.1 of the Act.

"Firearm Owner's Identification Card" means the term as defined in Section 6 of the Act.

"Law enforcement official" means any peace officer, warden, superintendent, or keeper of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Mental institution" means any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness.

"Mentally retarded" means a person who has significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Narcotics" means any substance controlled by the Controlled Substances Act.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

Section 1230.20 Application Procedures

Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. These forms will be made available through the [Firearms Services Bureau](#) ~~Firearm Owner's Identification Section~~, P.O. Box 3677, Springfield, Illinois 62708-3677. All forms must be properly completed, accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form. Other than in regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an

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Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean an Illinois driver's license and an Illinois driver's license number. In regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean his or her driver's license number or state identification card number from his or her state of residence. All Firearm Owner's Identification Cards issued shall remain the property of the Department.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

Section 1230.50 Denial of Application or Revocation and Seizure of Identification Card

The Department will deny an application for or revoke and seize a Firearm Owner's ~~Identification~~ ~~identification~~ Card if the Department finds that the applicant or the person to whom such a Firearm Owner's Identification Card was issued is or was at the time of issuance prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law or does not otherwise qualify under Illinois statute to possess a Firearm Owner's Identification Card. Any card seized, revoked, or otherwise inappropriately possessed shall be returned to the Department of State Police, Firearms Services Bureau.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

Section 1230.60 Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card

The Department shall notify, in writing to the last known address, every person whose application for a Firearm Owner's Identification Card is denied and every person whose Firearm Owner's Identification Card is revoked of the specific grounds upon which the application has been denied or the Firearm Owner's Identification Card has been revoked. In those situations for which written notification to the last known address is ineffective or unnecessarily delays revocation, additional alternative means may be used to communicate notification and effectuate revocation. Individuals whose cards have been revoked shall immediately return the revoked card to the Department of State Police, Firearms Services Bureau.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

Section 1230.70 Appeal

- a) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked may petition the

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Department for relief unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial or revocation. ~~for relief from such action by providing written notice of this intention to the Department.~~

- b) Individuals who wish to request relief from the Department shall initiate such a request by providing written notice of this intention to the Department.
- cb) Upon receiving written notice, ~~a petition for relief~~, the Department shall investigate the circumstances surrounding the denial or revocation action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact finding conference with the petitioner.
- de) At a fact finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.
- ed) The Director may provide relief as a result of the fact finding conference.
- fe) If the Director does not provide relief as a result of the investigation or a fact finding conference, the petitioner may petition for a hearing.
- gf) The administrative law judge for contested hearings shall be the Director or an attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.
- hg) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.
- ih) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

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Section 1230.100 Reduction of Remittance

- a) The Department may reduce by interlineation the amount of any check.
- b) The drawer of the check shall be notified in writing of such reduction.
- c) Any check reduced pursuant to subsection (a) ~~the above~~ shall be endorsed in a manner that shall reflect the reduction. ~~by the Department as follows: The amount of this check is warranted to be \$5.00.~~
- d) All applications upon reprinting shall contain the following authorization statement: "My signature authorizes the Department to reduce the amount of my personal check if the amount submitted is not correct. I understand this will be done only if the amount submitted is greater than the required fee.

(Source: Amended at 27 Ill. Reg. 10308, effective June 26, 2003)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Imaging Products
- 2) Code Citation: 20 Ill. Adm. Code 1298
- 3) Section Numbers: Proposed Action:

1298.10	New Section
1298.20	New Section
1298.30	New Section
1298.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].
- 5) Effective Date of Rules: June 26, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of these adopted rules is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 27 Ill. Reg. 5016, March 21, 2003
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: No substantive differences. Editing and formatting changes recommended by JCAR were made as follows:

In Section 1298.20, in the definition of "Imaging Products", a hyphen was added after "machine".

The word "Section" was added to the line entitled "1298.30 Request Procedures".

In Section 1298.40, references to dollar amounts were changed to read to "\$6", "\$12", "\$10", "\$20", "\$10", "\$85", "\$40", "\$20", and "\$.60".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.
- 13) Will these rules replace an emergency amendment currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The Department of State Police, in the context of its powers and duties, captures and produces photographs and images in a variety of formats. This Part will establish the requirements and procedures for obtaining imaging products from the Department.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
124 East Adams Street, Room 102
Post Office Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

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

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NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1298
IMAGING PRODUCTS

Section

1298.10	Introduction
1298.20	Definitions
1298.30	Request Procedures
1298.40	Fees

AUTHORITY: Implementing and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 27 Ill. Reg. 10315, effective June 26, 2003.

Section 1298.10 Introduction

The Department of State Police, in the context of its powers and duties, captures and produces photographs and images in a variety of formats. Individuals and other entities often desire to obtain copies of these imaging products. This Part is intended to establish the requirements and procedures for obtaining imaging products from the Department.

Section 1298.20 Definitions

“Department” means the Illinois Department of State Police.

“Imaging Products” means any visual image on film, paper, or electronic media produced by Department of State Police personnel. These may include, but are not limited to, photographic images, still digital images, video images, instant print images, visual computer images, illustrative images, charts, schematics, diagrams, images drawn by hand, machine- or computer-generated images, and computer animations.

“Requester” means a person or other entity that requests imaging products from the Department.

Section 1298.30 Request Procedures

- a) A requester shall complete an Imaging Request Form for each imaging product

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request.

- b) Each request shall include the appropriate fee for the particular request. The payment of fees will be made by certified check, money order, or personal check; cash will not be accepted.
- c) The Department shall not process the request until receipt of a correctly completed Imaging Request Form and the appropriate fees.
- d) The requested imaging products shall be sent by U.S. Mail to the requester unless other arrangements are made and paid for by the requester.
- e) The requester shall not reproduce, license, sell, or further distribute imaging products obtained without the written consent of the Department.
- f) The processing of requests shall be delayed or suspended when Department imaging resources are needed for law enforcement purposes.
- g) In the event release of an image would constitute an unwarranted invasion of the personal privacy due to the manner in which an individual is portrayed in the image, the image will not be released except as required by law or with permission of the individual or the individual's representative.

Section 1298.40 Fees

The fees will reflect the costs incurred to acquire, maintain, and reproduce the particular imaging products. Fees received shall be deposited in the State Police Services Fund or as otherwise legally required. The fees shall be as follows:

- a) 4x6 inch photograph – \$6 each
- b) 8x10 inch photograph – \$12 each
- c) 8.5x11 inch color index page (up to nine images per page) – \$10 each
- d) video tape – \$20 each
- e) 8.5x11 inch diagram or illustration – \$10
- f) 36x48 inch diagram or illustration – \$85
- g) animations – \$40 per second of finished animation

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- h) CD-ROM images – \$20 per disc plus \$.60 per megabyte of file size

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- 1) The Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers: Adopted Action:
2700.50 Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg.1933
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC

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proposes the following substantive amendments:

An amendment has been proposed to Section 2700.50 (j) to reflect statutory changes contained in Public Act 92-626, which prohibits contributions to the State's College Savings Pool, also known as Bright Start, from being considered in determining the eligibility of a beneficiary as an applicant for any ISAC gift assistance program.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003.

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution

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and ISAC.

- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.
- f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.
 - 1) Notwithstanding the requirements of subsection (g)(2) below, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.
 - 2) Residency status shall be verified for each applicant who is selected for

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verification and meets one of the following criteria:

- A) the applicant has changed dependency status and has become an independent student; or
 - B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding twelve months.
- 3) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.
- 4) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant twelve continuous, full months.
- A) A valid State or federal income tax return
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Public Aid
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration

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- L) Illinois voter's registration card
 - M) Property tax bill.
- 5) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2) above, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
 - i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USCA 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.
 - j) Neither prepaid ~~Prepaid~~ tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) nor contributions to the College Savings Pool [15 ILCS 505/16.5] shall ~~not~~ be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.

(Source: Amended at 27 Ill. Reg. 10320, effective July 1, 2003)

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- 1) The Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2720.10	Amendment
2720.42	Amendment
2720.50	Amendment
2720.70	Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg.1941
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to

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clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Several citations referencing Federal Regulations have been added and others updated throughout this Part in order to make it easier for ISAC clients to find the most relevant sections. In Section 2720.10(e), a reference has been added to annual, as well as aggregate, loan limits to more completely describe the contents of the referenced cite. The title of Section 2720.50 is being modified to Procedures for Disbursement, Delivery and Repayment. The term “delivery” is being included to reflect common usage in the FFELP industry, which uses the term “disbursement” to refer to the transmittal of loan funds from the lender to the school, and “delivery” to refer to the transmittal of the loan proceeds from the school to the borrower. In Section 2720.50(e)(2), recent federal regulatory changes to the late disbursement provisions have been incorporated. These provisions extend the time frame for allowable late disbursements from 90 to 120 days after the end of the loan period or the date on which the student ceased to be enrolled at least half-time, whichever is earlier, as well as providing for an institution to request a later disbursement date from ED. Language has been added to Section 2720.70 (i) to reference existing Federal offset remedies available to ISAC, in addition to the similar State remedies already referenced in 2720.70 (j).

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Student Guarantee Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

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2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)
2720.220	Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051,

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effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill. Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326₂ effective July 1, 2003.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting a common ED-approved application form or through a comparable electronic process in accordance with federal law. (See 15 USCA 7001 et seq.)
- b) Borrower eligibility requirements for guaranteed loans are established by federal regulations (34 CFR 682.201).
- c) The student must be enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the applicant as eligible for a guaranteed loan.
- d) An applicant shall not be disqualified for a loan guarantee by ISAC if the lender, the institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.), of federal regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower, as specified by federal regulations (34 CFR 682.204).
- f) The institution shall compute a recommended loan amount for each applicant in accordance with Section 425(a)(1) of the Higher Education Act, as amended. No guaranteed loan may exceed the institution's recommended amount.
 - 1) When certifying loan eligibility for an academic year which will span academic levels, the institution's recommended loan amount shall not exceed the maximum permitted for the applicant's academic level at the time of certification.
 - 2) Should a student borrow in excess of the permitted loan maximums, the

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student becomes ineligible for federal financial assistance for that academic year. (See Section 484 of the Higher Education Act of 1965, as amended (20 USCA 1091) and 34 CFR 668.7(a)(9).)

Source: Amended at 27 Ill. Reg. 10326, effective July 1, 2003)

Section 2720.42 One-Holder Requirement

- a) All of a borrower's outstanding ISAC-guaranteed loans must be sold by a lender to the same holder.
 - 1) If the lender has sold any of a borrower's previous ISAC-guaranteed subsidized or unsubsidized Federal Stafford ~~Loans~~ ~~Loan(s)~~ or Federal SLS ~~Loans~~ ~~Loan(s)~~ to an approved holder, the lender shall sell all subsequent loans to the same holder by no later than 90 days from the borrower's last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the event of untimely notification to the lender of a student's change in enrollment status, no later than 45 days after the lender became aware that the student ceased to be enrolled on at least a half-time basis. (~~See Section 2720.130(d).~~)
 - 2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans which were made under the same promissory note for loan periods within the same academic year must be sold simultaneously.
 - 3) If the lender has sold the ~~borrower's~~ ~~applicant's~~ previous ISAC-guaranteed Federal PLUS Loans to an approved holder, the lender shall sell each subsequent Federal PLUS Loan for that borrower to the same holder by no later than 90 days from the last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.
 - 4) Upon notification by the holder of the oldest previous loan, the holder of any subsequent loan must sell that loan to the previous holder, unless the borrower requests in writing that the previous holder sell to the subsequent holder.
- b) Failure to sell the subsequent loan by the deadline shall result in the loss of guarantee.

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- 1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, the holder or lender initiates the sale of the loan to the eligible holder who purchased the applicant's previous loan(s).
 - 2) Initiation of the sale procedure within 90 days, and conclusion of the sale before the day the loan enters default status, will retroactively reinstate the guarantee to the day the guarantee was lost due to a violation of subsection (a)(1), (a)(2), (a)(3) or (a)(4) above, provided no other violation of federal regulation or State rule exists.
 - 3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the holder will also result in a permanent loss of guarantee for that loan.
- c) The requirements of this Section shall not apply if:
- 1) the outstanding loans are held by a holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC or has withdrawn from participation in FFELP.
 - 2) ISAC is informed that the borrower has provided authorization to have subsequent loans held by a different holder.

(Source: Amended at 27 Ill. Reg. 10326₂ effective July 1, 2003)

Section 2720.50 Procedures for Disbursement, [Delivery](#) and Repayment

- a) Disbursement, delivery and repayment procedures are specified in federal regulations. (See 34CFR 682.206, 34CFR 682.207, 34CFR 682.209, and 34CFR 682.604.)
- b) Prior to disbursement, the borrower shall execute a common ED-approved promissory note for the principal and interest on the loan. The lender shall retain an original or true and exact copy of the promissory note. ([See 34CFR 682.414.](#))
- c) The lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower's behalf. The lender shall not collect or attempt to collect from the borrower or ISAC any portion of the interest on the loan which is payable by ED.

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- d) Except for loans pursuant to Section 2720.55, or loans made under a Blanket Certificate of Loan Guaranty agreement, the lender shall not disburse the proceeds of any loan on the borrower's behalf unless and until the lender shall have received from ISAC evidence of a guarantee. The lender shall inform ISAC of all disbursement dates.
- e) Federal Stafford and Federal PLUS Loan proceeds shall be transmitted directly to the institution.
- 1) Federal Stafford Loan checks shall be payable to the student borrower unless the institution requires all Stafford loan checks to be co-payable to the borrower and the institution. Federal PLUS Loan checks shall be co-payable or sent via EFT to the institution and the parent borrower. Federal Stafford or Federal PLUS Loan funds disbursed either via EFT or by ~~master check~~~~Master-Check~~ to the institution shall include information identifying the names, Social Security Numbers and the loan amounts of the borrowers who are receiving a portion of the disbursement, and the names and the Social Security Numbers of the students on whose behalf the parents are borrowing.
 - 2) Loan proceeds must be disbursed to the institution and delivered to the borrower no later than ~~120~~~~90~~ days after the end of the loan period or ~~120~~~~90~~ days after the date on which the student ceased to be enrolled at least half-time, whichever is earlier. In cases where the student is not at fault, a late disbursement may be made beyond the 120 day period if the institution makes such a request and it is approved by ED. If the loan proceeds are not delivered pursuant to this subsection, the school must request that the loan be canceled and must return any loan proceeds. (See 34CFR 668.164(g).)
 - 3) If the student has withdrawn from enrollment and federal regulations require the institution to submit a refund to the lender, either electronically or in the form of a check payable to the lender on behalf of the borrower, the institution shall provide simultaneous written notice to the borrower of the refund.
 - A) If the institution fails to issue a timely refund, as defined by federal regulations (see 34 CFR 682.607(c)), the institution shall pay penalty interest.

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- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
 - C) The penalty interest shall be paid to the lender or subsequent holder.
- f) The borrower shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder.
 - g) The lender or holder shall notify the borrower of the repayment options available, as specified in 34 CFR 682.209. The lender or holder shall send a repayment schedule to a FFELP borrower no less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
 - h) The lender or holder shall notify ISAC of payment in full or prepayment in full by the borrower.
 - i) In accordance with federal regulations, the lender or holder may extend the maturity date of any note.
 - j) Lenders or holders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(C) of the Higher Education Act of 1965, as amended, and by federal regulations.
 - k) Borrowers are entitled to deferments, which extend the maturity date of any note, under conditions established by federal regulations.
 - l) ISAC provides lenders or holders with the ED-approved common forms necessary for servicing their guaranteed loan portfolio (e.g., deferment forms, mandatory forbearance forms).
 - m) No note shall be sold or transferred by the lender except to an ISAC-approved lender, an ISAC-approved holder, or ISAC.

(Source: Amended at 27 Ill. Reg. 10326, effective July 1, 2003)

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- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, or child care provider or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, 682.502 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee established by Section 2720.80.
- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan

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origination fee, shall be contracted for or received by the lender.

- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify a borrower of the possibility of an offset no less than 15 days prior to the first offset. ISAC may provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within 15 days after and including the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(c)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.

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- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 27 Ill. Reg. 10326, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: 2730.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1954
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

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An amendment has been proposed to Section 2730.20 (a)(1) to delete the requirement that the applicant must deliver the eligibility letter to the school. In order to simplify processing for both the student and the school, ISAC now sends eligibility information directly to the school.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section

2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term.
 - 1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. ~~This letter must be~~

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~~delivered to the institution at which the student is enrolled.~~ Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

- 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs when reviewing an application.
- b) Applicants must be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard. Eligibility is available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.
- c) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 27 Ill. Reg. 10338, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Numbers: 2733.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1958
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

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An amendment has been proposed to Section 2733.20, Applicant Eligibility, to permit a qualified IVG applicant to use his or her program benefits at an eligible Illinois institution while residing outside of Illinois, if they are residing with a spouse who is currently serving in the military and who is stationed outside of Illinois. This provision conforms the provisions of this subsection to those contained in Section 2733.20 (a), which accommodates applicants that reside with their military spouses outside of Illinois at the time they are establishing initial eligibility, and extends the same accommodation to veterans at the time their benefits are utilized.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided he/she:
 - 1) was a:

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- A) resident of Illinois at the time of entering the service or within and after leaving the service returned to Illinois within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering the service; and
- 2) established or plans to establish Illinois residency within 6 months after separation from the Armed Forces, or if married to a person in continued military service:
- A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of ~~this Section (i.e., subsections (a) and (b)), above~~, is a qualified applicant if his/her separation from such service was characterized as honorable. If the applicant is still in the Armed Forces, he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces, the veteran shall be subject to verification of continued eligibility for assistance under this Part.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant unless the individual's separation from the Armed Forces of the United States was characterized as honorable for each period of service.
- f) An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:

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- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- g) Members of the Reserve Officer Training Corps (ROTC) and a state's National Guard are not eligible for assistance under this Part.
- h) Applicants are not eligible if their only service has been attendance at a service academy.
- i) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
 - 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation ~~that~~which provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the [United States Department of Veterans Affairs](#) ~~Veterans' Administration~~.
 - 3) If the applicant is a member of the Armed Forces at the time of application, he/she shall submit a copy of the current Enlistment/Re-enlistment Document and a letter from the commanding officer. If the veteran is on an enlistment extension, copies of all extension contracts and

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a letter from the commanding officer must be provided with the application. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.

- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
 - A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
 - G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
 - H) State of Illinois identification card issued during the relevant six month period; or

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- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended at 27 Ill. Reg. 10342, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2735.20	Amendment
2735.40	Amendment
2735.50	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1965
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC

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proposes the following substantive amendments:

Amendments have been proposed to Section 2735.20, Applicant Eligibility, to reflect statutory changes contained in Public Act 92-713, which eliminated the requirement that a student be enrolled on at least a half-time basis (at least six semester or quarter hours) in order to be eligible for MAP. As a result, eligibility for MAP is now being extended to students enrolled on a less than half-time basis (a minimum of three semester or quarter hours).

In Section 2735.40 (f), language has been added to clarify that for the purposes of calculating an overaward, federal veterans benefits are not to be counted as gift assistance. This codifies existing agency policy that previously was contained in agency publications and training materials. Language in Section 2735.40 (l) has been modified to better reflect the use of electronic, rather than paper, processes.

Section 2735.50 has been amended to reflect statutory changes contained in Public Act 92-713 which changed the use of the MAP advance payment formula from mandatory to optional.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)

2735.APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003.

Section 2735.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) maintaining satisfactory academic progress as determined by the institution;
 - 4) enrolled in an eligible degree or certificate program (34 CFR 668.8) for a minimum of three credit hours, for either a semester or quarter term, ~~on at least a half time basis~~ throughout the institution's tuition refund/withdrawal adjustment period; and
 - 5) enrolled at an ISAC-approved institution of higher learning.
- ~~b) A recipient may receive MAP grant payment for less than half time enrollment provided the recipient was enrolled on at least a half time basis throughout the institution's tuition refund/withdrawal adjustment period.~~
- ~~b)e)~~ MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved institution of higher learning of the applicant's choice, and is reevaluated if the student's choice of institution changes.
- ~~c)d)~~ Eligibility is restricted to undergraduate students.
- 1) MAP recipients must not have received a baccalaureate degree.
 - 2) Graduate students are not eligible for MAP assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level which leads to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

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- ~~d)~~e) If funding is available, assistance for summer terms ~~or for attendance on a less than half time basis~~ shall be awarded separately.

(Source: Amended at 27 Ill. Reg. 10349, effective July 1, 2003)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the

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Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.

- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. [For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.](#)
- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for full-time or half-time students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).

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- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the ~~submission return~~ of payment ~~requests~~~~request lists~~ and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year,

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the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 27 Ill. Reg. 10349, effective July 1, 2003)

Section 2735.50 Advance Payment Option

- a) ISAC-approved institutions of higher learning may request consideration for the advance payment option. To be eligible, the institution must have received MAP payments for each of the last five academic years, and ISAC must have completed an audit of the institution's performance during that five year period. Institutions with provisional eligibility shall not receive advance payments. (See 23 Ill. Adm. Code 2700.30(i)(6).)
- b) Subject to the availability of funds, payments ~~may be~~ **are** advanced on a term-by-term basis. ~~If advanced,~~ **Advanee** payments ~~will be~~ **are** made in an amount not to exceed 75 percent of a term's announced recipients, adjusted for attrition as determined by subsection (c)(2). The formula by which ISAC computes an institution's advance payment is illustrated in Appendix A of this Part.
- c) For purposes of computing an institution's advance payment, ISAC uses the lowest retention rate resulting from the following three formulae:
 - 1) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards;

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- 2) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year; or
- 3) Using the formula in subsection (c)(2) ~~above~~, compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.
- d) If an institution receives advance payment pursuant to this Section, the balance of payment due for the current term will be paid to the institution after ISAC receives a payment request.
- e) If an advance payment received by an institution exceeds the total grant payments for which that institution's students are eligible, the institution shall submit the appropriate refund to ISAC prior to the end of the academic year.

(Source: Amended at 27 Ill. Reg. 10349, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Illinois Incentive For Access (IIA) Program
- 2) Code Citation: 23 Ill. Adm. Code 2736
- 3) Section Numbers: 2736.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1974
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

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In Section 2736.40 (c), language has been added to clarify that for the purposes of calculating an overaward, federal veterans benefits are not to be counted as gift assistance. This codifies existing agency policy that previously was contained in agency publications and training materials.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2736

ILLINOIS INCENTIVE FOR ACCESS (IIA) PROGRAM

Section

2736.10	Summary and Purpose
2736.20	Applicant Eligibility
2736.30	Program Procedures
2736.40	Institutional Procedures

AUTHORITY: Implementing Section 36 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/36 and 20(f)].

SOURCE: Emergency rules adopted at 20 Ill. Reg. 10397, effective August 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 15067, effective November 15, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11110, effective July 18, 1997; amended at 22 Ill. Reg. 11095, effective July 1, 1998; amended at 24 Ill. Reg. 9144, effective July 1, 2000; amended at 25 Ill. Reg. 8402, effective July 1, 2001; amended at 26 Ill. Reg. 10033, effective July 1, 2002, amended at 27 Ill. Reg. 10358, effective July 1, 2003.

Section 2736.40 Institutional Procedures

- a) Claims for IIA-eligible students shall be submitted by the institution of record after the institution of record certifies to ISAC that the applicant meets the criteria listed in Section 2736.20, Applicant Eligibility.
- b) IIA grants are paid directly to the institution of record in two disbursements consisting of payments of \$250 each term.
- c) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. If a student is receiving both MAP and IIA and the gift assistance exceeds the cost of attendance, IIA should be used first and MAP should be reduced to prevent an overaward. [For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.](#)
- d) For institutions with concurrent registration opportunities:

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- 1) recipient must indicate his/her institution of record on the financial aid application;
 - 2) the institution of record shall distribute the appropriate share of the award to the other ~~institutions~~ ~~institution(s)~~. Payment by ISAC will not be made to more than one institution;
 - 3) concurrent registration is limited to ISAC-approved institutions of higher learning; and
 - 4) the recipient's academic ~~records~~ ~~record(s)~~ at the institution of record must document the total number of credit hours for which the student is enrolled.
- e) If a qualified applicant withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the qualified applicant shall receive the IIA grant payment for that term.
- f) Institutional Processing of Payments:
- 1) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
 - 2) To provide sufficient time for processing and vouchering through the State Comptroller's Office, all payment requests must be received by ISAC no later than August 1 following the academic year due to the State's fiscal year lapse period ending August 31.
 - 3) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit. However, final action may require an institution to obtain payment for approved claims through the Illinois Court of Claims. (See the Court of Claims Act [705 ILCS 505].)
 - 4) Within 30 days after receiving payment of any IIA funds, the institution shall credit the recipient's account for the appropriate term.
 - 5) IIA award payments in the name of one recipient cannot be applied to another recipient at the same institution.
 - 6) Following receipt of IIA payments from ISAC for the term, an institution

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is required to reconcile its records. If the institution determines that refunds are due, they are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following the receipt of payment to complete the reconciliation process and return any funds due.

- 7) If the institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional IIA payments.

(Source: Amended at 27 Ill. Reg. 10358, effective July 1, 2003)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Arthur F. Quern Information Technology Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2740
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2740.10	Repeal
2740.20	Repeal
2740.30	Repeal
2740.40	Repeal
- 4) Statutory Authority: Implementing Section 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/65.57] and authorized by Sections 20(f) and 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.57].
- 5) Effective Date of Repealer: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1979
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: Public Act 92-597 repealed ISAC's statutory authority to administer the Arthur F. Quern Information Technology Grant Program.
- 16) Information and questions regarding this Adopted Repealer shall be directed to:

Thomas A. Breyer

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2740

ARTHUR F. QUERN INFORMATION TECHNOLOGY GRANT PROGRAM ([REPEALED](#))

Section

2740.10	Summary and Purpose
2740.20	Applicant Eligibility
2740.30	Program Procedures
2740.40	Institutional Procedures

AUTHORITY: Implementing Section 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/65.57] and authorized by Sections 20(f) and 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.57].

SOURCE: Adopted at 25 Ill. Reg. 2730, effective February 15, 2001; repealed at 27 Ill. Reg. 10363, effective July 1, 2003.

Section 2740.10 Summary and Purpose

- a) The Arthur F. Quern Information Technology Grant Program provides grant assistance for retraining in information technology (IT) fields to qualified students pursuing additional certification or a degree in an IT field at a degree-granting institution.
- b) This Part establishes rules that govern the Arthur F. Quern Information Technology Grant Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2740.20 Applicant Eligibility

A qualified applicant shall be:

- a) a United States citizen or eligible noncitizen;
- b) a resident of Illinois;
- c) a high school graduate or a person who has received a General Educational Development (GED) Certificate;

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- d) enrolled, or accepted for enrollment, on at least a half-time basis in an eligible program of undergraduate information technology related study, as determined by the Illinois Board of Higher Education (IBHE), at an ISAC-approved degree-granting institution of higher learning; and
- e) pursuing additional certification or a degree in an information technology field.

Section 2740.30 Program Procedures

- a) All applicants must complete and file the form that the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) that is used as a selection criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for a Quern IT Grant must be postmarked on or before May 1 immediately preceding the academic year for which the grant is being requested, in order to receive priority consideration for an award.
- c) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- d) ISAC shall make renewal applications available to all qualified students who received a Quern IT Grant during the preceding academic year.
- e) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria.
 - 1) Expected Family Contribution (EFC), from the lowest to the highest;
 - 2) Students who have received a baccalaureate degree shall receive priority consideration;
 - 3) Recipients of assistance under the Quern IT Grant Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains his or her status as a qualified applicant, as outlined in Section 2740.20 of this Part, Applicant Eligibility;

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- B) maintains satisfactory academic progress as determined by the institution; and
 - C) has submitted an application on a timely basis.
- f) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.
 - g) Grant funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
 - h) The total number of grants awarded in a given fiscal year is contingent upon available funding.
 - i) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration dates and factors established by this Section.
 - j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive a Quern IT Grant. A notice will be sent by ISAC to each qualified applicant who is not selected to receive a grant.
 - k) Renewal recipients may receive a subsequent award even if their program is no longer on the list of approved programs.

Section 2740.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.
- c) Grant Amount
 - 1) Quern IT Grants are applicable toward tuition and fees and other educational costs included in the student's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965, as amended (20 USCA 10871l).

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- 2) The annual grant amount shall be computed by the institution and shall be the lesser of:
 - A) \$2500, or
 - B) the student's cost of attendance.
 - 3) A qualified recipient may be eligible to receive the Quern IT Grant for up to two academic years.
 - 4) If the recipient does not qualify for the maximum \$2500 grant during the student's first academic year, the excess award amount shall not be carried forward to the award amount for a subsequent academic year.
 - 5) The total amount of Quern IT Grant assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 6) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the Quern IT Grant.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
 - e) Upon receipt of grant funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the grant funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
 - f) Upon receipt of the grant funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the recipient may still receive payment up to the cost of attendance incurred.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Optometric Education Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2741
- 3) Section Numbers: Adopted Action:
2741.10 New Section
2741.20 New Section
2741.30 New Section
2741.40 New Section
- 4) Statutory Authority: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/65.70] and authorized by Sections 20(f) and 65.57 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.70].
- 5) Effective Date of Rules: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 7, 2003, 27 Ill. Reg. 1986
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules govern the administration of the new Optometric Education Scholarship Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 16) Information and questions regarding these Adopted Rules shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2741

OPTOMETRIC EDUCATION SCHOLARSHIP PROGRAM

Section

2741.10	Summary and Purpose
2741.20	Applicant Eligibility
2741.30	Program Procedures
2741.40	Institutional Procedures

AUTHORITY: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/65.70 and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947/20 (f) and 65.70].

SOURCE: Adopted at 27 Ill. Reg. 10369, effective July 1, 2003.

Section 2741.10 Summary and Purpose

- a) The Optometric Education Scholarship Program provides scholarship assistance to encourage eligible students to pursue a graduate degree in optometry.
- b) This Part establishes rules that govern the Optometric Education Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2741.20 Applicant Eligibility

A qualified applicant shall be:

- a) a United States citizen or eligible noncitizen;
- b) a resident of Illinois; and
- c) enrolled, or accepted for enrollment, on a full-time basis in a public or private college of optometry located in Illinois that awards a doctorate degree in optometry and is approved by the Illinois Department of Professional Regulation (see 68 Ill. Adm. Code 1320).

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Section 2741.30 Program Procedures

- a) All applicants must complete and file the form that the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the Optometric Education Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.
- c) A total of ten scholarships shall be awarded each year; two each for eligible applicants in their first year, second year, third year, and fourth year; the remaining two shall be awarded to students in any academic level.
- d) If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, priority will be given to students demonstrating exceptional merit and who are in financial need based on a combination of the following criteria:
 - 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale; and
 - 2) EFC, from the lowest to the highest; and
 - 3) recipients of assistance under the Optometric Education Scholarship Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains his or her status as a qualified applicant;
 - B) maintains satisfactory academic progress as determined by the institution; and
 - C) submits an application on a timely basis.
- e) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application on the earliest date.

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- f) A recipient may receive the equivalent of 8 semesters/12 quarters of scholarship assistance under this Part.
- g) Scholarship funds are applicable toward two semesters/three quarters of full-time study within an academic year.
- h) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- i) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.
- j) ISAC shall publish guidelines for the awarding of Optometric Education Scholarships.
- k) Each qualified applicant who is selected to receive an Optometric Education Scholarship shall be notified.
- l) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Practice Agreement/Promissory Note that is submitted to ISAC. The Practice Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to practice in Illinois as a licensed optometrist under the Illinois Optometric Practice Act of 1987 for a period of not less than one year for each year of scholarship assistance awarded under this Part;
 - 2) the recipient shall begin practicing optometry in Illinois within one year following completion of the academic program for which the recipient was awarded a scholarship, and shall practice on a continuous basis for the required period of time;
 - 3) if the recipient does not fulfill the requirement to practice optometry in Illinois, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements; and

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- 5) the recipient promises to use the proceeds of the scholarship for educational expenses.
- m) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2741.30 (l) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled for not more than three years, as established by the sworn affidavit of a qualified physician;
 - 4) cannot fulfill the practice obligation due to his or her death, verified by a certified copy of a death certificate; or
 - 5) cannot fulfill the practice obligation due to his or her disability or incompetency, as established by sworn affidavit of a qualified physician.
- n) No claim for repayment may be filed against the estate of a decedent or incompetent.
- o) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation; or
 - 3) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician.
- p) A recipient shall enter repayment status on the earliest of the following dates:

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- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as an optometrist;
 - 2) the date the recipient informs ISAC that she or he does not plan to fulfill the practice obligation; or
 - 3) the day after the latest date upon which the recipient must have begun practicing as an optometrist after completing the education for which the scholarship was awarded.
- q) A recipient shall not be required to repay the amount of the scholarships received if she or he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

Section 2741.40 Institutional Procedures

- a) Institutions shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2741.20, Applicant Eligibility.
- b) Funds shall be remitted by ISAC annually to participating institutions on behalf of the recipients.
- c) All scholarships shall be applicable only to tuition and mandatory fees for two semesters or three quarters in an academic year.

The institution shall determine the amount of each grant, which shall be the lesser of:

- 1) \$5,000, or
 - 2) tuition and mandatory fees.
- d) The total amount of Optometric Education Scholarship assistance awarded to a qualified applicant in a given academic year, when added to other financial aid available to the qualified applicant for that year, shall not exceed the cost of attendance.
 - e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the

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institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Robert C. Byrd Honors Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2755
- 3) Section Numbers: Adopted Action:
2755.20 Amendment
2755.30 Amendment
- 4) Statutory Authority: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 1994
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology

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throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

An amendment has been proposed to Section 2755.30 (s) to delete the provision that applicants who are not selected to receive an award under this program will receive an individual letter of notification informing them that they were not chosen. This change is necessitated by a modification in program procedures. Previously, students were required to fill out a separate application for a Byrd Scholarship. Now, all students in ISAC's High School Scholarship Programs (HSSP) database are automatically considered for this program. As a result, there are now thousands of applicants who are not selected, and individual notification is no longer practical or economical.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2755

ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Section

2755.10	Summary and Purpose
2755.20	Applicant Eligibility
2755.30	Program Procedures
2755.40	Institutional Procedures

2755.APPENDIX A Geographic Districts

AUTHORITY: Implementing Section 65.60 of the Higher Education Student Assistance Act [110 ILCS 947/65.60] and Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended (20 USCA 1070d-31 et seq.) and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 19 Ill. Reg. 8386, effective July 1, 1995; amended at 20 Ill. Reg. 9244, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11211, effective July 18, 1997; amended at 22 Ill. Reg. 11162, effective July 1, 1998; amended at 24 Ill. Reg. 9195, effective July 1, 2000; amended at 27 Ill. Reg. 10377, effective July 1, 2003.

Section 2755.20 Applicant Eligibility

- a) Initially, a qualified applicant shall:
 - 1) be a United States citizen or eligible noncitizen;
 - 2) be a resident of Illinois;
 - 3) become a high school graduate in the same high school year in which s/he submits the scholarship application, or have passed a General Educational Development (GED) test in the same high school year in which s/he submits the scholarship application;
 - 4) demonstrate outstanding academic achievement as measured by test scores and high school records, or have received a GED test score recognized by the General Educational Development Testing Service as the equivalent to

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ranking in the top five percent of the United States high school graduates;
and

- 5) be enrolled or accepted for enrollment on a full-time basis as an undergraduate student in a postsecondary institution that is approved by the U.S. Department of Education to participate in federal student financial assistance programs. (See, e.g., [34 CFR 600](#) ~~34 CFR 600.10, 600.20, 668.12.~~)
- b) A recipient will continue to be eligible for a scholarship if the postsecondary institution at which the student is enrolled certifies that the recipient is:
- 1) maintaining enrollment as a full-time student, except as provided in Section 2755.30(e) of this Part;
 - 2) maintaining satisfactory academic progress as determined by the institution;
 - 3) not in default on any federal student loan nor owing repayment on any state or federal student financial assistance grant; and
 - 4) not receiving federal financial aid in excess of the student's cost of attendance, as determined by the institution.

(Source: Amended at 27 Ill. Reg. 10377, effective July 1, 2003)

Section 2755.30 Program Procedures

- a) Applicant data for a Robert C. Byrd Honors Scholarship must be received in ISAC's Deerfield office on or before March 1 preceding the academic year for which the scholarship is being requested.
- b) Information on applying for the Robert C. Byrd Honors Scholarship is available for distribution to students at approved high schools in Illinois and offices of ISAC in Springfield, Chicago and Deerfield.
- c) If the applicant data are incomplete, notification shall be sent to the applicant. The applicant will then have an opportunity to furnish the missing information; however, the applicant will only be considered as of the date when the data are complete and received in ISAC's Deerfield office.

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- d) Each year new and renewal Byrd applicants are to certify to ISAC that they meet eligibility requirements.
- e) Recipients must be enrolled on a full-time basis unless granted a postponement, waiver or interruption.
- f) A new recipient may postpone his or her initial enrollment for a maximum of 12 months.
- g) After the first year of full-time study, the recipient may request a waiver of the full-time enrollment requirement due to unusual circumstances for a maximum of 12 months.
 - 1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.
 - 2) The circumstances under which an exception to the full-time enrollment requirement may be granted include:
 - A) the recipient's employment hours will not permit full-time enrollment;
 - B) the recipient has medical problems that will not permit full-time enrollment, as established by the sworn statement of a licensed physician;
 - C) the recipient is in his/her last semester of school and full-time enrollment is not required to complete the degree; or
 - D) the care of an immediate family member due to illness or incapacitation will not permit full-time enrollment.
 - 3) In order to receive a waiver of the full-time enrollment requirement, the recipient must be enrolled at least half-time.
- h) If the full-time enrollment requirement is waived, the Byrd award is prorated according to the number of hours the recipient is enrolled.
- i) After the first year of study, a recipient may interrupt his or her enrollment at an institution for a maximum of 12 continuous months.

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- 1) The request is to be submitted in writing to ISAC and any documentation must also be submitted.
- 2) The circumstances under which an interruption may be granted include:
 - A) the recipient's participation in a cooperative education or study abroad program;
 - B) the recipient is experiencing financial difficulties that will not permit continuous enrollment;
 - C) the recipient has medical problems that will not permit continuous enrollment; or
 - D) the recipient has family responsibilities that will not permit continuous enrollment.
- j) The scholar is not eligible to receive scholarship funds during the periods of postponement or interruption. The funds that would have been awarded to the scholar during that time period can be awarded to the scholar during a subsequent period of enrollment at an institution as an undergraduate student.
- k) A recipient who is subsequently determined to be ineligible shall repay ISAC the total amount of the funds received for the period during which s/he was ineligible.
- l) ISAC shall select new recipients from among the timely applicants by choosing the highest scoring qualified applicants on the basis of the following criteria:
 - 1) Academic Data. A qualified applicant's score shall be computed as follows:
$$\begin{aligned} &[(\text{number in class} \div \text{rank}) \times .05] \\ &+ [(\text{grade point average} \div \text{scale}) \times 100] \\ &+ (\text{Illinois Standard Test Score} \times 10) = \text{score} \end{aligned}$$
 - A) Rank in class, class size and grade point average (GPA) shall be reported as of the end of the third semester prior to graduation from high school or its equivalent. An institution shall use the same class size and GPA scale in reporting all of its applicants.

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- B) SAT I or ACT ~~tests~~test(s), which must be taken during the time frame identified for State Scholar eligibility (see 23 Ill. Adm. Code 2760.20(b)), shall be converted to the Illinois Standard Test Score as described in 23 Ill. Adm. Code 2760.30(b).
 - C) If more than one score is submitted, the highest score is used.
 - D) For applicants qualifying by virtue of their GED scores (see Section 2755.20(a)(4) of this Part), class rank shall be set at 5 out of 100 (top 5%) and average GED percentile rank shall be used in lieu of grade point average ~~÷~~divided by scale.
 - E) For those high schools that do not submit class ranks, the applicant scores shall be computed using number in class and rank as equal to one.
- 2) Geographic District. New Robert C. Byrd Honors Scholarships will be allocated within geographic districts in accordance with Appendix A of this Part. An applicant's county of residence shall be determined by his or her permanent home address.
- m) Scholarships will be awarded first to renewing applicants.
 - n) Scholarship funds are applicable towards an academic year of study.
 - o) New recipients are selected from each of the 15 geographic districts, and on an at-large basis, in accordance with the number of awards set forth in Appendix A to this Part. The at-large recipients shall be chosen from among the highest scoring non-selected qualified applicants statewide, regardless of their geographic district.
 - p) The total number of scholarships awarded in a given fiscal year is contingent upon available funding (see Section 419D of the Higher Education Act of 1965, as amended (20 USCA 1070d-34), Allocation Among States), notwithstanding the number of new scholarships outlined in Appendix A to this Part.
 - q) Recipients will be informed of their selection by the May 1 preceding the academic year for which the scholarship was requested.
 - r) High schools will be notified of the recipients attending their high school by May 1.

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- ~~s) — All qualified applicants who are not selected will receive letters notifying them that they have not been chosen as recipients.~~
- ~~s)†~~ If an individual does not accept the offer of a new scholarship award, the next highest scoring qualified applicant not yet selected from the same geographic district will be chosen to receive a scholarship.
- ~~t)†~~ Each year recipients shall complete an "Eligibility Certification" that includes certification statements required by ED.
- ~~u)†~~ Scholarship funds shall be sent to the institution on behalf of the recipients~~recipient(s)~~.

(Source: Amended at 27 Ill. Reg. 10377, effective July 1, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Minority Teachers Of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Numbers: Adopted Action:
2763.10 Amendment
2763.20 Amendment
2763.30 Amendment
2763.40 Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 2002
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology

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throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments

A number of amendments have been proposed to Section 2763.20 to reflect statutory changes contained in Public Act 92-845 which modified the eligibility criteria for applicants under the MTI program. In Section 2763.20 (a)(5), the minimum enrollment status is changed from full-time to half-time. In Sections 2763.20 (a)(6) and 2763.20 (a)(8), the requirement for an applicant to be an undergraduate has been eliminated, as graduate students are now also eligible. In Section 2763.20 (a)(6), the requirement to be at the sophomore level or above has also been eliminated. Freshmen are now eligible, although upperclassmen may be given preference. Section 2763.20 (a)(7) has been broadened to include applicants who are pursuing alternative teacher certification. References to the David A. DeBolt Teacher Shortage Scholarship Program have been changed to reflect the new name of ITEACH

Amendments have also been proposed to Section 2763.30, Program Procedures, to reflect additional legislative changes contained in the same Act. Previously, 30% of the funds appropriated for this program were reserved exclusively for the use of qualified male minority applicants, and if there were not enough qualified applicants, those reserved funds were lapsed. As reflected in Section 2763.30 (b), if there are not enough qualified male minority applicants by January 1 of a given fiscal year, unexpended reserved funds may now be used to make awards to qualified female minority applicants. Section 2763.30 (e) now incorporates the previously-referenced elimination of the requirement for full-time enrollment, and Section 2763.30 (f) reflects the previously-mentioned preference for qualified applicants at or above the junior level.

Additional changes to Sections 2763.30 (h) - (l) incorporate further statutory changes regarding the teaching agreement entered into by recipients of this scholarship, and the repayment obligation created in the event this obligation is not fulfilled. Recipients are now required to begin teaching within one year following completion of their academic program, and to teach continuously until their obligation is completed, other than during specifically provided for periods of exemption.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road

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Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003.

Section 2763.10 Summary and Purpose

- a) The Minority Teachers of Illinois (MTI) Scholarship Program encourages academically talented minority students to pursue careers as teachers at [nonprofit](#) Illinois preschool, elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.
- b) This Part establishes the rules which govern the MTI Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 27 Ill. Reg. 10385, effective July 1, 2003)

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Section 2763.20 Applicant Eligibility

- a) A qualified applicant shall be:
- 1) a minority student;
 - 2) a resident of Illinois;
 - 3) a citizen or permanent resident of the United States;
 - 4) a high school graduate or a General Educational Development (GED) certificate recipient;
 - 5) enrolled or accepted for enrollment on at least a half-time ~~a full-time~~ basis ~~unless a last semester senior who must enroll only for a minimum of six credit hours;~~
 - 6) ~~a~~ an undergraduate student at an institution of higher learning ~~at the sophomore level or above;~~
 - 7) enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher certification;
 - ~~8) without a baccalaureate degree;~~
 - ~~8)9)~~ maintaining a cumulative grade point average of no less than 2.5 on a 4.0 scale; and
 - ~~9)10)~~ maintaining satisfactory academic progress as determined by the institution.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), ITEACH ~~David A. DeBolt~~ Teacher Shortage Scholarship Program (23 Ill. Adm. Code 2764), or the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 27 Ill. Reg. 10385, effective July 1, 2003)

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Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) ISAC will ~~make mail~~ renewal applications ~~available~~ to all qualified students who received MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants. [110 ILCS 947/50]*
- c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of ~~full time~~ study within a regular school year.
- f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in

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accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.

- g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.
- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year~~teaching requirement will be fulfilled within the five-year period~~ following the completion of the ~~undergraduate~~ program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the ~~scholarships~~~~scholarship(s)~~ prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.

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- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which~~The five-year time period during which the teaching requirement must be fulfilled may be extended if~~ the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she~~s/he~~ shall not be required to make payments and

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interest shall not accrue.

- l) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of ~~at least half-time~~ ~~full-time~~ enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that ~~he or she~~ ~~s/he~~ does not plan to fulfill the teaching obligation; or
 - 3) ~~the day after~~ the latest date upon which the recipient must have begun teaching ~~in order to complete the teaching obligation within five years~~ after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the ~~scholarships~~ ~~scholarship(s)~~ received if ~~he or she~~ ~~s/he~~ becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 27 Ill. Reg. 10385, effective July 1, 2003)

Section 2763.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the regular school year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

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- d) Funds shall be remitted by ISAC to institutions on behalf of the ~~recipients~~ recipient(s).
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the ~~terms~~ term(s) for which the award was intended, the institution shall return the ~~total~~ amount of the scholarship payment to ISAC.
- g) Scholarship Amount
- 1) MTI scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and must be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the standard commuter allowance for students living off-campus; or
 - C) \$5000.
 - 3) The total amount of MTI scholarship assistance awarded to a qualified applicant in a given regular school year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 4) A qualified applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the MTI scholarship.

(Source: Amended at 27 Ill. Reg. 10385, effective July 1, 2003)

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- 1) The Heading of the Part: David A. DeBolt Teacher Shortage Scholarship (DTSS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) Section Numbers: Adopted Action:
2764.10 Amendment
2764.20 Amendment
2764.30 Amendment
2764.40 Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 2013
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an

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initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

Public Act 92-845 made numerous changes to this program, most notably a name change to the ITEACH Teacher Shortage Scholarship Program, which has been incorporated throughout this Part. In addition, Section 2764.20 incorporates two changes in Applicant Eligibility, the elimination of the requirement to be enrolled at the sophomore level or above, and the inclusion of applicants who are pursuing alternative teacher certification.

An amendment has been proposed to Section 2764.30, Program Procedures, to reflect that preference may be given to applicants at the junior level or above. Additional changes to Sections 2764.30 (k) - (o) incorporate further statutory changes regarding the teaching agreement entered into by recipients of this scholarship, and the repayment obligation created in the event this obligation is not fulfilled. Recipients are now required to begin teaching within one year following completion of their academic program, and to teach continuously until their obligation is completed, other than during specifically provided for periods of exemption. In addition, if the scholarship need to be repaid, the interest rate has been changed to five percent.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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 XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764

ITEACH ~~DAVID A. DEBOLT~~ TEACHER SHORTAGE SCHOLARSHIP (~~DTSS~~) PROGRAM

Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

AUTHORITY: Implementing Section ~~5265.55~~ of the Higher Education Student Assistance Act [110 ILCS ~~947/52947/65.55~~] and authorized by Sections 20(f) and ~~5265.55~~ of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and ~~5265.55~~].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003.

Section 2764.10 Summary and Purpose

- a) The ITEACH ~~David A. DeBolt~~ Teacher Shortage Scholarship (~~DTSS~~) encourages academically talented students to pursue careers as public, private or parochial preschool, elementary and secondary school teachers in disciplines that have been designated as teacher shortage disciplines in the State of Illinois with a priority given to minority students.
- b) This Part establishes the rules which govern the ITEACH ~~DTSS~~ Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

(Source: Amended at 27 Ill. Reg. 10395, effective July 1, 2003)

Section 2764.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a United States citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) a high school graduate or a person who has received a General Educational Development (GED) Certificate;
 - 4) enrolled, or accepted for enrollment, on at least a half-time basis ~~at the sophomore level or above~~ at an institution of higher learning; and
 - 5) pursuing a postsecondary course of study leading to initial certification in a teacher shortage discipline or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification, in an approved specialized teacher shortage program.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Tuition Waiver Program (23 Ill. Adm. Code 2765), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 27 Ill. Reg. 10395, effective July 1, 2003)

Section 2764.30 Program Procedures

- a) All applicants must complete and file the form which the U.S. Department of Education (ED) designates as an application for federal student financial aid for the purpose of determining the Expected Family Contribution (EFC) which is used as a selection ~~criteria~~criteria for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the ITEACH ~~David A. DeBolt~~ Teacher Shortage Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) ISAC applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

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- 2) ISAC will ~~make mail~~ renewal ~~ISAC~~ applications available to all qualified students who received ITEACH DeBolt Teacher Shortage Scholarships during the preceding academic year.
 - 3) If the student section of an ISAC application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- c) ISAC shall select the recipients from among qualified applicants who filed timely applications based on a combination of the following criteria:
- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale;
 - 2) Expected Family Contribution (EFC), from the lowest to the highest;
 - 3) minority students shall receive priority consideration; and
 - 4) recipients of assistance under ITEACH DTSS during the previous academic year shall receive first priority consideration provided the student:
 - A) continues to maintain a cumulative grade point average of no less than 2.5 on a 4.0 scale;
 - B) maintains his or her status as a qualified applicant, as outlined in Section 2764.20(a) of this Part, Applicant Eligibility;
 - C) maintains satisfactory academic progress as determined by the institution; and
 - D) has submitted an application on a timely basis.
 - 5) Preference may also be given to qualified applicants enrolled at or above the junior level.
- d) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application to ISAC on the earliest date.

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- e) A recipient may receive up to 8 semesters/12 quarters of scholarship assistance under this program.
- f) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an academic year.
- g) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- h) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.
- i) ISAC shall publish guidelines for the awarding of [ITEACH DeBolt](#) Teacher Shortage Scholarships.
- j) Notice of eligibility shall be sent by ISAC to each qualified applicant who is selected to receive [an ITEACH Scholarship a-DTSS](#). A notice will be sent by ISAC to each qualified applicant who is not selected to receive [an ITEACH Scholarship a-DTSS](#).
- k) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to teach, on a full-time basis, in a teacher shortage discipline for one year for each year of scholarship aid received or for any portion of a year for which aid was received, under this Part;
 - 2) the [recipient shall begin teaching within one year](#) ~~teaching requirement will be fulfilled within the five-year period~~ following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, [and shall teach on a continuous basis for the required period of time](#);
 - 3) the teaching requirement will be fulfilled at an Illinois public, private or parochial preschool, elementary or secondary school;
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the

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- ~~scholarships~~scholarship(s) prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent ~~no greater than the highest rate applicable to new student loans made under FFELP~~ and, if applicable, reasonable collection fees;
- 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient~~recipients~~ promises to use the proceeds of the scholarship for educational expenses.
- l) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2764.30(k) during period in which~~The five year time period during which the teaching requirement must be fulfilled may be extended if~~ the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or
 - 2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (k)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to gain ISBE approval to teach in a specialized teacher shortage discipline.
- m) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces; or

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- 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or
 - 3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to certification/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.
- n) During the time a recipient qualifies for any of the extensions listed in subsection (m) of this Section, ~~he or she~~^{s/he} shall not be required to make payments and interest shall not accrue.
- o) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher in a designated teacher shortage discipline, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that s/he does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching ~~in order to complete the teaching obligation within five years~~ after completing the postsecondary education for which the scholarship was awarded.
- p) A recipient shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) Renewal recipients may receive a subsequent award even if their discipline is no

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longer on the approved list of teacher shortage disciplines.

(Source: Amended at 27 Ill. Reg. 10395, effective July 1, 2003)

Section 2764.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) The institution shall submit a certification of eligibility for qualified applicants with its request for payment.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the ~~recipients~~ recipient(s).
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the ~~terms~~ term(s) for which the award was intended, the institution shall return the ~~total~~ amount of the scholarship payment to ISAC.
- g) Scholarship Amount
 - 1) ~~ITEACH DeBolt~~ Teacher Shortage Scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and be the lesser of:

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- A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus; or
 - C) \$5000.
- 3) The total amount of [ITEACH DeBolt](#) Teacher Shortage Scholarship assistance awarded to a qualified applicant in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 4) A qualified applicant may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the [ITEACH DeBolt](#) Teacher Shortage Scholarship.

(Source: Amended at 27 Ill. Reg. 10395, effective July 1, 2003)

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- 1) The Heading of the Part: Illinois Special Education Teacher Tuition Waiver Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section numbers: Adopted Action:
2765.20 Amendment
2765.30 Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act.
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register: February 7, 2003, 27 Ill. Reg. 2024
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In

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addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments.

To reflect statutory changes contained in Public Act 92-845, in Section 2765.20(a)(3), the time frame from which the applicant's high school class rank is utilized has been changed from the seventh semester to the sixth semester, consistent with the time frame used in many of ISAC's other scholarship and grant programs. In Section 2765.30(e)(3), the time frame from which applicants' test scores will be used is set forth, and tied to the same time frames used in connection with the Illinois State Scholar Program. Changes to Section 2765.30(i)(1) incorporate further statutory changes regarding the teaching agreement entered into by recipients of this scholarship. Recipients are now required to begin teaching within one year following completion of their academic program.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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 XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002, amended at 27 Ill. Reg. 10405, effective July 1, 2003.

Section 2765.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) a United States citizen or an eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) a graduate of an Illinois approved high school who ranked in the upper half of his or her high school graduating class; a student scheduled to graduate from an Illinois high school by the end of the school term in which the award is made who ranks in the upper half of his or her high school graduating class at the end of the ~~sixth~~ **seventh** semester; or a person holding a valid teaching certificate that is not in the discipline of Special Education;
 - 4) enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in any area of Special Education;

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- 5) attending, or planning to attend, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University (Carbondale), Southern Illinois University (Edwardsville), University of Illinois (Chicago), University of Illinois (Springfield), University of Illinois (Urbana) or Western Illinois University; and
 - 6) a potential new recipient in that he or she~~s/he~~ shall have not received the Illinois Special Education Teacher Tuition Waiver in the past.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship (23 Ill. Adm. Code 2763) or the ITEACH DeBolt Teacher Shortage Scholarship (23 Ill. Adm. Code 2764), he or she~~s/he~~ shall not be eligible for an Illinois Special Education Teacher Tuition Waiver.

(Source: Amended at 27 Ill. Reg. 10405, effective July 1, 2003)

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.

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- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
- 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (d)(1) of this Section shall be awarded to this group;
 - 3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores [from the time periods set forth in Section 2760.20\(b\), \(c\) and \(d\)](#), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).
 - 4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.
- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to [begin teaching](#)~~teach~~, on a full-time basis, in the field of Special Education, [within one year](#)~~for two of the five years~~ ~~immediately~~ following graduation [from](#) or termination of enrollment [in a](#)

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teacher education program, at a nonprofit, ~~in any recognized~~ public, private or parochial school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;

- 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:
- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.

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- l) A recipient must complete his or her course of study within six years including ~~leaves~~leave(s) of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
 - 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that ~~he or she~~s/he does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
- n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
 - 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;
 - 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
 - 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on a full-time basis in another academic discipline.

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- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she~~s/he~~ shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she~~s/he~~ becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 27 Ill. Reg. 10405, effective July 1, 2003)

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NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Illinois Teachers and Child Care Providers Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2767
- 3) Section Numbers: Adopted Action:
2767.10 New Section
2767.20 New Section
2767.30 New Section
- 4) Statutory Authority: Implementing Section 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/65.56] and authorized by Sections 20(f) and 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.56].
- 5) Effective Date of Rules: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 7, 2003, 27 Ill. Reg. 2032
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposed and final version: The only changes made were technical in nature.
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules govern the administration of the new Illinois Teachers and Child Care Providers Loan Repayment Program. The rulemaking sets forth the applicant eligibility requirements, program procedures and institutional procedures.

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NOTICE OF ADOPTED RULES

- 16) Information and questions regarding these Adopted Rules shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2767

ILLINOIS TEACHERS AND CHILD CARE PROVIDERS LOAN REPAYMENT PROGRAM

Section

2767.10	Summary and Purpose
2767.20	Applicant Eligibility
2767.30	Program Procedures

AUTHORITY: Implementing Section 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/65.56] and authorized by Sections 20(f) and 65.56 of the Higher Education Student Assistance Act [110 ILCS 947/20 (f) and 65.56].

SOURCE: Adopted at 27 Ill. Reg. 10413, effective July 1, 2003.

Section 2767.10 Summary and Purpose

- a) *The Illinois Teachers and Child Care Providers Loan Repayment Program encourages academically talented Illinois students to enter into and continue teaching in Illinois schools in low-income areas and to enter the early child care profession and serve low-income areas in Illinois. [110 ILCS 947/65.56]*
- b) This Part establishes rules that govern the Illinois Teachers and Child Care Providers Loan Repayment Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2767.20 Applicant Eligibility

A qualified applicant shall be:

- a) *a United States citizen or eligible noncitizen;*
- b) *a resident of Illinois;*
- c) *a borrower who has had an amount of his or her educational loans forgiven pursuant to Section 428J or 428K of the Higher Education Act of 1965, as amended (HEA); and*

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- d) *a borrower who has fulfilled the obligations set forth in Section 428J or 428K of the HEA in Illinois. [110 ILCS 947/65.56]*

Section 2767.30 Program Procedures

- a) An applicant must complete and file an ISAC application for a Teacher Loan Repayment grant or Child Care Provider Loan Repayment grant and include documentation that he or she has had an educational loan forgiven under Section 428J or 428K of the HEA, and qualified for that loan forgiveness by virtue of service performed in Illinois.
- b) An applicant must apply for a grant under this Part within six months after receiving notification of loan forgiveness pursuant to Section 428J or 428K of the HEA.
- c) Payment will be made to the borrower based upon the lesser of:
- 1) The amount forgiven under Section 428J or 428K of the HEA; or
 - 2) \$5,000.
- d) The borrower may reapply each year that he or she receives a portion of his or her loans forgiven under Section 428K of the HEA, but no more than a total of \$5,000 may be awarded to an individual borrower.
- e) The total number of grants awarded in a given fiscal year is contingent upon available funding.
- f) If funding is insufficient to pay all eligible applicants, awarding will be based on the date the complete application, with all required documentation, is received in ISAC's Deerfield office.

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NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: College Savings Bond Bonus Incentive Grant (BIG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section Numbers: Adopted Action:
2771.APPENDIX A Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].
- 5) Effective Date of Amendments: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: February 7, 2003, 27 Ill. Reg. 2036
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:

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The Table of Grant Amounts contained in Section 2771.APPENDIX A has been updated to include the most recent sale of College Savings Bonds which took place in October of 2002.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10	Summary and Purpose
2771.20	Applicant Eligibility
2771.30	Program Procedures
2771.40	Institutional Procedures
2771.APPENDIX A	Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Part repealed, new Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090, effective July 1, 2000; amended at 25 Ill. Reg. 8364, effective July 1, 2001; amended at 27 Ill. Reg. 10417, effective July 1, 2003.

Section 2771.APPENDIX A Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	11/89 Bond Sale	11/90 Bond Sale	9/91 Bond Sale
1991	-	-	\$40	-	-
1992	-	-	\$60	\$40	-
1993	\$100	\$100	\$80	\$60	\$40

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1994	\$120	\$120	\$100	\$80	\$60
1995	\$140	\$140	\$120	\$100	\$80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360
2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	-	\$420

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Section 2771.APPENDIX A Table of Grant Amounts (continued)

GRANT AMOUNT PER \$5000 COMPOUND
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94 Bond Sale	11/97 Bond Sale	11/98 Bond Sale
1994	\$40	-	-	-	-
1995	\$60	\$40	\$15	-	-
1996	\$80	\$60	\$40	-	-
1997	\$100	\$80	\$60	-	-
1998	\$120	\$100	\$80	-	-
1999	\$140	\$120	\$100	-	-
2000	\$160	\$140	\$120	-	-
2001	\$180	\$160	\$140	\$80	\$60
2002	\$200	\$180	\$160	\$100	\$80
2003	\$220	\$200	\$180	\$120	\$100
2004	\$240	\$220	\$200	\$140	\$120
2005	\$260	\$240	\$220	\$160	\$140
2006	\$280	\$260	\$240	\$180	\$160
2007	\$300	\$280	\$260	\$200	\$180
2008	\$320	\$300	\$280	\$220	\$200
2009	\$340	\$320	\$300	\$240	\$220
2010	\$360	\$340	\$320	\$260	\$240
2011	\$380	\$360	\$340	\$280	\$260
2012	\$400	\$380	\$360	\$300	\$280
2013	\$420	\$400	\$380	\$320	\$300
2014	-	\$420	\$400	\$340	\$320
2015	-	\$440	\$420	\$360	\$340
2016	-	-	\$440	\$380	\$360
2017	-	-	-	\$400	\$380
2018	-	-	-	\$420	\$400
2019	-	-	-	\$440	\$420
2020	-	-	-	-	\$440

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Section 2771.APPENDIX A Table of Grant Amounts (continued)

GRANT AMOUNT PER \$5000 COMPOUND
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/00 Bond Sale	<u>10/02</u> <u>Bond Sale</u>
2002	\$40	-
2003	\$60	-
2004	\$80	-
2005	\$100	<u>\$60</u>
2006	\$120	<u>\$80</u>
2007	\$140	<u>\$100</u>
2008	\$160	<u>\$120</u>
2009	\$180	<u>\$140</u>
2010	\$200	<u>\$160</u>
2011	\$220	<u>\$180</u>
2012	\$240	<u>\$200</u>
2013	\$260	<u>\$220</u>
2014	\$280	<u>\$240</u>
2015	\$300	<u>\$260</u>
2016	\$320	<u>\$280</u>
2017	\$340	<u>\$300</u>
2018	\$360	<u>\$320</u>
2019	\$380	<u>\$340</u>
2020	\$400	<u>\$360</u>
2021	\$420	<u>\$380</u>
2022	\$440	<u>\$400</u>
<u>2023</u>	-	<u>\$420</u>
<u>2024</u>	-	<u>\$440</u>

*If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 27 Ill. Reg. 10417, effective July 1, 2003)

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of Part: Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities
- 2) Code Citation: 8 Ill. Adm. Code 215
- 3) Section Number: Emergency Action:
215.100 Repeal
215.105 Repeal
- 4) Statutory Authority: Section 14 of the Illinois Fertilizer Act of 1961 [505 ILCS 80]
- 5) Effective Date of Amendments: July 1, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendment, 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 did a previous rulemaking reorganizing and revamping the language to the entire Part 215, Subpart A. It was intended that Sections 215.100 and 215.105 be deleted as the provisions in those Sections were incorporated into other existing Sections. However, in that rulemaking, those Sections were not permanently deleted; therefore, the Department is conducting this emergency repealer to permanently remove these Sections from Part 215, Subpart A.
- 10) A Complete Description of the Subjects and Issues Involved: Sections 215.100 and 215.105 are being repealed due to a previous rulemaking reorganizing the entire Part 215, Subpart A. It was intended that Sections 215.100 and 215.105 be deleted in the previous rulemaking as the provisions in those Sections were incorporated into other existing Sections. However, those Sections were not permanently deleted; therefore, the Department is conducting this emergency repealer to permanently remove these sections from Part 215, Subpart A.
- 11) Are there any proposed amendments to this Part pending? The proposed amendments are being adopted effective July 1, 2003, the same effective date as the emergency amendments.

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NOTICE OF EMERGENCY AMENDMENTS

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this amendment shall be directed to:

Name: Linda Rhodes
Address: Illinois Department of Agriculture
State Fairgrounds, P.O.Box 19281
Springfield, Illinois 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER e: FERTILIZERSPART 215
ANHYDROUS AMMONIA, LOW PRESSURE NITROGEN SOLUTIONS,
EQUIPMENT, CONTAINERS, AND STORAGE FACILITIESSUBPART A: ANHYDROUS AMMONIA, EQUIPMENT,
CONTAINERS, AND STORAGE FACILITIES

Section

- 215.10 Scope
- 215.15 Definitions
- 215.20 Safety
- 215.25 Basic Rules
- 215.30 Location of Storage Tanks
- 215.35 Markings of Non-Refrigerated Containers and Systems other than DOT Containers
- 215.40 Container Appurtenances
- 215.45 Piping, Tubing and Fittings
- 215.50 Hose Specifications
- 215.55 Safety Relief Devices
- 215.60 Filling Densities
- 215.65 Transfer of Liquids
- 215.70 Liquid Level Gauging Devices
- 215.75 Painting of Containers
- 215.80 Electrical Equipment and Wiring
- 215.85 Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground Non-Refrigerated Storage
- 215.90 Refrigerated Storage
- 215.95 Tank Car Operations
- 215.100 Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground or Underground Non-Refrigerated Storage ([Repealed](#))
- [EMERGENCY](#)
- 215.105 Systems Mounted on Farm Wagons (Implements of Husbandry) for the Transportation of Anhydrous Ammonia ([Repealed](#))
- [EMERGENCY](#)
- 215.110 Systems Mounted on Farm Wagons (Nurse Tanks) for the Transportation of Anhydrous Ammonia

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

- 215.115 Systems Mounted on Equipment for the Application of Anhydrous Ammonia
215.120 Administrative Hearings

SUBPART B: NITROGEN FERTILIZER SOLUTIONS

Section

- 215.200 General
215.205 Definitions
215.210 Application of Rules
215.215 Requirement of Construction and Original Test of Containers
215.220 Capacity of Containers
215.225 Container Valves and Accessories
215.230 Piping, Tubing and Fittings
215.235 Hose Specifications
215.240 Safety Devices
215.245 Transfer of Liquids
215.250 Tank Car Loading and Unloading Points and Operations
215.255 Liquid Level Gauging Devices
215.260 Indicating Devices
215.265 Storage Installations for Nitrogen Fertilizer Solutions
215.270 Systems Mounted on Trucks, Semi-trailers and Trailers for Transportation of Nitrogen Fertilizer Solutions
215.275 Systems Mounted on Vehicles and Implements of Husbandry for the Transportation of Nitrogen Fertilizer Solutions
215.280 Systems Mounted on Vehicles and Implements of Husbandry for the Application of Nitrogen Fertilizer Solutions
215.285 Administrative Hearings
- 215.TABLE A Rate of Discharge
215.TABLE B Guide for Selection of Materials for Refrigerated Ammonia Storage Tanks
215.TABLE C Minimum Material Requirements for Shells and Bottoms of Refrigerated Storage Tanks for Various Temperatures and Thicknesses
215.TABLE D Repair Welding
215.TABLE E Safety Pressure Relief Valves

AUTHORITY: Implementing and authorized by Section 14 of the Illinois Fertilizer Act of 1961 [505 ILCS 80/14].

SOURCE: Rules and Regulations Relating to Anhydrous Ammonia, Low Pressure, Nitrogen Solutions, Equipment, Containers and Storage Facilities, filed May 15, 1967, effective May 15,

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1967; Rules and Regulations Relating to the Handling of Nitrogen Fertilizer Solutions; filed September 7, 1967, effective September 7, 1967; amended March 31, 1975, effective April 10, 1975; amended March 2, 1976, effective March 2, 1976; amended December 21, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10513, effective October 1, 1981; part repealed, new part adopted at 6 Ill. Reg. 2990, effective March 5, 1982; amended at 27 Ill. Reg. 9922, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 10423, effective July 1, 2003, for a maximum of 150 days.

SUBPART A: ANHYDROUS AMMONIA, EQUIPMENT, CONTAINERS, AND STORAGE FACILITIES

Section 215.100 Systems Utilizing Stationary, Pier-Mounted or Skid-Mounted Aboveground or Underground Non-Refrigerated Storage ([Repealed](#))
[EMERGENCY](#)

- a) ~~Design, working pressure and classification of containers:~~
- 1) ~~Containers shall be constructed in accordance with 8 Ill. Adm. Code Section 215.25 with a minimum design pressure of 250 psig. Because of insulating effects of the earth, the average vapor pressure of products stored in underground containers will be materially lower than when stored aboveground. This reduction in actual operating pressure, therefore, provides a substantial corrosion allowance for these containers when installed underground.~~
 - 2) ~~U-68 and U-69 ASME Code containers with a design pressure of 200 psig are acceptable if recertified to 250 psig and equipped with safety relief valves set at 250 psig as stated in 8 Ill. Adm. Code Section 215.55(b).~~
- b) ~~Installation of Storage Containers:~~
- 1) ~~Aboveground installation of anhydrous ammonia containers is recommended.~~
 - 2) ~~Containers installed aboveground shall be installed on reinforced concrete footings or foundations or structural steel supports mounted on reinforced concrete foundations. The reinforced concrete foundations or footings must extend below the established frost line and shall be of sufficient width and thickness to support the total weight of the containers and contents adequately. The foundations shall maintain the lowest point of the tank at not less than 24 inches above the ground. I beams shall~~

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~~support the weight of the tank and product. Skid-mounted units shall include all piping and pumps or compressors as one unit. If the design of such a unit precludes a minimum of 24 inches ground-to-tank clearance, bottom side inlet, outlet valves and piping are prohibited. Skid-mounted anhydrous ammonia storage tanks must be installed on permanent concrete footings or adequate floating reinforced concrete slabs.~~

- ~~3) Horizontal aboveground containers shall be mounted on foundations in such a manner as to permit expansion and contraction. Every container shall be supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. Means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.~~
 - ~~4) Secure anchorage or adequate pier height shall be provided against container flotation wherever high flood water might occur.~~
 - ~~5) Containers buried underground shall be placed so that the top of the container is at least one foot below the surface of the ground. Should ground conditions make compliance with this requirement impracticable, precautions, such as guard rails, shall be taken to prevent physical damage to the container. It will not be necessary to cover the portion of the container to which a manhole and other connections are affixed. When necessary to prevent flotation, containers shall be securely anchored or weighted.~~
 - ~~6) Underground containers shall be set on firm foundations (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating equivalent to hot dip galvanizing or two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt. The coated container shall be lowered into place in such a manner as to prevent abrasion or other damage to the coating.~~
 - ~~7) Distance between aboveground containers over 2000 gallons capacity shall be at least five feet.~~
- e) Container valves and accessories:
- ~~1) All containers shall be equipped with a fixed liquid level gauge.~~

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- 2) ~~All containers shall be equipped with a vapor pressure indicating gauge having a dial graduated from 0-400 psig.~~
 - 3) ~~The filling connection shall be fitted with an approved combination back pressure check valve, excess flow valve, or a positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.~~
 - 4) ~~All containers shall be equipped with an approved vapor return valve.~~
 - 5) ~~All vapor and liquid connections, except safety relief valves and those specifically exempt in this section, shall be equipped with approved excess flow valves or fitted with approved remote controlled quick closing internal valves which shall remain closed, except during operating periods.~~
- d) ~~Safety devices: Every container shall be provided with one or more safety relief valves of the spring loaded type and shall comply with the following:~~
- 1) ~~The discharge from safety relief valves shall be directed upward, unobstructed into the open air, and away from the container. Vent pipes shall not be restricted nor smaller in size than the relief valve outlet connection. All relief valve discharges shall have raincaps that will allow the free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensation which may accumulate.~~
 - 2) ~~Vent pipes from two or more safety relief devices located on the same unit or similar lines from two or more different units may be run into a common header, provided the cross-sectional area of the header is at least equal to the sum of the cross-sectional area of the individual vent pipes.~~
- e) ~~Underground containers:~~
- 1) ~~Spring loaded relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in 8 Ill. Adm. Code Section 215. Table A. Containers so protected shall not be uncovered after installation until the liquid anhydrous ammonia has been removed. Containers which may contain liquid anhydrous ammonia before being installed underground and before completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.~~

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- 2) ~~The discharge from vent pipes should be above the possible water level on underground installation where there is a probability that the manhole or housing may become flooded. All manholes or housings shall be provided with ventilated louvers or their equivalent. The area of such openings shall equal or exceed the combined discharge areas of safety relief valves and vent pipes that discharge their content into the manhole housing.~~
- f) ~~Marking containers: Each tank or group of tanks shall be marked on at least two approaching sides with the words "Caution Ammonia" or "Caution Anhydrous Ammonia" in sharply contrasting colors with letters not less than four inches high.~~
- g) ~~Capacity of containers: Individual storage container capacity shall be limited only by good engineering practice (according to The Code).~~
- h) ~~Protection of tank accessories and grounding:~~
- 1) ~~Valves and other appurtenances shall be protected against tampering and physical damage. Such appurtenances shall also be protected during the transit of containers intended for installation underground.~~
- 2) ~~All connections to underground containers shall be located within a metal dome, housing, or manhole fitted with a metal removable cover.~~
- 3) ~~Storage tanks need not be grounded. Where an electrical system exists, such as for lights or pump motors, the electrical system shall be installed and grounded in a manner as required by the National Electrical Code or local ordinance.~~
- 4) ~~All areas occupied by storage installations shall be kept free of dry grass and weeds. Manually controlled valves, which if open would allow anhydrous ammonia to discharge into the atmosphere, shall be kept secured when the installation is unattended.~~
- 5) ~~The owner of an abandoned storage system shall be responsible for its maintenance, safe disposal of anhydrous ammonia, and shall keep the storage site free of dry grass and weeds.~~
- i) ~~Reinstallation of containers: Containers once installed underground shall not later be installed aboveground or underground, unless they successfully withstand hydrostatic pressure tests at the pressure specified for the original hydrostatic test as required by The Code under which the container was constructed and show no~~

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~~evidence of serious corrosion. Reinstalled containers must also comply with 8 Ill. Adm. Code Section 215.100(e).~~

(Source: Emergency amendment at 27 Ill. Reg. 10423, effective July 1, 2003, for a maximum of 150 days)

Section 215.105 Systems Mounted on Farm Wagons (Implements of Husbandry) for the Transportation of Anhydrous Ammonia (Repealed)
EMERGENCY

- a) ~~This section applies to containers of 2000 gallons capacity or less and pertinent equipment mounted on farm wagons (implements of husbandry) and used for the transportation of anhydrous ammonia. 8 Ill. Adm. Code Sections 215.25 through 215.95 apply to this section unless otherwise noted.~~
- b) ~~Design, working pressure and classification of containers:~~
 - 1) ~~Containers shall be constructed in accordance with Section 215.25 with a minimum design pressure of 250 psig.~~
 - 2) ~~The shell or head thickness of any container shall not be less than 3/16 of an inch.~~
 - 3) ~~All containers over 500 gallons capacity should be equipped with semi-rigid baffle plates.~~
- e) ~~Mounting containers:~~
 - 1) ~~Stop or stops shall be mounted on the truck, semi-trailer, or trailer or on the container in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented.~~
 - 2) ~~A hold-down device shall be provided which will anchor the container to the vehicle at one or more places on each side of the container.~~
 - 3) ~~When containers are mounted on four-wheel trailers, care shall be taken to insure that the weight is distributed evenly over both axles.~~
 - 4) ~~When the cradle and the tank are not welded together, material shall be used between the two to eliminate metal-to-metal friction.~~

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- d) ~~Container valves and accessories:~~
- 1) ~~All containers shall be equipped with a fixed liquid level gauge.~~
 - 2) ~~All containers with a capacity of 250 gallons or more shall be equipped with a pressure indication gauge having a dial graduated from 0-400 psig.~~
 - 3) ~~The filling connection shall be fitted with a positive shutoff valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.~~
 - 4) ~~All containers with a capacity exceeding 250 gallons shall be equipped for spray loading or with a vapor return valve.~~
 - 5) ~~All vapor liquid connections, except safety relief valves and those specifically exempt in 8 III. Adm. Code Section 215.40 shall be equipped with excess flow valves or quick closing internal valves which shall remain closed except during operating periods.~~
 - 6) ~~Fittings shall be adequately protected from physical damage by:~~
 - A) ~~A metal box or cylinder with an open top securely fastened to the container;~~
 - B) ~~Rigid guards, well braced, welded to the container on both sides of the fittings; or~~
 - C) ~~A metal dome. If a metal dome is used, the relief valve shall be properly vented through the dome.~~
 - 7) ~~If a liquid withdrawal line is installed in the bottom of the container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the vehicle axle.~~
 - 8) ~~Both ends of the hose shall be made secure while in transit.~~
- e) ~~Marking of container:~~
- 1) ~~Placard: Four (4) diamond type, non flammable, Department of Transportation gas placards shall be displayed (one on each side and one on each end).~~

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- 2) ~~Marking: The words "Anhydrous Ammonia" shall appear on each side and each end in letters no less than two (2) inches high.~~
- 3) ~~The words "Liquid" or "Vapor" shall be placed on or within 12 inches of the appropriate valve by means of stencil, tag, decal, or color coding with a legible legend ORANGE LIQUID and YELLOW VAPOR on the tank.~~
- f) ~~Farm wagons (implements of husbandry):~~
 - 1) ~~Farm wagons (implements of husbandry) are as defined in the Illinois Motor Vehicle Code, (Ill. Rev. Stat. 1979, Ch. 95 1/2, paragraph 1-130).~~
 - 2) ~~All farm wagons shall be securely attached to the vehicle drawing them by means of drawbars supplemented by safety chains of sufficient size and strength to prevent the towed vehicle parting from the drawing vehicle in case of drawbar should break or become disengaged.~~
 - 3) ~~A farm wagon shall be constructed so that it will follow substantially in the path of the towing vehicle and will prevent the towed farm wagon from dangerously whipping or swerving from side to side.~~
 - 4) ~~All farm wagons shall have at least five (5) gallons of readily available clean water.~~
- g) ~~Storage of Containers: When a nurse tank containing 10% or more of anhydrous ammonia is at an unattended approved storage site, the manually controlled valves shall be secured against tampering or the nurse tank shall be stored inside a locked, fenced enclosure. Nurse tanks shall be stored no less than 50 feet from the edge of the adjacent road, 150 feet from place of private or public assembly, and 750 feet from place of institutional occupancy. All pressure and liquid level gauges must be in working order.~~

(Source: Emergency amendment at 27 Ill. Reg. 10423, effective July 1, 2003, for a maximum of 150 days)

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- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Section Number: Emergency Action:
600.310 Amend
- 4) Statutory Authority: 225 ILCS 470/8
- 5) Effective Date of Amendment: July 1, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: June 26, 2003
- 8) A copy of the adopted amendment, 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 FY'04 budget is based upon fee increases proposed by the Governor's Office of Management and Budget. The additional revenue will be used to support the Weights and Measures Program.
- 10) A Complete Description of the Subjects and Issues Involved: The Bureau of Weights and Measures inspects all commercially-used weighing and measuring devices in the State of Illinois. The Bureau is mandated to inspect all known devices within a 12-month period. Device owners are charged a fee for the inspection.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this amendment shall be directed to:

Name: Thomas E. Jennings
Address: Illinois Department of Agriculture
State Fairgrounds, P.O.Box 19281
Springfield, Illinois 62794-9281
Telephone: 217/785-4195
Facsimile: 217/524-7801

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NOTICE OF EMERGENCY AMENDMENT

The full text of the emergency amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER p: WEIGHTS AND MEASURES

PART 600
WEIGHTS AND MEASURES ACT

SUBPART A: PACKAGING AND LABELING

Section	
600.1	National Institute of Standards and Technology Handbook 130
600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Prominence and Placement: Consumer Packages (Repealed)
600.90	Prominence and Placement: Nonconsumer Package (Repealed)
600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois

SUBPART B: ROOFING AND ROOFING MATERIALS

Section	
600.250	Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENT

- 600.300 Vehicle Scales Regulation
600.310 Fees
[EMERGENCY](#)
600.320 Scales Used for the Enforcement of Highway Weight Laws
600.330 National Institute of Standards and Technology Handbook 44

SUBPART D: MOISTURE METER TESTING

- Section
600.350 General (Repealed)
600.360 Testing and Inspection (Repealed)
600.370 Rejected Moisture Testing Devices (Repealed)
600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,
AND SPECIAL SEALERS FOR COMMERCIAL
WEIGHING AND MEASURING DEVICES

- Section
600.450 Policy (Repealed)
600.460 Definitions (Repealed)
600.470 Certificate of Registration (Repealed)
600.480 Types of Certificates (Repealed)
600.490 Examinations (Repealed)
600.500 Exemptions (Repealed)
600.510 Registration Fee (Repealed)
600.520 Reports (Repealed)
600.530 Bonds (Repealed)
600.540 Standards and Testing Equipment (Repealed)
600.550 Revocation of Certificate of Registration (Repealed)
600.560 Publication of Lists (Repealed)

SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

- Section
600.650 Use of Gasoline Pumps Which Are Not Capable of
Computing the Prices Which Exceed 99.9¢ Per Gallon
600.660 Retail Liquid Petroleum Pumps Accurately Marked:
Liters or Gallons
600.670 System Used to Sell Petroleum Product
600.680 Unit Price Per Gallon Displayed (Repealed)

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600.690	Price of Gasoline
600.700	Unit Price Indicator: Set at One-Half Total Selling Price
600.710	Decals or Stickers Affixed to the Pump Face
600.720	Information Sign Indicating Half Gallon Pricing of Gasoline
600.730	Conversion Kits or Replacement Pumps: Deadline (Repealed)
600.740	Three-Wheel Computers Prohibited
600.750	One-Half Gallon Pricing Applicable to All Metering Pumps at Facility
600.760	Stop Use Order; Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID PETROLEUM PRODUCTS

Section	
600.800	Price Per Gallon or Liter in Advertisement
600.810	Height and Width of Numbers
600.820	Advertised Price Complete
600.830	Advertising Other Commodities; Misleading Advertising Prohibited
600.840	Product Identity and Type of Service
600.850	Advertisement of Price Not Required Except on Pump
600.860	Stop Use Order; Hearing
600.TABLE A	Minimum Height of Numbers and Letters (Repealed)
600.TABLE B	Standard Weight Per Bushel for Agricultural Commodities
600.TABLE C	Illinois Standard Weights and Measures
600.TABLE D	Equivalents: Cubic Inches in U.S. Standard Capacity Measures
600.TABLE E	Weights of Coal Per Cubic Foot
600.TABLE F	Equivalents to be used by Seller in Transposing Weights
600.TABLE G	Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971;

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amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994 for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1141, effective January 1, 1998; amended at 23 Ill. Reg. 8813, effective July 26, 1999; amended at 26 Ill. Reg. 8346, effective June 1, 2002; emergency amendment at 27 Ill. Reg. 10434, effective July 1, 2003, for a maximum of 150 days.

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SUBPART C: WEIGHING AND MEASURING DEVICES:
METERS -- SCALES -- FEES

Section 600.310 Fees

The Director of Agriculture and each city sealer of weights and measures shall collect and receive fees for the use of the State or city as the case may be at the following rates, ~~which shall be due and payable at the time of such inspection~~. Per hour fee is charged for each hour or portion thereof.

DEVICE	CURRENT FEE	2002	2003	2004
Scales by capacity 0-50 pounds	10	11	<u>18</u> 12	13
Scales by capacity 51-2000 pounds	25	25	<u>39</u> 25	25
Scales by capacity 2001 + pounds	100	110	<u>186</u> 121	133
Additional readouts	0	25	<u>39</u> 25	25
Railroad track scales per hour	50	55	<u>94</u> 61	67
Use of scale truck per hour	100	110	<u>186</u> 121	133
Belt conveyor scales per hour	50	55	<u>94</u> 61	67
Livestock scales	100	110	<u>186</u> 121	133
Motor fuel dispensers	10	11	<u>18</u> 12	13
Motor fuel meters up to 2-3/4"	50	55	<u>94</u> 61	67
Motor fuel meters over 2-3/4"	100	110	<u>186</u> 121	133
LPG meters	75	83	<u>140</u> 91	100
Mass flow	0	55	<u>94</u> 61	67

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meters per hour				
Grain moisture meters	50	55	<u>94</u> 61	67
Metrology lab fee per hour plus shipping	75	83	<u>140</u> 91	100

(Source: Emergency amendment at 27 Ill. Reg.10434, effective July 1, 2003, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

310.80	Amend
310.100	Amend
310.110	Amend
310.130	Amend
310.220	Amend
310.230	Amend
310.290	Amend
310.450	Amend
310.530	Amend
310.540	Amend
Appendix B	Amend
Appendix C	Amend
Appendix D	Amend
Appendix G	Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) The effective date of the rule: July 1, 2003
- 6) If this emergency rulemaking is to expire before the end of the 150 days period, please specify the date: The emergency amendment will extend to the full 150 days.
- 7) Date filed in Agency's principal office: June 30, 2003
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) The reason for the emergency:

This emergency filing is necessary to implement the Pay Plan changes for Fiscal Year 2004 affecting the Schedule of Salary Grades and the Merit Compensation System. It was not possible to file this on a proposal basis to be effective July 1, 2003 because of uncertainties regarding the budget situation.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

10) A Complete Description of the Subjects and Issues Involved:

The Department of Central Management Services is filing an emergency amendment to implement the Fiscal Year 2004 Pay Plan changes that affect those employees subject to the Schedule of Salary Grades and Merit Compensation System. The following sections are being amended:

Section 310.80, Increases in Pay, step increases are being suspended under paragraph a.(1); and superior performance increases are being suspended under paragraph d)2).

In Section 310.100, Other Pay Provisions, the paragraph relating to "Incentive Pay" is being deleted.

In Sections 310.110, 310.130, 310.290, 310.530, 310.540, Appendices B, C, D, and G, the Fiscal Year is being changed from 2003 to 2004.

In Section 310.220, Negotiated Rate, pay increases for positions that are excluded from the bargaining unit are being suspended in paragraph b).

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the hourly and daily part time rate for the Office Assistant and Office Clerk are being upgraded to reflect the increase that was negotiated for RC-014-OCB union employees. All other rates are remaining the same as the previous Fiscal Year.

In Section 310.290, Out-of-State or Foreign Service Rate, increases under this Section are being suspended.

In Section 310.450, Procedures for Determining Annual Merit Increases, merit increases are being suspended as expressed in paragraph d).

In Section 310.540, Annual Merit Increase Guidechart for Fiscal Year 2004, the percentage of increase is being changed to zero amount for all categories.

In Appendix B, Schedule of Salary Grades, the previous July 1, 2002 Step 8 rate is being deleted and replaced with the current (January 1, 2003) Step 8.

11) Are there any proposed amendments pending to this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.280	Amend	27 Ill. Reg. 8570, 5/30/03
Table L	Amend	27 Ill. Reg. 8570, 5/30/03

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NOTICE OF EMERGENCY AMENDMENTS

Table W	Amend	27 Ill. Reg. 8570, 5/30/03
310.280	Amend	27 Ill. Reg. 9277, 6/20/03
310.280	Amend	27 Ill. Reg. 9656, 06/16/03
Table W	Amend	27 Ill. Reg. 9656, 06/16/03

12) Statement of Statewide Policy Objectives:

This rulemaking does not affect local government units.

13) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed to:

Ms. Marianne Armento, Manager
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

The full text of the Emergency Rule is as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT
SERVICESPART 310
PAY PLAN

SUBPART A: NARRATIVE

Section

- 310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
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
[EMERGENCY](#)
310.90 Decreases in Pay
310.100 Other Pay Provisions
[EMERGENCY](#)
310.110 Implementation of Pay Plan Changes for Fiscal Year 2003
[EMERGENCY](#)
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
[EMERGENCY](#)
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
[EMERGENCY](#)
310.230 Part-Time Daily or Hourly Special Services Rate

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- 310.240 Hourly Rate
- 310.250 Member, Patient and Inmate Rate
- 310.260 Trainee Rate
- 310.270 Legislated and Contracted Rate
- 310.280 Designated Rate
- 310.290 Out-of-State or Foreign Service Rate

EMERGENCY

- 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
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases

EMERGENCY

- 310.455 Intermittent Merit Increase
- 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

EMERGENCY

- 310.540 Annual Merit Increase Guide chart for Fiscal Year [2004](#) ~~2003~~

EMERGENCY

- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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NOTICE OF EMERGENCY AMENDMENTS

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2004 2003
EMERGENCY	
APPENDIX C	Medical Administrative Rates for Fiscal Year 2004 2003
EMERGENCY	
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004 2003
EMERGENCY	
APPENDIX E	Teaching Salary Schedule (Repealed)

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APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year ~~2003~~ [2004](#)

EMERGENCY

AUTHORITY: Implementing and authorized by Section 8 and 8a of the Personnel Code

[20 ILCS 415/8 and 8a.]

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

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effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 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

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at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, 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

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amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory 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.

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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; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency amendment expired on March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; 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.

Section 310.80 Increases in Pay

[EMERGENCY](#)

After the effective date of this Part, except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Salary Grades (Appendix B) specified herein, increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

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- a) Satisfactory Performance Increase --
- 1) Each employee who has not attained Step 8 of the relevant salary grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the salary grade after one year of creditable service in the same class. [\(Effective July 1, 2003, step increases are suspended.\)](#)
 - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
 - 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase -- As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:
- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
 - 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services -- It shall be reported upon completion of action required by subsection (b) (1) above, but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination -- A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Superior Performance Increase --

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- 1) The head of an agency may grant a superior performance increase to an employee who characteristically carries out his/her work activities in such a way that the results are substantially above a satisfactory level of performance.
 - 2) An employee shall be eligible for a superior performance increase after six months continuous service. A minimum of 18 months must elapse between superior performance increases. A superior performance increase shall be for one step in the relevant salary grade. [\(Effective July 1, 2003, step increases are suspended.\)](#)
 - 3) A superior performance increase does not affect the creditable service anniversary date. A performance record supporting a superior performance increase award shall be retained by each agency head, and shall be available to the Director of Central Management Services upon request.
 - 4) During the fiscal year, the number of superior performance increases in an agency should not exceed one out of five employees.
- e) Other Pay Increases --
- 1) Promotion and Reallocation -- Normally upon promotion or reallocation an employee shall be advanced to the lowest step in the new grade which represents at least a full step increase in the former grade. An equivalent of a full step for those employees on Step 8 shall be determined by the value difference between Steps 6 and 7 of the former pay grade. Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.
 - 2) Reevaluation -- If a higher salary grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade which represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately.

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- 3) Separation & Subsequent Appointment -- Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary grade, an increase shall be given under the conditions and requirements applicable to promotions.
- f) Adjustment -- An employee may receive an upward adjustment in his/her base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.100 Other Pay Provisions

EMERGENCY

- a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.
- b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1c of the salary grade.
 - 1) Qualifications above Minimum Requirements --
 - A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.
 - B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1c entrance salary.

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An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.
 - 3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.
- c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:
- 1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
 - 2) Overtime Pay --
 - A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to

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the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

- B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

~~3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.~~

~~3)4~~ Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- d) Part-Time Work -- Part-time employees whose base salary is other than an hourly

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or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.

- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.
- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

AGENCY NOTE -- The method to be used in computing the lump sum payment for accrued vacation, sick leave* and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

* Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

- g) Salary Treatment Upon Return From Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.
- h) Salary Treatment Upon Reemployment --

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- 1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
 - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- j) Extended Service Payment --
- 1) Effective July 1, 2001, the Step 8 rate shall be increased by \$25.00 per month for those employees who have attained ten years of service and have three years of creditable service on Step 8 in the same pay grade.
 - 2) Effective July 1, 2001, the Step 8 rate shall be increased by \$50.00 per month for those employees who have attained fifteen years of service and have three years of creditable service on Step 8 in the same pay grade.
- k) Bi-lingual Pay -- Effective July 1, 2000, individual positions whose job descriptions require the use of sign language, a second language, or Braille shall receive 5% or \$100.00 per month, whichever is greater, in addition to the employee's base rate.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

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The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year ~~2004~~ ~~2003~~.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.130 Effective Date

EMERGENCY

This Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B) shall be effective for Fiscal Year ~~2004~~ ~~2003~~.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

EMERGENCY

- a) The rate of pay for a class in any specific area, agency, or in a specific area for an agency as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose; or, as certified as being correct and reported to the Director of Central Management Services for Specified operating and maintenance employees in the State of Illinois Building, Chicago, and by the Director of Labor for designated classifications in the City of Chicago.
- b) An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall receive the contract rate and other compensation items specified by the contract, unless another specific provision has been established by the Director of Central Management Services. (Effective July 1, 2003, paragraph b) has been suspended.)
- c) As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for this pay and the amount thereof will be as provided in the contract.

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- d) The negotiated rates of pay for classifications in specified operating agencies shall be as indicated in Appendix A of this Part.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.230 Part-time Daily or Hourly Special Services Rate

EMERGENCY

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	14.10 to 19.49 (hourly) 106 to 146 (daily)
Apiary Inspector	8.28 to 10.15 (hourly)
Building/Grounds Laborer	5.15 to 6.00 (hourly)
Building/Grounds Lead I	5.15 to 7.00 (hourly)
Building/Grounds Lead II	5.25 to 8.00 (hourly)
Building/Grounds Maintenance Worker	5.15 to 6.00 (hourly)
Chaplain I	39 to 70 (daily)
Chemist I	39 to 45 (daily)
Conservation/Historic Preservation Worker	5.15 to 9.00 (hourly)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	5.15 to 9.00 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	5.15 to 9.00 (hourly)
Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	39 to 85 (daily)
Educator Aide	39 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Advanced Specialist	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)

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Janitor I	5.15 to 5.30 (hourly)
Labor Maintenance Lead Worker	5.15 to 6.00 (hourly)
Labor Relations Investigator	39 to 70 (daily)
Laborer (Maintenance)	7.05 to 8.00 (hourly)
Maintenance Worker	5.15 (hourly)
Occupational Therapist Program Coordinator	40 to 160 (daily)
Office Aide	10.45 to 13.46 (hourly) 78 to 101 (daily)
Office Assistant	<u>12.18 to 16.04 (daily)</u> <u>91 to 120 (daily)</u> 11.56 to 15.26 (hourly) 87 to 114 (daily)
Office Associate	12.24 to 16.42 (hourly) 92 to 123 (daily)
Office Clerk	<u>11.55 to 15.08 (hourly)</u> <u>87 to 113 (Daily)</u> 10.94 to 14.31 (hourly) 82 to 107 (daily)
Optometrist	15 to 35 (hourly) 50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly) 100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly) 100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly) 100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly) 100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	39 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly) 40 to 45 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	41 to 56 (daily)
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County-2nd or 3rd	44 to 59 (daily)

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shift)	
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County-2nd or 3rd shift)	47 to 62 (daily)
Revenue Tax Specialist I	14.10 to 19.49 (hourly) 106 to 146 (daily)
Social Worker II	39 to 75 (daily)
Social Worker III	39 to 80 (daily)
Student Worker	5.15 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.290 Out-of-State or Foreign Service Rate

EMERGENCY

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances. [\(Effective July 1, 2003, increases are suspended.\)](#)

	Range
	Effective Fiscal Year 2004 2003
Executive II	
(States Other Than California and New Jersey)	3269 – 5894
(CA, NJ)	3696 – 6663
Foreign Service Economic Development Executive I	3848 – 7082

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Foreign Service Economic Development Executive II	4929 – 9283
Foreign Service Economic Development Representative	3269 – 5894
Office Administrator IV	
(States Other Than California and New Jersey)	2570 – 4452
(CA, NJ)	2906 – 5032
Office Assistant (Foreign Service)	2169 – 2862
Office Associate	
(States Other Than California and New Jersey)	2295 – 3081
(CA, NJ)	2595 – 3483
Office Coordinator	
(States Other Than California and New Jersey)	2370 – 3199
(CA, NJ)	2679 – 3617
Public Service Administrator	
(States Other Than California and New Jersey)	3445 – 7542
(CA, NJ)	3895 – 8525
Revenue Auditor I	
(States Other Than California and New Jersey)	3105 – 4480
(CA, NJ)	3510 – 5065
Revenue Auditor II	
(States Other Than California and New Jersey)	3587 – 5295
(CA, NJ)	4055 – 5985
Revenue Auditor III	
(States Other Than California and New Jersey)	4226 – 6301
(CA, NJ)	4778 – 7123
Revenue Auditor Trainee	
(States Other Than California and New Jersey)	2645 – 3657
(CA, NJ)	2990 – 4134

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Revenue Tax Specialist I	
(States Other Than California and New Jersey)	2645 – 3657
(CA, NJ)	2990 - 4134
Revenue Tax Specialist II	
(States Other Than California and New Jersey)	2861 – 4047
(CA, NJ)	3234 – 4575
Revenue Tax Specialist Trainee	
(States Other Than California and New Jersey)	2448 – 3335
(CA, NJ)	2768 – 3770
Senior Public Service Administrator	
(States Other Than California and New Jersey)	4750 – 11161
(CA, NJ)	5369 – 12617

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.450 Procedures for Determining Annual Merit Increases

EMERGENCY

- a) An annual merit increase is an in-range salary adjustment for demonstrated performance.
- b) Eligibility for an annual merit increase shall be determined by the following conditions:
 - 1) Each employee will be eligible for a merit review after attaining 12 months creditable service. The employee's immediate supervisor shall prepare an Individual Development and Performance Evaluation form prior to the Performance Review Date, and discuss the results with the employee.
 - 2) Should the Individual Development and Performance review result in the employee not being eligible for an annual merit increase due to provisions of Section 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued.

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- c) Based upon the results of the Individual Development and Performance Evaluation, the employees' immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase.
- d) The amount of an annual merit increase recommendation shall be determined by use of the Merit Increase Guidechart of Section 310.540 if the employee's Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at a Category 3 or higher level. An employee whose Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at Category 4 shall not receive an increase in the present base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position. Effective July 1, 2003 merit increases are suspended .
- e) The employee's immediate supervisor shall prepare a performance Certification and Salary Increase Recommendation form indicating whether or not the employee is eligible for an annual merit increase and the amount thereof. [\(Effective July 1, 2003, merit increases are suspended.\)](#)
- f) The employee's immediate supervisor shall forward the Individual Development and Performance Evaluation records and Performance Certification and Salary Increase Recommendation records to the agency head or a designated authority for review and approval.
- g) Annual merit increase in pay shall become effective the first day of the month in which the employee's Performance Review Date occurs.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.530 Implementation

[EMERGENCY](#)

- a) The salary schedule for the Merit Compensation System for Fiscal Year [2004](#) ~~2003~~ will continue as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year [2004](#) ~~2003~~ is as set forth in Section 310.540 of the Pay Plan.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum

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of 150 days)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year ~~2004~~ ~~2003~~
EMERGENCY

<u>Category</u>	<u>Definition</u>	<u>Increase</u>
Category 1	Exceptional	\$0 0% to 5% + \$125
Category 2	Accomplished	\$0 0% to 3% + \$125
Category 3	Acceptable	\$ 0 0% to 3%
Category 4	Unacceptable	\$0

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310.Appendix B Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year
~~2004~~ ~~2003~~
EMERGENCY

<u>Salary Grade</u>	<u>Step 1c</u>	<u>Step 1b</u>	<u>Step 1a</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>
1	1663	1704	1746	1789	1835	1877	1922	1974	2018	2098	2140 2119
2	1705	1747	1790	1835	1877	1922	1976	2024	2072	2153	2196 2175 01/03: 2140
3	1743	1786	1831	1877	1922	1977	2027	2076	2127	2221	2265 2243 01/03: 2196
4	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2334 2311 01/03: 2265
5	1835	1881	1928	1977	2033	2091	2148	2202	2258	2355	2402 2379 01/03: 2334
6	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2489 01/03: 2402

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											2464
											01/03: 2489
7	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2581 2555
											01/03: 2581
8	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2679 2652
											01/03: 2679
9	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2782 2754
											01/03: 2782
10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2900 2871
											01/03: 2900
11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	3025 2996
											01/03: 3025
12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3180 3149
											01/03: 3180
13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3337 3305
											01/03: 3337
14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3519 3485
											01/03: 3519
15	2585	2654	2725	2799	2921	3042	3162	3291	3413	3618	3690 3654
											01/03: 3690
16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3896 3858
											01/03: 3896
17	2819	2899	2983	3069	3212	3360	3502	3643	3791	4017	4097 4057
											01/03: 4097
18	2963	3049	3137	3230	3387	3544	3705	3857	4012	4251	4336 4294
											01/03: 4336
19	3119	3210	3305	3405	3579	3747	3922	4086	4257	4514	4604 4559

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20	3293	3393	3494	3598	3780	3956	4143	4323	4501	4776	01/03: 4604 4872 4824
21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	01/03: 4872 5171 5121
22	3675	3786	3900	4016	4225	4432	4641	4856	5059	5372	01/03: 5171 5479 5426
23	3900	4016	4137	4260	4486	4715	4939	5167	5392	5730	01/03: 5479 5845 5787
24	4149	4273	4401	4534	4775	5024	5265	5509	5758	6118	01/03: 5845 6240 6179
25	4422	4555	4691	4832	5097	5365	5633	5901	6169	6565	01/03: 6240 6696 6631 6696

Schedule of Salary Grades (Alternative Retirement Formula only) - Monthly Rates of Pay for Fiscal Year 2004 ~~2003~~

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1a	1704	1746	1789	1834	1881	1924	1971	2024	2070	2152	2195 2174
2a	1747	1790	1835	1881	1924	1971	2026	2076	2125	2209	01/03: 2195 2253 2231
3a	1786	1831	1877	1924	1971	2027	2079	2129	2182	2279	01/03: 2253 2325 2302
4a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	01/03: 2325 2395 2371
5a	1881	1928	1977	2027	2085	2145	2203	2259	2317	2417	01/03: 2395 2465 2441 2465

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6a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2504	2554 2529
										01/03:	2554
7a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2649 2623
										01/03:	2649
8a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2750 2723
										01/03:	2750
9a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2857 2829
										01/03:	2857
10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2982 2953
										01/03:	2982
11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3113 3083
										01/03:	3113
12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3273 3241
										01/03:	3273
13a	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3437 3404
										01/03:	3437
14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3625 3590
										01/03:	3625
15a	2654	2725	2799	2877	3005	3130	3256	3391	3515	3726	3801 3763
										01/03:	3801
16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	4014 3974
										01/03:	4014
17a	2899	2983	3069	3158	3308	3461	3606	3753	3905	4138	4221 4179
										01/03:	4221
18a	3049	3137	3230	3327	3490	3651	3817	3974	4132	4378	4466 4422
										01/03:	4466
19a	3210	3305	3405	3507	3686	3858	4040	4209	4386	4650	4743

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											4697
										01/03:	4743
20a	3393	3494	3598	3706	3893	4075	4268	4452	4637	4920	5018
											4969
										01/03:	5018
21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5327
											5275
										01/03:	5327
22a	3786	3900	4016	4137	4352	4565	4780	5001	5211	5534	5645
											5589
										01/03:	5645
23a	4016	4137	4260	4389	4621	4858	5087	5321	5553	5901	6019
											5960
										01/03:	6019
24a	4273	4401	4534	4671	4919	5174	5424	5674	5930	6303	6429
											6366
										01/03:	6429
25a	4555	4691	4832	4976	5250	5525	5802	6079	6354	6762	6897
											6830
										01/03:	6897

Schedule of Salary Grades (Maximum Security Institutions) for Fiscal Year 2004 2003

<u>Salary Grade</u>	<u>Step 1c</u>	<u>Step 1b</u>	<u>Step 1a</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>
1m	1755	1798	1841	1885	1933	1976	2022	2076	2121	2203	2247
											2225
										01/03:	2247
2m	1799	1842	1886	1933	1976	2022	2078	2127	2177	2260	2305
											2283
										01/03:	2305
3m	1838	1882	1928	1976	2022	2079	2130	2181	2233	2330	2377
											2353
										01/03:	2377
4m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2447
											2423
										01/03:	2447
5m	1933	1980	2028	2079	2136	2196	2255	2311	2368	2468	2517
											2493
										01/03:	2517

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6m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2607 2582
										01/03:	2607
7m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2701 2674
										01/03:	2701
8m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2802 2774
										01/03:	2802
9m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2911 2883
										01/03:	2911
10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3040 3010
										01/03:	3040
11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3169 3138
										01/03:	3169
12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3331 3299
										01/03:	3331
13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3497 3462
										01/03:	3497
14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3683 3647
										01/03:	3683
15m	2705	2776	2852	2932	3061	3185	3314	3447	3572	3784	3860 3822
										01/03:	3860
16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4071 4031
										01/03:	4071
17m	2954	3038	3125	3214	3366	3519	3664	3811	3962	4196	4280 4238
										01/03:	4280
18m	3104	3192	3288	3383	3547	3709	3874	4031	4190	4435	4524 4479
										01/03:	4524
19m	3267	3364	3463	3564	3744	3916	4097	4267	4443	4707	4801

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NOTICE OF EMERGENCY AMENDMENTS

											4754
										01/03:	4801
20m	3449	3552	3656	3763	3950	4132	4325	4510	4694	4976	5076
											5026
										01/03:	5076
21m	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5386
											5333
										01/03:	5386
22m	3843	3956	4074	4195	4408	4623	4836	5058	5269	5591	5703
											5647
										01/03:	5703
23m	4074	4195	4318	4446	4678	4914	5144	5379	5611	5959	6078
											6019
										01/03:	6078
24m	4331	4459	4591	4729	4975	5231	5481	5732	5988	6360	6487
											6424
										01/03:	6487
25m	4613	4748	4890	5034	5308	5582	5859	6136	6411	6819	6955
											6887
										01/03:	6955

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310. Appendix C - Medical Administrator Rates for Fiscal Year ~~2004~~ ~~2003~~
EMERGENCY

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	8090	9843	11596
Medical Administrator I, Option D	9035	10837	12639
Medical Administrator II, Option C	8743	10528	12313
Medical Administrator II, Option D	10039	11903	13767
Medical Administrator III	10396	12438	14480
Medical Administrator IV	10564	12606	14648
Medical Administrator V	10734	12778	14822

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NOTICE OF EMERGENCY AMENDMENTS

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310. Appendix D -- Merit Compensation System Salary Schedule for Fiscal Year [2004](#)
[2003](#)
[EMERGENCY](#)

<u>Salary Range</u>	<u>Minimum Salary</u>	<u>Midpoint Salary</u>	<u>Maximum Salary</u>
MC 01	2142	2904	3666
MC 02	2235	3053	3871
MC 03	2343	3230	4117
MC 04	2449	3381	4313
MC 05	2571	3581	4591
MC 06	2702	3759	4816
MC 07	2843	3984	5125
MC 08	2996	4227	5458
MC 09	3167	4463	5759
MC 10	3346	4752	6158
MC 11	3534	5046	6558
MC 12	3753	5384	7015
MC 13	4008	5755	7502
MC 14	4286	6179	8072

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

MC 15	4600	6624	8648
MC 16	4925	7116	9307
MC 17	5314	7681	10048
MC 18	5728	8015	10302
MC 19	6187	8364	10541

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

Section 310. Appendix G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year ~~2003~~ [2004](#)
EMERGENCY

Title	Minimum Salary	Maximum Salary
Health Information Administrator	2571	5125
Human Resources Representative	2235	4313
Human Resources Specialist	2571	5125
Public Service Administrator	2996	6558
Residential Services Supervisor	2235	4313
Senior Public Service Administrator	4130	9705
Site Superintendent	2571	5125

(Source: Emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill Adm. Code 2800
- 3) Section Number: Emergency Action:
2800.Appendix A Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000)
- 5) Effective Date of Emergency Amendment: July 1, 2003
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: No
- 7) Date filed with the Index Department: June 26, 2003
- 8) A copy of the emergency amendment, 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 Governor's Travel Control Board waited for JCAR's final decision (June 10) on the proposed increases in the Travel Regulation Council rates before deciding to adopt the increases. Individual travel control boards are not required to adopt the Council's rates. However, the Governor's Travel Control Board feels that hotels are going to increase their rates anyway -- regardless of whether or not individual Board's adopt the increases. This would make it difficult for staff to find rooms at a lower rate. Therefore, since the effective date of the Council's increases is July 1, the increases for employees under the jurisdiction of the Governor's Travel should also be July 1.
- 10) A Complete Description of the Subjects and Issues Involved: On June 10, 2003, JCAR filed no objection to a proposed rule change by the Travel Regulation Council to increase the maximum lodging reimbursement rates in the 96 downstate Illinois counties. In order to adopt these changes for employees specifically under the jurisdiction of the Governor, a change is necessary to the reimbursement schedule in the rules of the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- 11) Are there any proposed amendments to this Part pending? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: Rulemaking does not affect units of local government.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/782-9669

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800

TRAVEL

SUBPART A: GENERAL

Section

- 2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

Section

- 2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Charge Cards
2800.235 Expenses at Headquarters or Residence
2800.240 Preparation and Submission of Travel Vouchers
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

Section

- 2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

Section

- 2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

SUBPART E: PER DIEM MEALS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section

2800.600 Lack of Receipts

2800.650 Headquarter Designation for Agency Heads

SUBPART G: EXCEPTIONS TO THE RULES

Section

2800.700 Special Exceptions - Requested in Advance

2800.710 Ex Post Facto Exceptions

2800.Appendix A Reimbursement Schedule

[EMERGENCY](#)

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of the State Finance Act [30 ILCS 105/12, 12-1, 12-2 and 12-3] and authorized by the Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 10476, effective July 1, 2003 for a maximum of 150 days.

Section 2800.Appendix A Reimbursement Schedule

[EMERGENCY](#)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

The following rates are effective for Agencies under the jurisdiction of the Board.

Type of Reimbursement	Rate
<u>Mileage</u>	
Auto	See Section 3000.300(f)(2) of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.300(f)(2))
Plane	\$0.40/mile
<u>Per Diem/Meals</u>	
Within the State of Illinois	
Breakfast	\$ 5.50
Lunch	\$ 5.50
Dinner	\$ 17.00
Per Diem -- Quarter	\$ 7.00
Per Diem -- Day	\$ 28.00
Outside the State of Illinois	
Breakfast	\$ 6.50
Lunch	\$ 6.50
Dinner	\$ 19.00
Per Diem -- Quarter	\$ 8.00
Per Diem -- Day	\$ 32.00
<u>Lodging</u>	
Chicago Metro County of Cook	See Section 3000.400(b) of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.400(b))
Counties of DuPage, Kane, Lake, McHenry, and Will	\$ 80.00
Downstate Illinois Counties of Champaign, Kankakee, LaSalle, McLean, Macon, Madison, Peoria, Rock Island, St. Clair, Sangamon,	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

Tazewell, and Winnebago	\$ 60.00 <u>70.00</u>
All other Downstate Counties	\$ 50.00 <u>60.00</u>
District of Columbia (includes the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince George's in Maryland)	See Section 3000.400(b) of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.400(b))
New York City (includes the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island; Nassau and Suffolk Counties)	\$110.00
All other out-of-state locations	\$ 90.00
Out-of-Country	Actual Reasonable

(Source: Emergency amendment at 27 Ill. Reg. 10476, effective July 1, 2003 for a maximum of 150 days)

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Numbers: Emergency Action:

25.20	Amendment
25.30	Amendment
25.35	Amendment
25.40	Amendment
25.80	Amendment
25.92	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendments: June 26, 2003
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: No
- 7) Date Filed with the Index Department: June 26, 2003
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency:

As the implementation date of the new requirements for the standard certificate nears, agency staff members have been receiving many inquiries not only about those requirements but also regarding a variety of related situations. It has become clear that current rules identifying which individuals qualify for which certificates, most particularly when the certificates sought are not their respective first certificates, are not readily understandable and that there are omissions that should be corrected. Some of these provisions were written when the two-tiered certification system was originally enacted, without the opportunity to consider all information that would be needed by teachers in differing situations. Clarification is needed to help distinguish between initial and standard certificates, as well as between first and subsequent certificates, whether initial or standard.

Recent conversations with representatives of teacher preparation institutions have emphasized the difficulty teachers and candidates are experiencing as they decide which

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

courses to enroll in for the near future. We are conscious of the expense and the investment of time and energy they are incurring. There is also currently an added level of concern due to the implications of the federal No Child Left Behind Act (NCLB), in that each individual needs to be assured that completion of state requirements will also fulfill the requirements for being considered “highly qualified”.

Further, Sections 25.30 and 25.40 as currently in effect provide that a major field of specialization is required through June 30, 2003, only. That ending date was set for those provisions some time ago as part of the transition to a standards-based system of teacher preparation. However, it has now become apparent that eliminating the explicit requirement for a major is contradictory to one of NCLB’s parameters for highly qualified teachers, creating an urgent need to reverse that elimination.

Along the same lines, new Section 25.92 (Visiting International Teacher Certificate) will resolve a problem related to NCLB that exists for some school districts that actively recruit foreign teachers to serve temporarily in Illinois. Such recruitment is ongoing but is now affected by the question of whether teachers coming from abroad can be considered highly qualified. To address this problem, U.S. Secretary of Education Paige has urged states to create a “separate category of full certification” and to “adapt state requirements to fit the circumstances applicable to foreign teachers.”

For the past several months, the uncertainty regarding the potential transfer of certification-related functions to a new independent standards board has made it problematic to begin rulemaking activity that might not be completed by the time a transfer occurred, and we were concerned with any appearance of attempting to preempt the decision-making of a new agency. Now that it has become clear that ISBE will retain these responsibilities at least for some additional period of time, we believe it is incumbent upon us to establish clear requirements for the benefit of teachers, institutions, regional superintendents, and school districts.

10) A Complete Description of the Subjects and Issues Involved:

Much of this material will serve to assure Illinois school districts that individuals they hire will be considered highly qualified under the federal No Child Left Behind Act (NCLB). For example, Section 25.92 establishes a new certificate for visiting international teachers who are recruited by Illinois districts to fill a need for qualified teachers. This is an initiative that responds to NCLB by providing a separate, full certificate to individuals whose preparation and background have been evaluated for comparability with Illinois’ requirements.

Another principal purpose of these amendments is to clarify and maintain in effect

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NOTICE OF EMERGENCY AMENDMENTS

current policies and practices for issuing elementary, secondary, special, and early childhood certificates and to make explicit how the requirements are applied to various groups of candidates, including those who are completing approved programs, those who come to Illinois with comparable credentials from other states or countries, and those who are seeking “subsequent” certificates, i.e., those that are not their first certificates. Within this context, ending dates for several provisions are being deleted so that those provisions will continue in effect for the foreseeable future. In particular, it would be counter to NCLB’s provisions to allow the requirement for a major to “sunset” this year as has previously been slated in Sections 25.30 and 25.40.

Finally, Sections 25.20 and 25.30 are being amplified to eliminate a point of confusion regarding professional education by reinserting specific coursework requirements in place of a cross-reference. This is not a substantive change and merely serves to state all applicable requirements for each certificate in one location.

11) Are there any proposed amendments to this Part pending? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
25.67	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.115	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.125	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.127	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.140	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.145	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.155	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.160	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.313	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.442	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.710	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.728	Amendment	27 Ill. Reg. 6432, April 18, 2003
25.Appendix D	Amendment	27 Ill. Reg. 6432, April 18, 2003

12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.

13) Information and questions regarding these amendments shall be directed to:

Lee Patton, Interim Director
 Certification and Professional Development
 Illinois State Board of Education
 100 North First Street

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

Springfield, Illinois 62777
(217) 782-4123

The full text of the emergency amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

SUBPART A: DEFINITIONS

Section

25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates

25.20 Requirements for ~~Initial~~ the Elementary Certificate

EMERGENCY

25.30 Requirements for ~~Initial~~ the Secondary Certificate

EMERGENCY

25.35 ~~Temporary Provisions for the~~ Acquisition of Subsequent ~~Standard~~ Certificates;

Removal of DeficienciesEMERGENCY

25.40 Requirements for ~~Initial~~ the Special K-12 Certificate

EMERGENCY

25.43 Standards for Certification of Special Education Teachers

25.45 Standards for the Standard Special Certificate--Speech and Language Impaired

25.50 General Certificate (Repealed)

25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
(Repealed)

25.65 Alternative Certification

25.67 Alternative Route to Teacher Certification

25.70 State Provisional Vocational Certificate

25.75 Part-time Provisional Certificates

25.80 Requirements for ~~Initial~~ the Early Childhood Certificate

EMERGENCY

25.85 Special Provisions for Endorsement in Foreign Language for Individuals
Currently Certified

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- 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
- 25.90 Transitional Bilingual Certificate and Examination
- [25.92 Visiting International Teacher Certificate](#)
- [EMERGENCY](#)
- 25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate
- 25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section

- 25.110 System of Approval: Levels of Approval (Repealed)
- 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
- 25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
- 25.125 Fifth-Year Review of the Educational Unit
- 25.127 Fifth-Year Review of Individual Programs
- 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
- 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001
- 25.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from Spring of 2002 through Spring of 2003
- 25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Transitional Requirements for Unit Assessment Systems
- 25.145 Approval of New Programs Within Recognized Institutions
- 25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Initial Recognition Procedures
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

- 25.210 Requirements for the Certification of School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 25.230 Requirements for the Certification of School Psychologists
- 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section

- 25.310 Definitions (Repealed)
- 25.311 Administrative Certificate
- 25.313 Alternative Route to Administrative Certification
- 25.315 Renewal of Administrative Certificate
- 25.320 Application for Approval of Program (Repealed)
- 25.322 General Supervisory Endorsement
- 25.330 Standards and Guide for Approved Programs (Repealed)
- 25.333 General Administrative Endorsement
- 25.344 Chief School Business Official Endorsement
- 25.355 Superintendent Endorsement

SUBPART F: GENERAL PROVISIONS

Section

- 25.400 Registration of Certificates; Fees
- 25.405 Military Service
- 25.410 Revoked Certificates
- 25.415 Credit in Junior College
- 25.420 Psychology Accepted as Professional Education
- 25.425 Individuals Prepared in Out-of-State Institutions
- 25.427 Three-Year Limitation
- 25.430 Institutional Approval
- 25.435 School Service Personnel Certificate--Waiver of Evaluations (Repealed)
- 25.437 Equivalency of General Education Requirements (Repealed)
- 25.440 Master of Arts NCATE
- 25.442 Illinois Teacher Corps Programs
- 25.444 Illinois Teaching Excellence Program
- 25.445 College Credit for High School Mathematics and Language Courses
- 25.450 Lapsed Certificates
- 25.455 Substitute Certificates
- 25.460 Provisional Special and Provisional High School Certificates
- 25.465 Credit
- 25.470 Meaning of Experience on Administrative Certificates

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- 25.475 Certificates and Permits No Longer Issued (Repealed)
- 25.480 Credit for Certification Purposes
- 25.485 Provisional Recognition of Institutions (Repealed)
- 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
- 25.493 Part-Time Teaching Interns
- 25.495 Approval of Out-of-State Institutions and Programs
- 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
OTHER NONCERTIFIED PERSONNEL

Section

- 25.510 Teacher Aides
- 25.520 Other Noncertificated Personnel
- 25.530 Specialized Instruction by Noncertificated Personnel
- 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section

- 25.610 Definitions
- 25.620 Student Teaching
- 25.630 Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

- 25.705 Purpose - Severability
- 25.710 Definitions
- 25.715 Test Validation
- 25.717 Test Equivalence
- 25.720 Applicability of Testing Requirement
- 25.725 Applicability of Scores
- 25.728 Use of Test Results by Institutions of Higher Education
- 25.730 Registration
- 25.732 Late Registration
- 25.733 Emergency Registration
- 25.735 Frequency and Location of Examination
- 25.740 Accommodation of Persons with Special Needs
- 25.745 Special Test Dates
- 25.750 Conditions of Testing

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

25.755	Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section	
25.800	Professional Development Required
25.805	Requirements of the Plan
25.810	State Priorities
25.815	Submission and Review of the Plan
25.820	Review of Approved Plan
25.825	Progress Toward Completion
25.830	Application for Renewal of Certificate(s)
25.832	Validity and Renewal of Master Certificates
25.835	Review of and Recommendation Regarding Application for Renewal
25.840	Action by State Teacher Certification Board; Appeals
25.845	Responsibilities of School Districts
25.848	General Responsibilities of LPDCs
25.850	General Responsibilities of Regional Superintendents
25.855	Approval of Illinois Providers
25.860	Out-of-State Providers
25.865	Awarding of Credit for Activities with Providers
25.870	Continuing Education Units (CEUs)
25.872	Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875	Continuing Professional Development Units (CPDUs)
25.880	“Valid and Exempt” Certificates; Proportionate Reduction; Part-Time Teaching
25.885	Funding; Expenses

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING
CERTIFICATE

Section	
25.900	Applicability of Requirements in this Subpart
25.905	Choices Available to Holders of Initial Certificates
25.910	Requirements for Induction and Mentoring

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NOTICE OF EMERGENCY AMENDMENTS

25.915	Requirements for Coursework on the Assessment of One's Own Performance
25.920	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
25.925	Requirements Related to Advanced Degrees
25.930	Requirements for Continuing Professional Development Units (CPDUs)
25.935	Additional Activities for Which CPDUs May Be Earned
25.940	Examination
25.945	Procedural Requirements

APPENDIX A	Statistical Test Equating - Certification Testing System
APPENDIX B	Certificates Available Effective February 15, 2000
APPENDIX C	Exchange of Certificates
APPENDIX D	National Board and Master Certificates

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002;

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

SUBPART B: CERTIFICATES

Section 25.20 Requirements for ~~Initial~~ the Elementary Certificate
EMERGENCY

- a) Each applicant shall either:
- ~~1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or~~
 - ~~2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11 (g) of this Part.~~
 - 1) have completed an approved Illinois teacher preparation program for the elementary certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study that, prior to May 1, 2000, were enumerated in subsection (b) of this Section, remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.

STATE BOARD OF EDUCATION

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- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Emergency amendment at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

Section 25.30 Requirements for ~~Initial~~ the Secondary Certificate
EMERGENCY

- a) Each applicant shall either:
 - ~~1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or~~
 - ~~2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11 (g) of this Part.~~
 - 1) have completed an approved Illinois teacher preparation program for the secondary certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met

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any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study that, prior to May 1, 2000, were enumerated in subsection (b) of this Section, remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experience.
- c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.
- d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required ~~through June 30, 2003~~.
- e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject-matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the secondary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Emergency amendment at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

Section 25.35 ~~Temporary Provisions for the~~ Acquisition of Subsequent ~~Standard~~ Certificates;
Removal of Deficiencies
EMERGENCY

~~Until October 1, 2003, the~~ The provisions of this Section shall apply when an individual who already holds one or more Illinois ~~standard~~ teaching certificates applies to receive an ~~elementary or high school~~ additional certificate through transcript evaluation.

- a) The applicant shall submit to the State Teacher Certification Board, through the office of a regional superintendent of schools:

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- 1) a completed application form;
 - 2) an official transcript of any college credits not already on file with the Certification Board;
 - 3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and
 - 4) the application fee required by Section 21-12 of the School Code.
- b) ~~An applicant shall qualify for the certificate in question if he or she demonstrates that he or she has met the professional education requirements that, prior to May 1, 2000, were enumerated in Section 25.20(b) or Section 25.30(b) of this Part, as applicable.~~
- e) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:
- 1) compare the applicant's deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part) or that addresses the content area, as applicable; and
 - 2) advise the applicant as to the coursework needed to remedy the deficiency.
- c)d) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the ~~tests of basic skills and subject matter knowledge on or before September 30, 2003~~ applicable tests in keeping with Sections 25.427 and 25.720 of this Part.

(Source: Emergency amendment at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

Section 25.40 Requirements for ~~Initial~~ the Special K-12 Certificate
EMERGENCY

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- a) Each applicant shall either:
- ~~1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or~~
 - ~~2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11 (g) of this Part.~~
 - 1) have completed an approved Illinois teacher preparation program for the special K-12 certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold a special K-12-or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, and submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
- b) ~~Through June 30, 2003, the professional education requirements for the initial special K-12 certificate (in semester hours) are:~~
- ~~1) A) Educational Psychology, including Human Growth and Development 2~~
 - ~~2) B) Methods and Techniques of Teaching in the area of specialization 2~~
 - ~~3) C) History and/or Philosophy of Education 2~~
 - ~~4) D) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of Specialization~~
 - ~~5) E) Coursework, equivalent to three semester hours, on the~~

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psychology of exceptional children, identification of exceptional children, and methods of teaching exceptional children; Learning Disabilities must be explicitly included in this coursework.

~~6)~~ F) Student Teaching in Area of Specialization and at K-12 Level 5

~~7)~~ G) Electives to Total 16 Semester Hours 5

(may include additional coursework in the areas enumerated in this subsection (a)(2) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials).

~~b)e)~~ Applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.

~~c)d)~~ Applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

~~d)e)~~ One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual's official transcript, shall be required ~~through June 30, 2003~~.

~~e)f)~~ Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the special certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Emergency amendment at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

Section 25.80 Requirements for ~~Initial~~ the Early Childhood Certificate
EMERGENCY

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- a) Each applicant shall either:
- ~~1) have completed an approved Illinois teacher preparation program or comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or~~
 - ~~2) hold a valid certificate issued by Illinois or another state and have less than four years of teaching experience as defined in Section 25.11 (g) of this Part.~~
 - 1) have completed an approved Illinois teacher preparation program for the early childhood certificate (see Subpart C of this Part); or
 - 2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Sections 25.425 and 25.495 of this Part); or
 - 3) hold a valid certificate of another type issued by Illinois, and submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.
- b) ~~Through June 30, 2003, the professional education requirements for the initial early childhood certificate (in semester hours) are:~~
- ~~1) A) Child growth and development with emphasis on the young child 3~~
 - ~~2) B) History and philosophy of early childhood education 3~~
 - ~~3) C) Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading instruction, mathematics, natural and social science 4~~
 - ~~4) D) Methods of teaching reading, with emphasis on the young child 2~~

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- | | | | |
|-----|---------------------|--|---|
| 5) | E) | Techniques and methodologies of teaching language arts, mathematics, science and social studies at the primary level | 4 |
| 6) | F) | The development and acquisition of language in young children
2 | |
| 7) | G) | Child, family and community relationships | 3 |
| 8) | H) | Coursework, equivalent to three semester hours, on the psychology of exceptional children, identification of exceptional children and methods of teaching exceptional children. Learning disabilities must be explicitly included in this coursework | 3 |
| 9) | I) | Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students | |
| 10) | J) | Student teaching | 5 |
| 11) | K) | Electives in professional education | 3 |
- b) [Each applicant shall have completed pre-student teaching clinical experiences \(see Section 25.610 of this Part\), except that applicants with teaching experience at the PreK-3 level, as verified by the employer, need not complete pre-student teaching clinical experience.](#)
- c) Those who have had five semester hours of student teaching at the primary grade level (~~K-3~~ [PreK-3](#)) and who have had teaching experience are not required to take another practicum at the preschool level. Applicants seeking this waiver shall secure official letters from the employing school district and/or the college or university documenting the nature and duration of their teaching and the grade level of their student teaching assignment.
- d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the early

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childhood certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

(Source: Emergency amendment at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

Section 25.92 Visiting International Teacher Certificate
EMERGENCY

The procedure and requirements described in this Section shall apply when Illinois school districts conduct formal recruitment programs outside the United States to secure the services of qualified teachers.

- a) The school district that is seeking to recruit teachers shall enter into a written agreement with the State Board of Education regarding its recruitment program, shall provide such assurances as the State Board may require regarding compliance with applicable procedures, training of representatives, and support for candidates employed under the program, and shall be responsible for preliminary verification that each candidate:
 - 1) holds the equivalent of a bachelor's degree issued in the U.S.;
 - 2) has been prepared as a teacher at the grade level for which he or she will be employed;
 - 3) has adequate content knowledge in the subject matter to be taught; and
 - 4) has an adequate command of the English language.
- b) A representative of the recruiting school district shall review the equivalence of each candidate's degree to a bachelor's degree earned in the U.S., the concentration of the candidate's coursework in the area of potential teaching assignment, and the grade levels for which the candidate has been prepared, using reports of foreign educational systems furnished by the National Association of Foreign Student Affairs (AFSA) and the American Association of Collegiate Registrars and Admission Officers (AACRAO).
- c) A representative of the recruiting school district who has been trained by the State

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Board of Education or its designee in the use of the required instruments shall:

- 1) administer the Nelson-Denny Reading Assessment to evaluate each candidate's English-language vocabulary and reading comprehension against a passing score expressed as the grade-level equivalent of 10.7; and
 - 2) administer the Oral Proficiency Interview described in "ACTFL Proficiency Guidelines – Speaking" (1999), published by the American Council on the Teaching of Foreign Languages (ACTFL), 6 Executive Plaza, Yonkers, NY 10701 (no later amendments to or editions of these standards are incorporated) and evaluate the candidate's oral English-language proficiency against a minimum passing score of 2+ (Advanced Plus) on the rating rubric of the ACTFL.
- d) The recruiting school district shall provide a report to the State Board of Education outlining the district's conclusions regarding each candidate whose eligibility it considers to have been verified. This report shall provide or summarize at least:
- 1) the information that has led the district to conclude that the individual's degree should be considered the equivalent of a bachelor's degree earned in the U.S.;
 - 2) how the district has identified the grade levels for which the individual has been prepared;
 - 3) the information that has led the district to conclude that the coursework completed by the individual is at least comparable to a major in the field of specialization and that the individual has passed an examination that provides evidence of subject-matter competency; and
 - 4) the scores achieved by the candidate on the Nelson-Denny Reading Assessment and the Oral Proficiency Interview.
- e) Either the recruiting district or the candidate shall furnish to one of the evaluation services identified in Section 25.425(f) of this Part the candidate's university transcript, his or her diploma reflecting the degree granted, and his or her results from the comprehensive terminal examination or the periodic formal examinations required by the university where he or she completed teacher preparation, as applicable, along with translations of all these materials into

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English.

- f) The recruiting school district shall review and analyze the procedures that exist in the country where recruitment is being conducted for ascertaining individuals' criminal history. The district shall provide the State Board of Education with a description of those procedures and shall affirm:
- 1) that the procedures have, to the district representative's knowledge, been performed with respect to each potential candidate; and
 - 2) that no candidate recommended by the district as potentially eligible to teach in Illinois would be disqualified under Section 10-21.9(c) of the School Code.
- g) Upon receipt of the information and documents identified in subsections (d) and (f) of this Section, confirmation of the individual's eligibility from the evaluation service to which credentials were submitted under subsection (e) of this Section, and an application for the certificate from the individual, accompanied by the fee required by Section 21-12 of the School Code, the State Board of Education shall issue a Visiting International Teacher Certificate endorsed for the field and grade levels the individual is qualified to teach. He or she shall not be required to pass any test that forms part of the Illinois Certification Testing System (see Subpart I of this Part) in order to qualify for this certificate. An individual may receive an additional endorsement on the Visiting International Teacher Certificate to teach his or her native language even if he or she was not prepared as a teacher of that language, provided that it was the language of instruction in the program completed.
- h) The Visiting International Teacher Certificate shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable. The certificate-holder shall pay the fee required by Section 21-16 of the School Code to register the certificate with the regional superintendent in the region where the teaching will be done.

(Source: Emergency rule added at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Numbers: Emergency Action:
3000.1071 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10] (specifically 230 ILCS 10/5(b)(4) and 5(c)(3) and Public Act
- 5) Effective Date of Amendments: June 30, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: No
- 7) Date Filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office in Chicago and is available for inspection.
- 9) Reason for Emergency: The General Assembly amended effective July 1, 2003 the tax rate and admission tax and fee paid by riverboat gaming operations to the State of Illinois. These amendments implement immediately those changes, thereby allowing the collection of taxes and fees at the correct rates.
- 10) A Complete Description of the Subjects and Issues Involved: The General Assembly passed Senate Bill 1606 and 1607 on May 31, 2003. Senate Bill 1606 became Public Act 93-0027 and Senate Bill 1607 became Public Act 93-0028 upon approval by the Governor on June 20, 2003. Senate Bill 1606 amends Section 13 of the Riverboat Gambling Act, 230 ILCS 10/13, to change the tax paid by riverboat gaming operations to the State of Illinois and to create the Common School Fund. Senate Bill 1607 amends Section 12 of the Riverboat Gambling Act, 230 ILCS 10/12, to change the admission tax paid by riverboat gaming operations and creates an admission fee to be paid by license managers, as described in Section 7.3 of the Riverboat Gambling Act, 230 ILCS 10/7.3. This emergency amendment is necessary in order to ensure collection pursuant to the new tax rates, admission tax and admission fee rates.
- 11) Are there any other proposed amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
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3000.100	Amendment	27 Ill. Reg. 5640
3000.140	Amendment	27 Ill. Reg. 5640
3000.165	Amendment	27 Ill. Reg. 5640
3000.200	Amendment	27 Ill. Reg. 5640
3000.210	Amendment	27 Ill. Reg. 5640
3000.270	Amendment	27 Ill. Reg. 5640
3000.272	New Section	27 Ill. Reg. 5640
3000.285	New Section	27 Ill. Reg. 5640
3000.320	Amendment	27 Ill. Reg. 5640
3000.600	Amendment	27 Ill. Reg. 5640
3000.635	Amendment	27 Ill. Reg. 5640
3000.636	Amendment	27 Ill. Reg. 5640
3000.640	Amendment	27 Ill. Reg. 5640
3000.655	Amendment	27 Ill. Reg. 5640
3000.660	Amendment	27 Ill. Reg. 5640
3000.661	New Section	27 Ill. Reg. 5640
3000.665	Amendment	27 Ill. Reg. 5640
3000.666	Amendment	27 Ill. Reg. 5640
3000.667	New Section	27 Ill. Reg. 5640
3000.670	Amendment	27 Ill. Reg. 5640
3000.671	New Section	27 Ill. Reg. 5640
3000.756	Amendment	27 Ill. Reg. 5640
3000.770	Amendment	27 Ill. Reg. 5640
3000.800	Amendment	27 Ill. Reg. 5640
3000.1010	Amendment	27 Ill. Reg. 5640
3000.1050	Amendment	27 Ill. Reg. 5640
3000.1060	Amendment	27 Ill. Reg. 5640

12) Statement of Statewide Policy Objectives: The General Assembly amended the tax rate and admission tax paid by riverboat gaming operations to the State of Illinois. These amendments implement immediately those changes, thereby allowing the collection of taxes at the correct rates.

13) Information and questions regarding these amendments should be directed to:

Chief Legal Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, Illinois 60601
(312) 814-4700; FAX (312) 814-8798

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The full text of the emergency amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation

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3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section

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3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips and Tokens

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3000.660	Minimum Standards for Electronic Gaming Devices
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section

3000.700	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy
3000.710	Distribution and Availability of Exclusion Lists
3000.720	Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from Exclusion List
3000.750	Establishment of an Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Owner Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.785	Appeal of a Notice of Denial of Removal
3000.790	Duties of the Board

SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900	Liquor Control Commission
3000.910	Liquor Licenses

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- 3000.920 Disciplinary Action
- 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

- 3000.1000 Ownership Records
- 3000.1010 Accounting Records
- 3000.1020 Standard Financial and Statistical Records
- 3000.1030 Annual and Special Audits and Other Reporting Requirements
- 3000.1040 Accounting Controls Within the Cashier's Cage
- 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
- 3000.1060 Handling of Cash at Gaming Tables
- 3000.1070 Tips or Gratuities
- 3000.1071 Admission Tax and Wagering Tax

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- 3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

- 3000.1100 Coverage of Subpart
- 3000.1105 Duty to Maintain Suitability
- 3000.1110 Board Action Against License or Licensee
- 3000.1115 Complaint
- 3000.1120 Appearances
- 3000.1125 Answer
- 3000.1126 Appointment of Hearing Officer
- 3000.1130 Discovery
- 3000.1135 Motions for Summary Disposition
- 3000.1139 Subpoena of Witnesses
- 3000.1140 Proceedings
- 3000.1145 Evidence
- 3000.1146 Prohibition of Ex Parte Communication
- 3000.1150 Sanctions and Penalties
- 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a

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maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective 1/8/01; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days.

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1071 Admission Tax and Wagering Tax

EMERGENCY

- a) Each holder of an Owner's license ("licensee") and licensed manager ("manager") is subject to tax and fee liability assessment for each Gaming Day for the Admission Tax, Admission Fee and the Wagering Tax as imposed under the Act.
- b) Admission Taxes and Fees and Wagering Taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each licensee and manager shall maintain an account with sufficient funds to pay, in a timely fashion, all tax and fee liabilities due under the Act. The account shall be maintained at a financial institution capable of making payments to the State under the electronic funds transfer requirements imposed by the State.
- c) Admission Taxes and Fees and Wagering Tax liability shall be established on the basis of a Gaming Day. Each licensee and manager shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day

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for that licensee or manager. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24 hour period selected in advance by the licensee or manager.

- d) The Administrator shall prescribe and make available to each licensee and manager forms, instructions and reporting requirements for Admission Taxes and Fees and Wagering Taxes. The required forms include the Daily Tax and Fee Schedules. The Daily Tax and Fee Schedules may be provided by the Administrator to licensees and managers in computer-based format and include a computer program that, upon input by the licensee and manager of requisite data, provides for the calculation of tax and fee reporting information and tax and fee liability. Daily Tax and Fee Schedules shall be completed for each Gaming Day. The monthly float adjustment shall be completed on the Daily Tax and Fee Schedule for the final Gaming Day of each month.
- e) The Daily Tax and Fee Schedules must be filed with the Board no later than 12:00 noon on the Due Date. Admission Taxes and Fees and Wagering Tax payments shall be transferred electronically on the Due Date to the Board's designated financial institution by the end of that financial institution's business day. For purposes of tax and fee schedules and tax and fee payments, the Due Date shall be defined as one bank business day after the close of the Gaming Day for which the liability is established. For example, if the Gaming Day of a licensee or manager ends at 2:00 a.m. on a Tuesday (i.e., the end of a Gaming Day that began on Monday), the Due Date is the Wednesday which follows, unless that Wednesday is not a bank business day, in which case the subsequent bank business day is the Due Date.
- f) The Admission Tax for a Gaming Day shall be calculated and imposed as provided in Section 12 of the Act. *Until July 1, 2002, the rate is \$2 per person admitted. From Beginning July 1, 2002 until July 1, 2003, the rate is \$3 per person admitted. Beginning July 1, 2003, for a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is \$3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is \$4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is \$5 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling. The admission tax shall be paid for each admission. [230 ILCS 10/12(a)]*
- g) The Admission Fee for a Gaming Day shall be calculated and imposed as

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provided in Section 12 of the Act. For a licensee that admitted 1,000,000 persons or fewer in the previous calendar year, the rate is \$3 per person admitted; for a licensee that admitted more than 1,000,000 but no more than 2,300,000 persons in the previous calendar year, the rate is \$4 per person admitted; and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is \$5 per person admitted. This admission fee is imposed upon admissions operated by managers on behalf of the State pursuant to Section 7.3 of the Act. The admission fee shall be paid for each admission, except for the fee-free passes issued to actual and necessary officials and employees of the manager or other persons as provided in the Act. [230 ILCS 10/12(a-5)]

hg) For any Gaming Day that commences after December 31, 1997 and ends on July 1, 2002, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 15% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 20% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 3) 25% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 4) 30% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000; and
- 5) 35% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000.

ih) For any Gaming Day that commences on or after July 1, 2002 and ends on July 1, 2003, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 15% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 22.5% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$50,000,000;

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- 3) 27.5% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$75,000,000;
- 4) 32.5% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 5) 37.5% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000 but not exceeding \$150,000,000;
- 6) 45% of the calendar year Adjusted Gross Receipts in excess of \$150,000,000 but not exceeding \$200,000,000; and
- 7) 50% of the calendar year Adjusted Gross Receipts in excess of \$200,000,000.

j) For any Gaming Day that commences on or after July 1, 2003, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 15% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 27.5% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$37,500,000;
- 3) 32.5% of the calendar year Adjusted Gross Receipts in excess of \$37,500,000 but not exceeding \$50,000,000;
- 4) 37.5% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 5) 45% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
- 6) 50% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000 but not exceeding \$250,000,000; and
- 7) 70% of the calendar year Adjusted Gross Receipts in excess of \$250,000,000.

k) The Wagering Tax imposed under subsection (j) above shall no longer be

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imposed beginning the earlier of (1) July 1, 2005; (ii) the first date after July 1, 2003 that riverboat gambling operations are conducted pursuant to a non-operating or dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under Section 7 of the Act.

- l) Beginning on the first day on which the tax imposed under subsection (j) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:
- 1) 15% of annual adjusted gross receipts up to and including \$25,000,000;
 - 2) 22.5% of annual adjusted gross receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
 - 3) 27.5% of annual adjusted gross receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
 - 4) 32.5% of annual adjusted gross receipts in excess of \$75,000,000 but not exceeding \$100,000,000;
 - 5) 37.5% of annual adjusted gross receipts in excess of \$100,000,000 but not exceeding \$150,000,000;
 - 6) 45% of annual adjusted gross receipts in excess of \$150,000,000 but not exceeding \$200,000,000;
 - 7) 50% of annual adjusted gross receipts in excess of \$200,000,000.
- m) Riverboat gambling operations conducted by a manager on behalf of the State are not subject to the wagering tax imposed under Section 13 of the Act.
- ni) Daily Tax and Fee Schedules shall include all information necessary for adjustments and reconciliation of tax and fee liability and shall be subject to audit by the Board and its audit agents. Adjustments to previously reported tax and fee information shall be made by the licensee, except that no adjustment of \$25,000 or more shall be made to previously reported Adjusted Gross Receipts without the prior written approval of the Administrator or the Administrator's designee.

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- o) Any adjustment for a Gaming Day which commenced on or before December 31, 1997, shall be authorized by the Administrator or the Administrator's designee, and shall be taxed at a rate of 20% of Adjusted Gross Receipts. Any adjustment for a Gaming Day that commences after December 31, 1997, shall be taxed at the graduated tax or fee rate applicable to the Gaming Day upon which the adjustment is effected.
- p) In the event that a Daily Tax and Fee Schedule for a specific Gaming Day properly reflects a net wagering loss experienced by the licensee or manager, an adjustment for the amount of any remaining net wagering loss (negative Adjusted Gross Receipts) shall be carried forward on the subsequent Daily Tax and Fee Schedules until such loss is offset by Gaming win (positive Adjusted Gross Receipts).
- q) All Admission Taxes and Fees and Wagering Taxes paid pursuant to the requirements of the Act shall be deposited by the Board into the State Gaming Fund or Common School Fund. The Board shall from time to time transfer excess funds in the State Gaming Fund to the Education Assistance Fund. The Board shall determine the amount of excess funds subject to transfer to the Common School Fund based upon the addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (j) were not in effect. The Board shall determine the amount of excess funds subject to transfer based upon the difference between the State Gaming Fund balance and the outstanding obligations, including any outstanding share of Admission and Wagering taxes due to local governments, the Horse Racing Equity Fund, a home rule county with a population over 3,000,000, and the Chicago State University Universities Athletic Capital Improvement Fund. The Administrator will be responsible for calculating the allocation of the Admission Taxes and Fees and Wagering Taxes between the State and the unit of local government designated as the home dock of the Riverboat and the other required allocations, as provided in the Act. Payments for Admission Taxes and Fees shall be made by the Board to units of local government quarterly, and payments for Wagering Taxes and all other payments, other than the Common School Fund, shall be made monthly, by voucher/warrant, subject to appropriation.
- r) A licensee's or manager's failure to comply with the provisions of this Section may subject the licensee or manager to penalty and interest amounts pursuant to the Uniform Penalty and Interest Act [35 ILCS 735]. The Administrator is authorized to waive any penalty and interest for the late filing of a tax schedule or late tax payment, if the licensee or manager can show good cause. "Good cause"

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shall include, but not be limited to, detection and correction of a deficiency in filing or payment that resulted from a documented inadvertent or unintentional error that was corrected within one business day after the applicable Due Date. The licensee [or manager](#) shall be notified by the Administrator in writing of any penalty or interest payable because of a late tax schedule filing or late tax payment. The licensee [or manager](#) may, within 10 business days after receiving the notice, file a written request for a waiver with the Administrator. The Administrator shall act on the request for waiver and notify the licensee [or manager](#) in writing of the decision within 15 calendar days after receiving the request. If the Administrator fails to act within the 15 day period the waiver is deemed granted. If the Administrator denies the request for waiver the licensee [or manager](#) may ask the Board for a hearing. The request for hearing must be in writing and filed not later than 15 calendar days after receipt of the notice of denial. Except as provided in this subsection (I), the provisions for hearings under Subpart D shall apply to any hearing conducted under this Section. A hearing under this Section is not a disciplinary hearing under Subpart K of this Part.

(Source: Amended by emergency rulemaking at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days.)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Aircraft Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 152
- 3) Section Numbers: Emergency Action:
152.101 New Section
152.105 New Section
152.110 New Section
152.115 New Section
- 4) Statutory Authority: Implementing and authorized by Public Act 93-0024, effective July 1, 2003.
- 5) Effective Date of Emergency Rulemaking: July 1, 2003
- 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 rule will expire at the end of the 150-day period.
- 7) Date filed with the Index Department: July 1, 2003
- 8) A copy of the emergency rulemaking, 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: Public Act 93-0024, which enacts the Aircraft Use Tax, is effective July 1, 2003. In order to implement this tax, it is necessary to have the regulations effective immediately.
- 10) A Complete Description of the Subjects and Issues Involved: These rules describe the filing of returns, payment of tax and transactions that are taxable.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Rulemaking shall be directed to:

Melanie A. Jarvis
Associate Counsel

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 152
AIRCRAFT USE TAX

Section

152.101 Nature of the Aircraft Use Tax

EMERGENCY

152.105 Basis and Rate of the Tax

EMERGENCY

152.110 Returns and Payment

EMERGENCY

152.115 Nontaxable Transactions

EMERGENCY

AUTHORITY: Implementing and authorized by Public Act 93-0024, effective July 1, 2003.

SOURCE: Emergency rules adopted at 27 Ill. Reg. 10518, effective July 1, 2003, for a maximum of 150 days.

Section 152.101 Nature of the Aircraft Use Tax

EMERGENCY

- a) The Aircraft Use Tax is a privilege tax imposed on the privilege of using, in this State, aircraft as defined in Section 3 of the Illinois Aeronautics Act. The tax applies to aircraft acquired by gift, transfer, or non-retail purchase after June 30, 2003. The tax is imposed on the use of aircraft in this State regardless of whether the aircraft is actually registered under the Illinois Aeronautics Act. Examples:
- 1) An aircraft that is acquired by non-retail purchase outside of Illinois prior to June 30, 2003 and is brought into Illinois after June 30, 2003 is not subject to the tax imposed by this Part.
 - 2) Fractional share ownership in an aircraft would be subject to tax if the plane were used in Illinois.
 - 3) A multi-state corporation leases a corporate aircraft from a related entity to transport its corporate executives on business travel throughout the United States. The aircraft is registered and hangered outside Illinois. As part of a corporate restructure ownership of the aircraft will be moved to a

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new entity. The transfer of both possession and ownership of the aircraft will occur outside Illinois after June 30, 2003 and the transfer of the aircraft to the new entity will qualify as a tax-free capital contribution under the Internal Revenue Code. After completion of this restructuring the aircraft will be based in Illinois. This transfer is a taxable event in Illinois and Aircraft Use Tax is incurred.

- b) "Aircraft" means any device used or designed to carry humans in flight as specified by the Department of Transportation by rule. All devices required to be licensed as "aircraft" by the Federal Aviation Administration (FAA) on the effective date of this amendatory Act of 1995 are "aircraft". 620 ILCS 5/3 Under Department of Transportation rules, aircraft is defined to mean any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air. 93 Ill. Adm. Code 14.10.

Section 152.105 Basis and Rate of the Tax

EMERGENCY

- a) The rate of tax shall be 6.25% of the selling price for each non-retail purchase of aircraft that qualifies under this Part.
- b) Tax shall be imposed on the selling price of an aircraft. However, the selling price shall not be less than the fair market value of the aircraft on the date the aircraft is purchased or the date the aircraft is brought into the State, whichever is later. Trade-ins are not allowed to be credited against the tax base.
- c) For purposes of calculating the tax due when an aircraft is acquired by gift or transfer, the tax shall be imposed on the fair market value of the aircraft on the date the aircraft is acquired or the date the aircraft is brought into the State, whichever is later.
- d) For purposes of this Section, "selling price" means the consideration received for an aircraft subject to the tax imposed by this Section valued in money, whether received in money or otherwise, including cash, credits, service or property. In the case of gifts or transfers without reasonable consideration, "selling price" shall be deemed to be the fair market value as determined by the Department or the Department's vendor. For the purpose of assisting in determining the validity of the "selling price" reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: the selling price stated on the return; the aircraft identification number; the year, the make, and the model

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name or number of the aircraft; the purchase date; and the hours of operation (Section 10-30). Hours of operation means aircraft hours or airframe hours.

Section 152.110 Returns and Payment

EMERGENCY

- a) The purchaser, donee or transferee shall file a return signed by the purchaser, donee and transferee with the Department of Revenue on a form prescribed by the Department. The Department may request that the FAA bill of sale and the purchase agreement or invoice be filed with the return.
- b) The return and payment from the purchaser, donee, or transferee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the aircraft is brought into the State, whichever is later.
- c) Such return and payment shall be a condition to securing registration of the aircraft from the Division of Aeronautics of the Department of Transportation.

Section 152.115 Nontaxable Transactions

EMERGENCY

- a) The tax does not apply:
 - 1) if the use of the aircraft is otherwise taxed under the Use Tax Act;
 - 2) if the aircraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. An active Department issued exemption number is required to document this exemption;
 - 3) if the use of the aircraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multistate taxation; or
 - 4) if the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.
- b) Certification required to document exemption. A claim that a transaction is nontaxable under this Section must be supported by a certification indicating either payment of Use Tax, an active Department issued exemption number or

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surviving spouse beneficiary information. The certificate must be executed by the transferee, purchaser or donee and submitted at the time of filing the return. The Department may include the certification on the return. The certification must include the transferor, seller, or donor's name and address, the transferee, purchaser or donee's name and address, and a statement that describes the nature of the exemption.

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- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers: Emergency Action:
440.90 Amendment
- 4) Statutory Authority: 35 ILCS 130
- 5) Effective Date of Emergency Amendment: July 1, 2003
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendment, 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: Public Act 93-0022 amended the provisions of the Cigarette Tax Act effective July 1, 2003. In order to implement and administer these provisions, rules are necessary to inform taxpayers of the new provisions. Therefore, immediate adoption of these regulations is essential to the public interest.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Cigarette Tax Act to provide that beginning July 1, 2003 all payments for cigarette tax stamps must be made by means of electronic funds transfer. The 30-day "float" procedure, which allows cigarette stamps to be purchased by means of a draft that is postdated 30 days, is no longer allowed.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 440
CIGARETTE TAX ACT

Section

440.10	Nature and Rate of Tax
440.20	Tax--How Paid
440.30	Tax--Who Liable For
440.40	Design
440.50	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.60	Tax Stamps--How Affixed
440.70	Tax Stamps--Affixed Out of State
440.80	Transporter Permits
440.90	Tax Stamps--Purchase of: Cost: Discount
<u>EMERGENCY</u>	
440.100	Returns Required: When Filed
440.110	Books and Records: Examination: Preservation
440.120	Unused Stamps and Meter Units: Sale of: Notice to Department
440.130	Mutilated Stamps
440.140	Tax Meters (Repealed)
440.150	Tax Meter Machine Settings (Repealed)
440.160	Vending Machines
440.170	Sales Out of Illinois
440.180	Sales to Governmental Bodies
440.190	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax Payment Affixed
440.200	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund
440.240	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16,

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1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14748, effective December 8, 1999; amended at 24 Ill. Reg. 9903, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10752, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17793, effective November 28, 2000; amended at 25 Ill. Reg. 933, effective January 8, 2001; emergency amendment at 26 Ill. Reg. 9021, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1618, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10524, effective July 1, 2003, for a maximum of 150 days.

Section 440.90 Tax Stamps--Purchase of: Cost: Discount
EMERGENCY

- a) Sales of stamps shall be made by the Department, or any person authorized by the Department, to licensed distributors in proper denominations, subject to discounts as explained in subsection (b) of this Section, which discount shall be allowed at the time of purchase of the stamps, when purchase is required by the Act.
- b) The discount allowable to distributors at the time of purchasing stamps during any year commencing July 1 and ending the following June 30 *shall be equal to 1.75% of the amount of the tax payable under the Cigarette Tax Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.* (Section 2 of the Act)
- c) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.
- d) *On and after December 1, 1985 and until July 1, 2003, the* ~~The~~ Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes (i.e., a standard bank draft which the distributor may post-date), and which shall be payable within 30 days thereafter. Beginning January 1, 2003, such draft shall be payable by means of electronic funds transfers, as provided in 86 Ill. Adm. Code Part 750. A distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable for a penalty equal to 25% of the amount of such draft. (Section 3 of the Act)

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- e) On and after December 1, 1985 and until July 1, 2003, distributors ~~Distributors~~ making payment for stamps at the time of purchase by draft as explained in subsection (d) shall first file with the Department, and receive the Department's approval of, a bond (in a form provided for in this subsection), which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted in this subsection. (Section 3 of the Act) For additional information concerning the exemption for prior continuous compliance taxpayers, see Section 3 of the Act.
- f) Beginning January 1, 2003, and through June 30, 2003, any taxpayer choosing not to make payment of tax by means of a draft payable within 30 days as provided for in subsection (d), and who has an annual tax liability of \$200,000 or more shall make all payments of that tax by means of electronic funds transfer, as provided in 86 Ill. Adm. Code 750. [20 ILCS 2505/2505- 210] On and after July 1, 2003, all payment for revenue tax stamps must be made by means of electronic funds transfer. (Section 3 of the Act)
- g) The Department may refuse to sell cigarette tax stamps to any person who does not comply with the provisions of the Cigarette Tax Act. (Section 3 of the Act)

(Source: Emergency amendment at 27 Ill. Reg. 10524, effective July 1, 2003, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Cigarette Use Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 450
- 3) Section Numbers: Emergency Action:
450.10 Amendment
- 4) Statutory Authority: 35 ILCS 135
- 5) Effective Date of Emergency Amendment: July 1, 2003
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendment, 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: Public Act 93-0022 amended the Cigarette Use Tax Act effective July 1, 2003. In order to implement and administer these provisions, rules are necessary to inform taxpayers of the new provisions. Therefore, immediate adoption of these regulations is essential to the public interest.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the legislative changes to the Cigarette Use Tax Act. The legislation provided that all payments for Cigarette Use Tax stamps must be made by electronic funds transfer. The 30-day "float" procedure, which allows cigarette stamps to be purchased by means of a draft that is postdated 30 days, is no longer allowed.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 450
CIGARETTE USE TAX ACT

Section

450.10	Nature and Rate of Tax
EMERGENCY	
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and Permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Credit for Stamps that Are Damaged, Unused, Destroyed or on Packages Returned to the Manufacturer
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund
450.130	Protest Procedures

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14753, effective December 8, 1999; amended at 24 Ill. Reg. 9909, effective June 23, 2000; emergency amendment at 24 Ill. Reg. 10759, effective July 6, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 17800, effective November 28, 2000; amended at 25 Ill. Reg. 937, effective January 8, 2001; amended at 26 Ill. Reg. 9027, effective June 10, 2002, for a maximum of 150 days; emergency expired November 5, 2002; amended at 27 Ill. Reg. 1647, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 10529, effective July 1, 2003, for a maximum of 150 days.

Section 450.10 Nature and Rate of Tax

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EMERGENCY

- a) The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 29 mills per cigarette so used or 58 cents on a package of 20 cigarettes; except that, beginning July 1, 2002, the tax rate is 49 mills per cigarette or 98 cents on a package of 20 cigarettes.
- b) The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by the distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- c) Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130] (the Act), but who are subject to the Cigarette Use Tax Act [35 ILCS 135], must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering the cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages that are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath the outside wrapper.
 - 1) *On and after July 22, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act [35 ILCS 135], the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner. (Section 3 of the Cigarette Use Tax Act)*

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- 2) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- 3) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- 4) *On and after June 13, 2000, no stamp or imprint may be affixed to, or made upon, any package of cigarettes that:*
 - A) *bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including but not limited to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording; or*
 - B) *does not comply with:*
 - i) *all requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States, including but not limited to the precise warning labels specified in the federal Cigarette Labeling and Advertising Act, 15 USC 1333; and*
 - ii) *all federal trademark and copyright laws;*
 - C) *is imported into the United States in violation of 26 USC 5754 or any other federal law or implementing federal regulations;*
 - D) *the person affixing the stamp or imprint otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States;*

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- E) *for which there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of the cigarettes required by the federal Cigarette Labeling and Advertising Act, 15 USC 1335a; or*
- F) *has been altered, prior to sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure:*
- i) *any statement, label, stamp, sticker, or notice described in 86 Ill. Adm. Code 440.50(k)(1); or*
 - ii) *any health warning that is not specified in, or does not conform with the requirements of, the federal Cigarette Labeling and Advertising Act, 15 USC 1333 (Section 3-10 of the Act)*
- 5) On and after July 15, 2000, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) of this Section and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.
- 6) On and after July 31, 2000, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (c)(4) of this Section and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.
- 7) *On and after June 13, 2000, on the first business day of each month, each person licensed to affix the State tax stamp to cigarettes shall file with the Department, for all cigarettes imported into the United States to which the person has affixed the tax stamp in the preceding month.*
- 8) *A copy of:*

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- A) *the permit issued pursuant to the Internal Revenue Code, 26 USC 5713, to the person importing the cigarettes into the United States allowing the person to import the cigarettes; and*
 - B) *the customs form containing, with respect to the cigarettes, the internal revenue tax information required by the U.S. Bureau of Alcohol, Tobacco and Firearms.*
- 9) *A statement, signed by the person under penalty of perjury, which shall be treated as confidential by the Department and exempt from disclosure under the Freedom of Information Act, identifying the brand and brand styles of all such cigarettes, the quantity of each brand style of such cigarettes, the supplier of such cigarettes, and the person or persons, if any, to whom such cigarettes have been conveyed for resale*
- 10) *In addition to the statement required in subsection (c)(9) of this Section, a separate statement, signed by the individual under penalty of perjury, which shall not be treated as confidential or exempt from disclosure, separately identifying the brands and brand styles of such cigarettes.*
- 11) *In addition to the statement required in subsection (c)(9) and (c)(10) of this Section, a separate statement, signed by an officer of the manufacturer or importer under penalty of perjury, certifying that the manufacturer or importer has complied with:*
- A) *the package health warning and ingredient reporting requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1333 and 1335a, with respect to such cigarettes; and*
 - B) *the provisions of Exhibit T of the Master Settlement Agreement entered in the case of People of the State of Illinois v. Philip Morris, et al. (Circuit Court of Cook County, No. 96-L13146), including a statement indicating whether the manufacturer is, or is not, a participating tobacco manufacturer within the meaning of Exhibit T.*
- 12) *The Department may revoke or suspend the license or licenses of any distributor, in the manner provided in Section 6 of the Cigarette Use Tax Act, if the Department determines that the distributor knew or had reason to know that the distributor was committing any of the acts prohibited in subsection (c)(4) of this Section or had failed to comply with any of the*

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requirements of subsection (b) of Section 3-10 of the Cigarette Use Tax Act. In addition, the Department may impose on the distributor a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes involved or \$5,000. Cigarettes acquired, held, owned, possessed, transported in, imported into, or sold or distributed in this State in violation of subsection (c)(4) of this Section shall be subject to seizure and forfeiture whether the violation is knowing or otherwise. (Section 3-10 of the Act)

- d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax that he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been collected is required or authorized by the Act, the distributor will be allowed a discount during any year commencing July 1 and ending the following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by the distributor to the Department during any year and 1.5% of the amount of any additional tax paid by the distributor to the Department during any such year.
- e) This discount is to cover the distributor's cost of collecting the tax.
- f) Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.
- g) *On and after December 1, 1985, and until July 1, 2003 the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes (i.e. a standard bank draft which the distributor may post-date), and which shall be payable within 30 days thereafter: Beginning January 1, 2003, such draft shall be payable by means of electronic funds transfer, as provided in 86 Ill. Adm. Code 750. A distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable for a penalty equal to 25% of the amount of such draft. (Section 3 of the Act)*
- h) *On and after December 1, 1985, and until July 1, 2003, distributors ~~Distributors~~ making payment for stamps at the time of purchase by draft as explained in*

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subsection (g) shall first file with the Department, and receive the Department's approval of, a bond (in a form provided for in this subsection), which is in addition to the bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted in this subsection. (Section 3 of the Act) For additional information concerning the exemption for prior continuous compliance taxpayers, see Section 3 of the Act.

- i) *Beginning January 1, 2003, and through June 30, 2003, any taxpayer choosing not to make payment of tax by means of a draft payable within 30 days as provided for in subsection (g) and who has an annual tax liability of \$200,000 or more shall make all payments of that tax by means of electronic funds transfer, as provided in 86 Ill. Adm. Code 750. On and after July 1, 2003, all payment for revenue tax stamps must be made by means of electronic funds transfer. (Section 3 of the Act)*
- j) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by the distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same transactions in the case of sales of cigarettes in Illinois.
- k) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.
- l) Where cigarettes are acquired for use in this State without Illinois tax stamps

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being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of the original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Before January 1, 2002, the tax shall be remitted to the Department by the user within 3 days after he acquires the cigarettes. On and after January 1, 2002, the tax shall be remitted to the Department by the user within 30 days after he acquires the cigarettes.

- m) *The Department may refuse to sell cigarette stamps to any person who does not comply with the provisions of the Cigarette Use Tax Act. (Section 3 of the Act)*

(Source: Emergency amendment at 27 Ill. Reg. 10529, effective July 1, 2003, for a maximum of 150 days)

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- 1) Heading of the Part: Coin-Operated Amusement Device and Redemption Machine Tax
- 2) Code Citation: 86 Ill. Adm. Code 460
- 3) Section Numbers: Emergency Action:
460.101 Amendment
460.105 Amendment
460.110 Amendment
- 4) Statutory Authority: 35 ILCS 510
- 5) Effective Date of Emergency Amendment: July 1, 2003
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendment, 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 Coin-Operated Amusement Device and Redemption Machine Tax Act was amended effective July 1, 2003 by Public Act 93-0032. In order to implement and administer these provisions, rules are necessary to inform taxpayers of the new provisions.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Coin-Operated Amusement Device and Redemption Machine Tax Act to reflect the new tax rate and new procedures for privilege tax decals. It also provides that there will be no part-year privilege tax decals.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Martha P. Mote
Associate Counsel

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 460

COIN-OPERATED AMUSEMENT DEVICE AND REDEMPTION MACHINE TAX

Section

460.101 Nature and Scope of the Tax

[EMERGENCY](#)

460.105 Illustrations of Taxable and Nontaxable Coin-Operated Amusement Devices and Redemption Machines

[EMERGENCY](#)460.110 ~~Licenses~~ [Privilege Tax Decals](#)[EMERGENCY](#)

AUTHORITY: Implementing the Coin-Operated Amusement Device and Redemption Machine Tax Act [35 ILCS 510] and authorized by Section 2505-105 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-105].

SOURCE: Coin-Operated Amusement Device Tax Act Regulations, adopted July 30, 1953; codified at 8 Ill. Reg. 8607; amended at 16 Ill. Reg. 4876, effective March 12, 1992; amended at 27 Ill. Reg. 542, effective December 27, 2002; emergency amendment at 27 Ill. Reg. 10539, effective July 1, 2003, for a maximum of 150 days.

Section 460.101 Nature and Scope of the Tax

[EMERGENCY](#)

- a) The Coin-Operated Amusement Device and Redemption Machine Tax Act (the Act) imposes an annual privilege tax on the privilege of operating, in this State:
 - 1) every coin-in-the-slot-operated amusement device that returns to the player no money or property or right to receive money or property; and
 - 2) every redemption machine, as defined in Section 460.105 of this Part.
- b) [Through June 30, 2003, the](#) ~~The~~ amount of the tax is \$15 for each device or machine for which a license was issued for a period beginning on or after August 1 of any year and prior to February 1 of the succeeding year. A privilege tax of \$8 is imposed on the privilege of operating a device or machine for which a license was issued for a period beginning on or after February 1 of any year and ending July 31 of that year. [Beginning July 1, 2003, privilege tax decals will be issued](#)

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instead of licenses. The amount of the tax is \$30 for each device or machine for which a privilege tax decal was issued for a period beginning on or after August 1 of any year through July 31 of the following year. Privilege tax decals are issued in one-year increments only.

- c) Through June 30, 2003, the ~~The~~ tax payable with respect to any amusement device or redemption machine must be remitted to the Department of Revenue with the application for license for such device or machine. Beginning July 1, 2003, the tax payable with respect to any amusement device or redemption machine must be remitted to the Department of Revenue with a form containing information regarding such device or machine. The remittance should be made payable to the Department of Revenue.

(Source: Emergency amendment at 27 Ill. Reg. 10539, effective July 1, 2003, for a maximum of 150 days)

Section 460.105 Illustrations of Taxable and Nontaxable Coin-Operated Amusement Devices and Redemption Machines
EMERGENCY

- a) Coin-operated Amusement Devices - Taxable Devices
- 1) To be taxable, the device must be coin-operated, and it must be an amusement device. However, if an otherwise taxable amusement device is equipped to be operated by means of the insertion of coins, it is the Department's position that such device does not cease to be a taxable device because of the fact that the operator thereof has his customers pay for the use of such device at the bar or in some other way which avoids the use of the coin receptacle.
 - 2) The device cannot return money or property or the right to receive money or property to the player. For example, a crane game that offers players the right to receive merchandise contained in the machine is not subject to the tax.
 - 3) An amusement device is a device which is played primarily for amusement or entertainment rather than for the purchase of some specific commodity or service. Every kind of coin-operated amusement device, which does not return money or property or the right to receive money or property to the player, is subject to the tax. Therefore, the tax applies not only to coin-operated pinball machines, gun-ray devices and shuffleboards

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(as it did prior to August 1, 1963), but also (commencing August 1, 1963) to coin-operated hockey games, baseball games, horse racing games, gun games of all kinds, pool games, mechanical pony rides and other similar devices, juke boxes, fortune-telling machines and anything else which comes within the foregoing definition of a coin-operated amusement device.

b) Redemption Machines

- 1) Tax shall be imposed as required in Section 460.101 of this Part on the privilege of operating a redemption machine. For purposes of this Part, *a redemption machine is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all the following conditions are met:*
 - A) *The outcome of the game is predominantly determined by the skill of the player;*
 - B) *The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score;*
 - C) *Only merchandise prizes are awarded;*
 - D) *The average wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed the lesser of \$5 or 7 times the cost charged for a single play of the device; and*
 - E) *The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device [720 ILCS 5/28-2 (a)(4)].*

c) Nontaxable Devices and Redemption Machines

- 1) The tax does not apply to a coin-operated device maintained by a public utility for furnishing public utility service (such as telephone service). The tax does not apply to any coin-operated device which is designed and used strictly as a means of vending merchandise or service. For example, this tax does not apply (among other things) to cigarette, soft drink and other

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merchandise vending machines, nor to coin-operated scales which merely provide information concerning a person's weight, nor to coin-operated machines which merely provide the customer with a photographing service, nor to coin-operated machines which merely provide a laundry or dry cleaning service.

- 2) The tax does not apply to gambling devices, as defined in Section 28-2 of the Criminal Code [720 ILCS 5/28-2].
- 3) The tax does not apply to a coin-operated amusement device or redemption machine that would otherwise be taxable where the person operating such device or machine is a private club or organization, and where such club or organization restricts the displaying of the amusement device or machine to its membership and such device or machine is not displayed in such a manner as to be accessible to the public. The exemption described in the preceding sentence arises from the fact that the Act is worded so that it applies only to the displaying of coin-operated amusement devices or redemption machines where such devices or machines are "to be played or operated by the public". However, a private club or organization cannot be established for the purpose of displaying such amusement devices or redemption machines and thus evade the [privilege tax decal licensing](#) requirements of the Act.

(Source: Emergency amendment at 27 Ill. Reg. 10539, effective July 1, 2003, for a maximum of 150 days)

Section 460.110 [Licenses Privilege Tax Decals](#)
[EMERGENCY](#)

- a) ~~Applications for Licenses~~ Obtaining Privilege Tax Decals
 - 1) Every person, firm, [limited liability company](#), or corporation displaying any taxable amusement device or redemption machine to be played or operated by the public at any place owned or leased by such person, firm, [limited liability company](#), or corporation shall, before displaying the device or machine, file with the Department of Revenue ~~an application for license for such device or machine~~ [a form containing information regarding each such device or machine](#). The ~~application must be signed by the taxpayer and sworn to~~ [form shall include the name and address of the person, firm, limited liability company, or corporation, a brief](#)

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NOTICE OF EMERGENCY AMENDMENTS

description of the device or machine to be displayed, the premises where such device or machine will be located, and other relevant data that the Department may require. The applicant should answer all questions and give all the information required on the ~~application~~ form. The ~~application information~~ must be ~~made~~ provided on a form prescribed by the Department.

- 2) The ~~application information form~~ must be accompanied by the tax. ~~A separate application must be filed and a~~ A separate license privilege tax decal must be obtained for each taxable unit.

b) Who May ~~Be Licensed~~ Obtain Privilege Tax Decals

The person who is required to apply for the license privilege tax decal is the person who displays the taxable device or machine to be played or operated by the public at a place owned or leased by that person, regardless of whether that person is the owner of the machine or device. There is no exemption from the taxing ~~and licensing~~ requirements of the Act because of the fact that the operator of the coin-operated amusement device or redemption machine is a not-for-profit organization.

c) Issuance of ~~Licenses~~ Privilege Tax Decals—Transferability

- 1) Upon receipt of an ~~application for license~~ information form in proper form, together with the applicable tax, the Department will issue ~~the proper license tag~~ a privilege tax decal to the applicant. The license privilege tax decal must be securely affixed to the device or machine for which it is issued and must be conspicuously displayed. A license privilege tax decal is transferable from one amusement device or redemption machine to another amusement device redemption machine operated by the same ~~licensee~~ privilege tax decal holder or from one address to or another address of a ~~licensee~~ privilege tax decal holder, provided that the Department is promptly notified of such transfer on a transfer form which the Department will make available on request for this purpose.
- 2) However, no license privilege tax decal is transferable from one person to another. For example, a license privilege tax decal could not be transferred from one individual to another; from one partnership to another; from one corporation to another; from an individual to a partnership or to a corporation (even though the individual is one of the partners or owns the

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stock in the corporation); from a partnership to an individual or to a corporation (even though one of the partners is the individual or the partners own the stock in the corporation); or from a corporation to a partnership or to an individual. Each of these entities (i.e., each individual, each partnership and each corporation) is a different legal person. Similarly, a receiver, trustee in bankruptcy, administrator, executor, conservator or other legal representative appointed by a court is a different legal person from the person (or the person's estate) to whose assets such legal representative succeeds.

~~d) Fractional Year Licenses~~

~~The license year commences August 1 and ends the following July 31. A license may be issued for not less than one month. All fractional year licenses will end on the ensuing July 31.~~

~~e) Revocation of License~~

~~The Department is authorized, after notice and a hearing, to revoke any license upon a finding that there has been a violation of the Act.~~

d-f) ~~Other~~ Penalties

- 1) *On every device and machine found to have been displayed without the tax imposed by the Act having been paid, the tax otherwise payable shall be increased by 30% as a penalty [35 ILCS 510/5]. Persons operating or displaying devices or machines in such a manner that they could be played without the tax imposed by the Act having first been paid, shall be guilty of a Class C misdemeanor [35 ILCS 510/8].*
- 2) Also, any coin-operated amusement device or redemption machine operated in a manner that violates any provision of the Act is subject to seizure and confiscation and forfeiture in accordance with the provisions of Sections 13 and 14 of the Act.

(Source: Emergency amendment at 27 Ill. Reg. 10539, effective July 1, 2003, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Emergency Action:
500.203 Amendment
- 4) Statutory Authority: 35 ILCS 505
- 5) Effective Date of Emergency Amendment: July 1, 2003
- 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.
- 7) Date filed with the Index Department: June 30, 2003
- 8) A copy of the emergency amendment, 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: Public Act 93-0032 made numerous changes to the Motor Fuel Tax Law, effective July 1, 2003. In order to implement and administer these provisions, rules are necessary to inform taxpayers of the new provisions. The refore, immediate adoption of this regulation is essential to the public interest.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Motor Fuel tax Law to change the discount for distributors, suppliers, and receivers for returns timely filed and paid. The discount is currently 2%. Beginning July 1, 2003, the discount will become 1.75%.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
101 West Jefferson

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

Springfield, Illinois 62794

Phone: (217) 782-2844

The full text of the emergency amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure
500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
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500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235	Claims for Refund - Invoices
500.240	Sales of Special Fuel - Variation in Usage (Repealed)
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. - Notice - Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

- 500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
- 500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
- 500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
- 500.295 Cost of Collection - Determination (Repealed)
- 500.297 Protest Procedures for Certain Penalties
- 500.298 Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section

- 500.300 Licensure
- 500.301 Special Motor Fuel Permits and Decals (Repealed)
- 500.302 Motor Carrier's Quarterly Report (Repealed)
- 500.305 Licenses and Decals
- 500.310 Display of License and Decals
- 500.315 Renewal of Decals and Licenses
- 500.320 Single Trip Permits
- 500.325 Licensure of Lessors and Lessees
- 500.330 Cancellation of License
- 500.335 Quarterly Payment and Reporting
- 500.340 Credits and Refunds
- 500.345 Records Requirements
- 500.350 Revocation
- 500.355 Protest Procedures
- 500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

- 500.400 General Information
- 500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section

- 500.500 Licenses and Permits Are Not Transferable
- 500.501 Blenders' Permits Are Not Transferable (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section

500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451, amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days.

Section 500.203 Monthly Returns

EMERGENCY

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar

DEPARTMENT OF REVENUE

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month.

- b) *If a distributor's only activities with respect to motor fuel are either:*
- 1) *production of alcohol in quantities of less than 10,000 proof gallons per year or*
 - 2) *blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced;*

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- c) Magnetic Schedule Support Data. Beginning October 1, 1994, data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3-1/2" diskette, 5-1/4" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, and LD. Schedules not required to be filed in this manner are Schedules F, M and J. Amended schedules must still be filed on Department forms or approved computer-generated forms. The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type. Persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining the basis for their exemption. All exceptions expire one year from the date they are granted.
- d) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any other purpose. The ~~2%~~ discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law.

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

- e) A person whose license to act as a supplier, distributor, or receiver of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Emergency amendment amended at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF WITHDRAWAL

STATE BOARD OF ELECTIONS

- 1) Heading of Part: The Campaign Financing Act
- 2) Code Citation: 26 Ill Adm Code 100
- 3) Section Numbers: Action:

100.70	Withdrawal
100.170	Withdrawal
- 4) Notice of Proposal published in Illinois Register: 26 Ill. Reg. 12521 - 8/16/02
- 5) Date JCAR issued Statement of Objection: 3/11/03
- 6) Summary of Action taken by the Agency: Although the Board responded to the Objection, the response was not timely filed within the statutorily required 90-day period in accordance with Section 5-110(f) of the Illinois Administrative Procedure Act (IAPA).
- 7) JCAR Action: Pursuant to Section 5-110(f) of the IAPA, this proposed rulemaking is deemed withdrawn.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF WITHDRAWAL

STATE BOARD OF ELECTIONS

- 1) Heading of Part: Practice and Procedure
- 2) Code Citation: 26 Ill Adm Code 125
- 3) Section Numbers: Action:
125.425 Withdrawal
- 4) Notice of Proposal published in Illinois Register: 26 Ill. Reg. 12527 - 8/16/02
- 5) Date JCAR issued Statement of Objection: 3/11/03
- 6) Summary of Action taken by the Agency: Although the Board responded to the Objection, the response was not timely filed within the statutorily required 90-day period in accordance with Section 5-110(f) of the Illinois Administrative Procedure Act (IAPA).
- 7) JCAR Action: Pursuant to Section 5-110(f) of the IAPA, this proposed rulemaking is deemed withdrawn.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 24, 2003 through June 30, 2003 and have been scheduled for review by the Committee at its July 8, 2003 or August 12, 2003 meetings in Chicago. 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>
8/6/03	Department of Natural Resources , The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)	5/2/03 27 Ill. Reg. 7529	7/8/03
8/6/03	Department of Natural Resources , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	5/2/03 27 Ill. Reg. 7538	7/8/03
8/6/03	Department of Natural Resources , Dove Hunting (17 Ill. Adm. Code 730)	5/2/03 27 Ill. Reg. 7547	7/8/03
8/13/03	Department of Public Health , Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)	5/2/03 27 Ill. Reg. 7700	8/12/03
8/13/03	Department of State Police , Sex Offender and Child Murderer Community Notification Law (20 Ill. Adm. Code 1282)	3/14/03 27 Ill. Reg. 4518	8/12/03
8/13/03	Department of State Police , Sex Offender Registration Act (20 Ill. Adm. Code 1280)	3/14/03 27 Ill. Reg. 4509	8/12/03
8/13/03	Department of Natural Resources , Youth Hunting Seasons (17 Ill. Adm. Code 685)	5/9/03 27 Ill. Reg. 7944	8/12/03

OFFICE OF THE AUDITOR GENERAL

JULY 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking, Organization and Personnel (2 Ill. Adm. Code 600)
- 1) Rulemaking:
- A) Description: Our personnel rule was promulgated in 1994 and needs to be updated to provide for changes in law.
- B) Statutory Authority: Implementing and authorized by Sections 2-10 and 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-10 and 2-12 (a)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: No First Notice date has been determined.
- E) Effect on small business, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Rebecca Patton
Address: Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703
Telephone: 217/782-6698 or 217/524-4646 (TDD)
- G) Related rulemakings and other pertinent information: None.
- b) Part(s) (Heading and Code Citation): Code of Regulations (74 Ill. Adm. Code 420)
- 1) Rulemaking:
- A) Description: Public Act 92-544 transfers responsibility for the conduct of financial audits of regional offices of education and certain educational service centers from the State Board of Education to the Auditor General and requires the Auditor General to adopt rules and regulations relative to the conduct of the audit.
- B) Statutory Authority: Implementing and authorized by Section 2-3.17a of

OFFICE OF THE AUDITOR GENERAL

JULY 2003 REGULATORY AGENDA

the School Code [105 ILCS 5/2-3.17a].

- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: No First Notice date has been determined.
- E) Effect on small business, small municipalities or not for profit corporations: The rulemaking will establish guidelines for audits of regional offices of education and educational service centers audited by the Auditor General pursuant to Section 2-3.17a of the School Code.
- F) Agency contact person for information:
- Name: Rebecca Patton
Address: Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703
Telephone: 217/782-6698 or 217/524-4646 (TDD)
- G) Related rulemakings and other pertinent information: None.

OFFICE OF BANKS AND REAL ESTATE

JULY 2003 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Savings and Loan Act, 38 Ill. Adm. Code 1000

1) Rulemaking:

- A) Description: Office of Banks and Real Estate (OBRE) is considering rulemaking in the following areas: 1) disclosure of confidential supervisory information. In HB 3663, pending the Governor's signature, the General Assembly has amended the provisions on confidential supervisory information in the Illinois Saving and Loan Act of 1985; 2) high risk home loans. SB 1784, pending the Governor's signature, creates the High Risk Home Loan Act which preempts existing high risk home loan administrative regulations and permits adoption of rules to implement the Act; 3) and filing, transaction, and document fees.
- B) Statutory Authority: Respectively: 1) Implementing section 7-9 and authorized by sections 7-2 and 7-9 [205 ILCS 105/7-2 and 7-9]; 2) implementing and authorizing the High Risk Home Loan Act; and 3) authorized by section 7-2 [205 ILCS 1-5/7-2].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 2003
- E) Effect on small businesses, small municipalities or not for profit corporations: The regulations apply to savings associations regulated under the Illinois Savings and Loan Act of 1985. Also, if the High Risk Home Loan Act (SB 1784) becomes law, the High Risk Home Loan Act would govern high risk home lending rather than the current regulations that the Act would preempt.
- F) Agency contact person for information:
- Name: Jeff Riley, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Savings Bank Act, 38 Ill. Adm. Code 1075

1) Rulemaking:

OFFICE OF BANKS AND REAL ESTATE

JULY 2003 REGULATORY AGENDA

- A) Description: Office of Banks and Real Estate (OBRE) is considering rulemaking in the following areas: 1) disclosure of confidential supervisory information. In HB 3663, pending the Governor's signature, the General Assembly has amended the provisions on confidential supervisory information in the Illinois Saving and Loan Act of 1985; 2) organization and operation of savings banks that are in the form of a limited liability company. In SB 1784, pending the Governor's signature, the General Assembly has amended the Savings Bank Act to permit savings banks to be organized as limited liability companies; 3) high risk home loans. SB 1784, pending the Governor's signature, creates the High Risk Home Loan Act which preempts existing high risk home loan administrative regulations and permits adoption of rules to implement the Act; 4) branch office applications; 5) loans and investments; 6) asset reserves; and :7) filing, transaction and document fees.
- B) Statutory Authority: Respectively: 1) Implementing section 9012 and authorized by sections 9002 and 9012 [205 ILCS 205/9002 and 9012]; 2) implementing section 1008 and authorized by sections 1008 and 9002 [205 ILCS 205/1008 and 9002]; 3) implementing and authorizing the High Risk Home Loan Act; 4) authorized by section 9002 [205 ILCS 205/9002]; 5) authorized by section 9002 [205 ILCS 205/9002]; 6) authorized by section 9002 [205 ILCS 205/9002]; 7) authorized by section 9002 [205 ILCS 205/9002].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Calendar year 2003
- E) Effect on small businesses, small municipalities or not for profit corporations: The regulations apply to savings banks regulated under the Savings Bank Act. Also, if SB 1784 becomes law: 1) the High Risk Home Loan Act would govern high risk home lending rather than the current regulations which the Act would preempt; and 2) rulemaking will be undertaking as necessary to ensure that savings banks in limited liability company form operate safely and comply with the Savings Bank Act. Otherwise, the possible rulemaking will primarily be technical in nature and significant effects on savings banks are not anticipated.
- F) Agency contact person for information:
- Name: Jeff Riley, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900

OFFICE OF BANKS AND REAL ESTATE

JULY 2003 REGULATORY AGENDA

Springfield, Illinois 62701-1532

Telephone: (217) 782-3000G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987, 38 Ill. Adm. Code 10501) Rulemaking:

A) Description: Office of Banks and Real Estate (OBRE) is considering amendments to implement provisions of SB 1784, if signed into law by the Governor, including adding registration provisions for loan originators, eliminating superceded High Risk Home Loan provisions and updating net worth minimum requirements. OBRE is considering further amendments to implement provisions of PA 93-0032 relating to license fees. Lastly, OBRE is also considering making general rulemaking improvements to its regulation under the provisions of the current Act.

B) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

C) Schedule meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Calendar year 2003.

E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking will affect small businesses that are Illinois residential mortgage licensees.

F) Agency contact person for information:

Name: Jeff Riley, Legislative Liaison

Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701

Telephone: (217) 782-3000

G) Related rulemakings and other pertinent information: High Risk Home Loan Act rulemaking.

OFFICE OF BANKS AND REAL ESTATE

JULY 2003 REGULATORY AGENDA

d) Part(s) (Heading and Code Citation): High Risk Home Loan Act (new part)1) Rulemaking:

- A) Description: OBRE is considering creating a new part to implement the High Risk Home Loan Act contained in SB 1784 and awaiting the Governor's signature.
- B) Statutory Authority: Implementing and authorized by the High Risk Home Loan Act (SB 1784).
- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Calendar year 2003.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking will affect small businesses that are Illinois residential mortgage licensees.
- F) Agency contact person for information:
- Name: Jeff Riley, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050), High Risk Home Loans (38 Ill. Adm. Code 345), Savings and Loan Act (38 Ill. Adm. Code 1000), Savings Bank Act (38 Ill. Adm. Code 1075).

e) Part(s) (Heading and Code Citation): High Risk Home Loans, 38 Ill. Adm. Code 3451) Rulemaking:

- B) Description: Office of Banks and Real Estate (OBRE) is considering amendments to correct a provision in the High Risk Home Loan Rule. With respect to the Report of Default and Foreclosure Rates on Conventional Loans that each bank that services residential mortgage loans in Illinois is required to file, there are currently 2 provisions requiring the bank to report the average quarterly dollar amount of conventional 1-4 family mortgage loans secured by Illinois real estate.

OFFICE OF BANKS AND REAL ESTATE

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One of these needs to be deleted and replaced with a report of the average quarterly number of conventional 1-4 family mortgage loans secured by Illinois real estate.

- B) Statutory Authority: Implementing and authorized by the Foreign Bank Representative Office Act [205 ILCS 5/48(6)(a)].
- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Calendar year 2003.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Jeff Riley, Legislative Liaison
Address: Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701-1532
Telephone: (217) 782-3000
- G) Related rulemakings and other pertinent information: None.

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Money Pool Agreements, 83 Ill. Adm. Code 340

1) Rulemaking:

A) Description: “Money pool agreement” refers to any affiliated interest agreement that provides a mechanism for borrowing or lending monies among affiliated companies. Money pool agreements are established to coordinate and provide for the short-term cash requirements of the participating parties. In a Staff Report, the Staff of the Illinois Commerce Commission alleges that, based on an examination and comparison of the currently executed and proposed money pool agreements of Illinois public utilities and incumbent local exchange carriers, current law, current and proposed regulations, and recent events in the energy and telecommunications industries, most existing money pool agreements insufficiently protect the interests of those regulated entities and their customers. The Commission has initiated a rulemaking proceeding to develop a set of required safeguards.

B) Statutory Authority: Implementing Sections 7-101 and 7-102 and authorized by Section 10-101 the Public Utilities Act [220 ILCS 5/7-101, 7-102, and 10-101].

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 02-0581.

D) Date agency anticipates First Notice: Undetermined.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or incumbent local exchange carriers that are also small businesses.

F) Agency contact person for information:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217-782-7434

G) Related rulemakings and other pertinent information: None.

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

b) Part(s) (Heading and Code Citation): The Preservation of Records of Telephone Utilities (General Order 188), 83 Ill. Adm. Code 705

1) Rulemaking:

A) Description: The Commission is reviewing this Part to determine whether revisions are appropriate.

B) Statutory Authority: Implementing Section 5-107 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-107 and 10-101].

C) Schedule meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.

F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Tariff Filings, 83 Ill. Adm. Code 745

1) Rulemaking:

A) Description: The Commission is reviewing its requirements on tariff filings for telecommunications carriers to determine whether revisions are appropriate.

B) Statutory Authority: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-504, and 10-101].

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683
- G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Arbitration Practice, 83 Ill. Adm. Code 761

1) Rulemaking:

- A) Description: The Commission is reviewing its rules on arbitration practice for telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 USC 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

G) Related rulemakings and other pertinent information: None.e) Part(s) (Heading and Code Citation): Approval or Rejection of Arbitrated Agreements, 83 Ill. Adm. Code 7621) Rulemaking:

A) Description: The Commission is reviewing its rules on the approval or rejection of arbitrated agreements between telecommunications carriers to determine whether revisions are appropriate.

B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].

C) Schedule meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.

F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

217-782-5683

- G) Related rulemakings and other pertinent information: None.
- f) Part(s) (Heading and Code Citation): Approval of Negotiated Agreements, 83 Ill. Adm. Code 763
- 1) Rulemaking:
- A) Description: The Commission is reviewing its rules on the approval of negotiated agreements between telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101] and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683
- G) Related rulemakings and other pertinent information: None.
- g) Part(s) (Heading and Code Citation): Telecommunications Enforcement, 83 Ill. Adm. Code 766

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The Commission is reviewing its rules on telecommunications enforcement concerning disputes between telecommunications carriers to determine whether revisions are appropriate.
- B) Statutory Authority: Implementing Sections 13-515 and 13-516 and authorized by Section 13-512 of the Public Utilities Act [220 ILCS 5/13-515, 13-516, and 13-512], and Section 25-101 of the Electronic Commerce Security Act [5 ILCS 175/25-101].
- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers that are also small businesses.
- F) Agency contact person for information:
- Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683
- G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Operator Service Providers, 83 Ill. Adm. Code 7701) Rulemaking:

- A) Description: The Commission is reviewing its regulation of operator service providers to determine whether any revisions are necessary.
- B) Statutory Authority: Implementing and authorized by Section 13-901 of the Public Utilities Act [220 ILCS 5/13-901].

ILLINOIS COMMERCE COMMISSION

JULY 2003 REGULATORY AGENDA

- C) Schedule meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject operator service providers or aggregators that are also small businesses.
- F) Agency contact person for information:

Ms. Qin Liu
Telecommunications Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217-782-5683

- G) Related rulemakings and other pertinent information: None.

ILLINOIS STATE BOARD OF EDUCATION

JULY 2003 REGULATORY AGENDA

- a) Part: Certification; 23 Ill. Adm. Code 25.
- 1) Rulemaking:
- A) Description:
- Part 25 will be amended to state more straightforwardly the requirements that apply to the issuance of certain certificates in particular circumstances. Some provisions that had been due to expire will be retained in effect. In addition, a new Visiting International Teacher Certificate will be established as a means of ensuring comparable qualifications for foreign teachers who serve in Illinois under districts' formal recruitment programs. Further amendments will address aspects of certification policy related to the transition to a standards-based system.
- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 11, 2003.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- Name: Sally Vogl
Agency Rules Coordinator
- Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
- Telephone: (217) 782-5270
- G) Related rulemakings and other pertinent information:
- b) Part: Standards for Certification in Specific Teaching Fields; 23 Ill. Adm. Code 27.
- 1) Rulemaking:

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- A) Description:
- One of the content-area standards currently stated as applicable to technology education teachers will be deleted from Section 27.460(k) and a change will be made in Section 27.200 for the sake of consistency.
- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 10, 2003.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- Name: Sally Vogl
Agency Rules Coordinator
- Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
- Telephone: (217) 782-5270
- G) Related rulemakings and other pertinent information:
- c) Part: Pupil Transportation Reimbursement; 23 Ill. Adm. Code 120.
- 1) Rulemaking:
- A) Description:
- A revision to this Part will be made to eliminate the potential for an unintended disadvantage to districts that appropriately conduct competitive bidding for transportation services.
- B) Statutory Authority: 105 ILCS 5/Art. 29.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 10, 2003.

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5270

Related rulemakings and other pertinent information:

d) Part: Vocational Education; 23 Ill. Adm. Code 254.

1) Rulemaking:

A) Description:

The rules for career and technical education will be comprehensively updated.

B) Statutory Authority: 105 ILCS 435 and 5/2-3.68.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: December 12, 2003.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Name: Sally Vogl
Agency Rules Coordinator
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-5270

ILLINOIS STATE BOARD OF EDUCATION

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- G) Related rulemakings and other pertinent information:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- a) Part 1100—General Procedures 80 Ill. Adm. Code 1100
- 1) Rulemaking: Amendment
- A) Description: Changes the deadline for filing a motion to revoke a subpoena.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review of and revision to its rules. This amendment was discussed at a meeting between members of the Board and representatives of the educational labor relations community.
- b) Part 1100—General Procedures 80 Ill. Adm. Code 1100
- 1) Rulemaking: Amendment
- A) Description: Provides a date for the production of subpoenaed documents.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.

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- D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:
Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review of and revision to its rules. This amendment was discussed at a meeting between members of the Board and representatives of the educational labor relations community.
- c) Part 1100—General Procedures 80 Ill. Adm. Code 1100
- 1) Rulemaking: Amendment.
 - A) Description: Provides for filing by facsimile and electronic filings; establishes when documents filed by facsimile are considered to have been filed.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:
Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

Chicago, Illinois 60601-3103

Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review of and revision to its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.
- d) Part 1105—Hearing Procedures
Subpart A: Non-Adversarial Procedures
80 Ill. Adm. Code 1105
- Part 1105—Hearing Procedures
Subpart B: Contested Cases
80 Ill. Adm. Code 1105
- Part 1110—Representation Procedures
80 Ill. Adm. Code 1110
- Part 1120—Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120
- Part 1125—Fair Share Fee Objections
80 Ill. Adm. Code 1125
- 1) Rulemaking: Amendment.
- A) Description: Authorizes the filing of cross exceptions and establishes a deadline for submitting them.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review of and revision to its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.
- e) Part 1120—Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120|
- 1) Rulemaking: Amendment.
- A) Description: Changes the standard for allowing a late Answer to a Complaint.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during a

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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meeting between members of the Board and representatives of the educational labor relations community.

- f) Part 1120—Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120
- 1) Rulemaking: Amendment.
- A) Description: Allows a party to request the Administrative Law Judge to certify an issue to the Board.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.
- g) Part 1125—Fair Share Fee Objections
80 Ill. Adm. Code 1125
- 1) Rulemaking: Amendment.
- A) Description: Changes the deadline for the commencement of a fair share hearing and for a Recommended Decision and Order to issue

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in a fair share case; deletes the requirement that the Recommended Decision and Order must be served on all parties.

- B) Statutory Authority: 115 ILCS 5/5(i)
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.

- h) Part 1105—Hearing Procedures
Subpart B: Contested Cases
80 Ill. Adm. Code 1105

- 1) Rulemaking: Amendment.
 - A) Description: Provides for requests for productions of documents.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.

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- E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during meetings between members of the Illinois Educational Labor Relations Board and representatives of the educational labor relations community.
- i) Part 1100—General Procedures
80 Ill. Adm. Code 1100
- 1) Rulemaking: Amendment.
 - A) Description: Deletes the specific description of the showing that is required to obtain an extension of time.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during meetings between members of the Board and representatives of the educational labor relations community.
- j) Part 1105—Hearing Procedures
Subpart B: Contested Cases
80 Ill. Adm. Code 1105
- 1) Rulemaking: Amendment.
 - A) Description: Changes the deadline for filing motions that would preclude a hearing.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.
- k) Part 1105—Hearing Procedures

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Subpart B: Contested Cases

- 1) Rulemaking: Amendment.
 - A) Description: Changes the required content of a pre-hearing memorandum and the consequences of failure to disclose.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during a meeting between members of the Board and representatives of the educational labor relations community.
- l) Part 1120—Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120
 - 1) Rulemaking: Amendment.
 - A) Description: Changes the required notice of a hearing.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.

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- D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:
Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules. This amendment was discussed during meetings between members of the Board and representatives of the educational labor relations community.
- m) Part 1105—Hearing Procedures
Subpart B: Contested Cases
80 Ill. Adm. Code 1120
- 1) Rulemaking: Amendment.
 - A) Description: Provides for requests for admissions.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations.
 - F) Agency contact person for information:
Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

Chicago, Illinois 60601-3103

Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting review and revision of its rules. This amendment was discussed during meetings between members of the Board and representatives of the educational labor relations community.
- n) Part 1120—Unfair Labor Practice Proceedings
80 Ill. Adm. Code 1120
- 1) Rulemaking: Amendment.
 - A) Description: Changes title of compliance proceeding; changes deadline for issuance of compliance decision.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- o) Part 2675—Public Information, Rulemaking, Organization and Personnel
Subpart B: Rulemaking

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2 Ill. Adm. Code 2675

Part 2676—Freedom of Information

2 Ill. Adm. Code 2676

Part 900—Americans with Disabilities Act Grievance Procedure

4 Ill. Adm. Code 900

Part 1100—General Procedures

80 Ill. Adm. Code 1100

Part 1105—Hearing Procedures

Subpart A: Non-Adversarial Procedures

80 Ill. Adm. Code 1105

Part 1105—Hearing Procedures

Subpart B: Contested Cases

80 Ill. Adm. Code 1105

Part 1110—Representation Procedures

80 Ill. Adm. Code 1110

Part 1120—Unfair Labor Practice Proceedings

80 Ill. Adm. Code 1120

Part 1125—Fair Share Fee Objections

80 Ill. Adm. Code 1125

Part 1135—University of Illinois Bargaining Units

80 Ill. Adm. Code 1135

- 1) Rulemaking: Amendments.
 - A) Description: Updates statutory citations.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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- E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- p) Part 1100—General Procedures
80 Ill. Adm. Code 1100
- Part 1105—Hearing Procedures
Subpart A: Non-Adversarial Procedures
80 Ill. Adm. Code 1105
- Part 1105—Hearing Procedures
Subpart B: Contested Cases
- 1) Rulemaking: Amendment.
 - A) Description: Updates title of Chief Administrative Law Judge.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- q) Part 1110—Representation Procedures
80 Ill. Adm. Code 1110
- 1) Rulemaking: Amendment.
- A) Description: Corrects description of procedure after posting period in a stipulated unit clarification case.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- r) Part 1125—Fair Share Fee Objections
80 Ill. Adm. Code 1125

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- 1) Rulemaking: Amendment.
 - A) Description: Provides for Chief Administrative Law Judge to appoint fair share hearing officer.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision to its rules.
- s) Part 1125—Fair Share Fee Objections
80 Ill. Adm. Code 1125
 - 1) Rulemaking: Amendment.
 - A) Description: Changes “disperse” to “disburse” with respect to distribution of funds from escrow account.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.

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- E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- t) Part 1130—Collective Bargaining and Impasse Resolution
80 Ill. Adm. Code 1130
- 1) Rulemaking: Amendment.
 - A) Description: Changes amount of notice of intent to strike to conform to statutory change.
 - B) Statutory Authority: 115 ILCS 5/5(i)
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- u) Part 1135—University of Illinois Bargaining Units
80 Ill. Adm. Code 1135
- 1) Rulemaking: Amendment.
 - A) Description: Changes presumptively appropriate units to conform to statutory change.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- v) Part 2675—Public Information, Rulemaking, Organization and Personnel
Subpart A: Public Information
2 Ill. Adm. Code 2675
- 1) Rulemaking: Amendment.
 - A) Description: Updates agency addresses.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

- B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- w) Part 2675—Public Information, Rulemaking, Organization and Personnel
Subpart A: Public Information
2 Ill. Adm. Code 2675
- 1) Rulemaking: Amendment.
 - A) Description: Changes person to be contacted for information about docket of cases pending hearing.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: To be scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

JULY 2003 REGULATORY AGENDA

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170

- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- x) Part 2675—Public Information, Rulemaking, Organization and Personnel
Subpart C: Organization
80 Ill. Adm. Code 2675
- 1) Rulemaking: Amendment.
- A) Description: Changes the number of members of the Illinois Educational Labor Relations Board to conform to statutory change.
- B) Statutory Authority: 115 ILCS 5/5(i).
- C) Scheduled meeting/hearing dates: To be scheduled.
- D) Date agency anticipates First Notice: Not yet known.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
- G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.
- y) Part 2675—Public Information, Rulemaking, Organization and Personnel

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

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APPENDIX A—Organization Chart
80 Ill. Adm. Code Part 2675

- 1) Rulemaking: Amendment.
 - A) Description: Changes organizational chart to reflect restructuring of agency.
 - B) Statutory Authority: 115 ILCS 5/5(i).
 - C) Scheduled meeting/hearing dates: Not yet scheduled.
 - D) Date agency anticipates First Notice: Not yet known.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:
Name: Susan Willenborg
Address: Illinois Educational Labor Relations Board
160 N. LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
Telephone: (312) 793-3170
 - G) Related rulemakings and other pertinent information: The Illinois Educational Labor Relations Board is conducting a general review and revision of its rules.

ILLINOIS BUILDING COMMISSION

JULY 2003 REGULATORY AGENDA

- a) Part Heading and Code Citation: Procedures for Providing Alternative Dispute Resolution 2 Ill. Adm. Code 3203
- 1) Rulemaking:
- A) Description: Implements the provision of Public Act 92-0804. Amends Section 25 of the Illinois Building Commission Act 20 ILCS 3918 by establishing provisions for the Commission to administer an Alternative Dispute Resolution (ADR) Procedure.
- B) Statutory Authority: Illinois Building Commission Act 20 ILCS 3918.
- C) Schedule of meeting/hearing date: No meetings / hearing has been scheduled at this time.
- D) Date agency anticipates First Notice: Fall 2003
- E) Effect on small businesses, small municipalities or not for profit corporations: No impact has been determined at this time.
- F) Information concerning this regulatory agenda shall be directed to:
- Mr. Jerry B. Crabtree
Office Administrator
Illinois Building Commission
420 Stratton Office Building
Springfield, Illinois 62706
217.557.7500
- G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF NATURAL RESOURCES

JULY 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Freedom of Information – 2 Ill. Adm. Code 826
- 1) Rulemaking:
- A) Description: This Part contains the Department's procedures for handling Freedom of Information Requests.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources – 17 Ill. Adm. Code 110
- 1) Rulemaking:
- A) Description: This Part contains regulations for the public use of Department-owned properties.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-

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515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Water Withdrawal from State Areas – 17 Ill. Adm. Code 120
- 1) Rulemaking:
 - A) Description: This Part contains regulations pertaining to management of waters under the Department's control.
 - B) Statutory Authority: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [20 ILCS 840/5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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DEPARTMENT OF NATURAL RESOURCES

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- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or –Managed Sites – 17 Ill. Adm. Code 510
- 1) Rulemaking:
- A) Description: This Part contains the Department's regulations for hunting and trapping on Department-owned or –managed sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Scientific Permits – 17 Ill. Adm. Code 520
- 1) Rulemaking:

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- A) Description: This Part governs the taking and/or possession of Illinois Fauna for scientific purposes and the issuance of said permits for such activities.
 - B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.26].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
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 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Special Purpose Permits – 17 Ill. Adm. Code 522
- 1) Rulemaking:
 - A) Description: This new Part establishes regulations for wildlife rehabilitation special purpose permittees.
 - B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2.1, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/2.1, 3.22 and 3.36].
 - C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting – 17 Ill. Adm. Code 530
- 1) Rulemaking:
- A) Description: This Part contains regulations for hunting of the above-listed species.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 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, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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DEPARTMENT OF NATURAL RESOURCES

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- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting – 17 Ill. Adm. Code 550
- 1) Rulemaking:
- A) Description: This Part contains the hunting regulations for the above-named species.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping) – 17 Ill. Adm. Code 570
- 1) Rulemaking:
- A) Description: This Part contains trapping regulations for the above-listed species.

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- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting – 17 Ill. Adm. Code 590
- 1) Rulemaking:
 - A) Description: This Part contains the regulations for hunting duck, goose and coot.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None

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JULY 2003 REGULATORY AGENDA

- F) Agency contact person for information:
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Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife – 17 Ill. Adm. Code 630
- 1) Rulemaking:
- A) Description: This Part contains provisions for certification, quarantine, hearings, remedial actions and penalties.
- B) Statutory Authority: Implementing and authorized by Sections 1.10, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 3.23, 3.25, 3.27, 3.34 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
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Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- l) Part(s) (Heading and Code Citation): Wildlife Conservation Measures and Practices – 17 Ill. Adm. Code 635

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- 1) Rulemaking:
 - A) Description: This Part contains regulations for importation of live animals and animal carcasses, regulations governing feeding or baiting of wild animals and the penalties for violation of these regulations.
 - B) Statutory Authority: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: August 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: Persons importing cervids into Illinois.
 - F) Agency contact person for information:

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Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms – 17 Ill. Adm. Code 650
 - 1) Rulemaking:
 - A) Description: This Part contains regulations for hunting deer by use of firearms.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
 - C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles – 17 Ill. Adm. Code 660
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting deer with muzzleloading rifles.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Name: Jonathan E. Furr, General Counsel
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Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

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- o) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow – 17 Ill. Adm. Code 670
- 1) Rulemaking:
- A) Description: This Part contains the regulations for deer bow and arrow hunting.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns – 17 Ill. Adm. Code 680
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting of white-tailed deer with handguns.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

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- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): Youth Hunting Season – 17 Ill. Adm. Code 685
- 1) Rulemaking:
 - A) Description: This Part contains the regulations for the Department's youth hunting programs.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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DEPARTMENT OF NATURAL RESOURCES

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- G) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): Squirrel Hunting – 17 Ill. Adm. Code 690
- 1) Rulemaking:
- A) Description: This Part contains the regulations for squirrel hunting.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710
- 1) Rulemaking:
- A) Description: This Part contains regulations for turkey hunting for the spring season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: July 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season – 17 Ill. Adm. Code 715
- 1) Rulemaking:
 - A) Description: This Part contains the regulations for turkey hunting for the fall gun season.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None

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- u) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season – 17 Ill. Adm. Code 720
- 1) Rulemaking:
- A) Description: This Part contains regulations for the taking of wild turkeys during fall archery season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
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Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- v) Part(s) (Heading and Code Citation): Dove Hunting – 17 Ill. Adm. Code 730
- 1) Rulemaking:
- A) Description: This Part contains dove hunting regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: November 2003

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- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- w) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting – 17 Ill. Adm. Code 740
- 1) Rulemaking:
- A) Description: This Part contains the regulations for hunting crow, woodcock, snipe, rail and teal.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice:
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

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- x) Part(s) (Heading and Code Citation): Disabled Hunting Method Authorizations – 17 Ill. Adm. Code 760
- 1) Rulemaking:
- A) Description: This Part contains the rules for issuing a permit for hunting with a crossbow or from a standing vehicle to qualified persons.
- B) Statutory Authority: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- y) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810
- 1) Rulemaking:
- A) Description: This Part contains the regulations for sport fishing.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35,

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10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State – 17 Ill. Adm. Code 830
- 1) Rulemaking:
 - A) Description: This Part contains the regulations for commercial fishing and musseling.
 - B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: November 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
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DEPARTMENT OF NATURAL RESOURCES

JULY 2003 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Commercial Fishing in Lake Michigan – 17 Ill. Adm. Code 850

1) Rulemaking:

A) Description: This Part regulates commercial fishermen licensed to take fish in Lake Michigan.

B) Statutory Authority: Implementing and authorized by Sections 1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-10, 1-80, 1-120, 1-125, 1-135, 1-150, 20-35, 20-45, 20-105 and 25-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2003

E) Affect on small businesses, small municipalities or not for profit corporations: Affects fishermen licensed to take fish in Lake Michigan.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Fish Salvage – 17 Ill. Adm. Code 860

1) Rulemaking:

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- A) Description: This Part contains the regulations for removal of imperiled fish populations or personal consumption and/or for commercial sale of commercial species.
 - B) Statutory Authority: Implementing and authorized by Section 1-150 of the Fish and Aquatic Life Code [515 ILCS 5/1-150].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: September 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
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Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- cc) Part(s) (Heading and Code Citation): Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life – 17 Ill. Adm. Code 870
- 1) Rulemaking:
 - A) Description: Contains regulations for aquaculture, transportation, stocking, importation and/or possession of Aquatic Life
 - B) Statutory Authority: Implementing and authorized by Section 1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003

DEPARTMENT OF NATURAL RESOURCES

JULY 2003 REGULATORY AGENDA

- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- dd) Part(s) (Heading and Code Citation): Fish Removal With Chemicals– 17 Ill. Adm. Code 890
- 1) Rulemaking:
- A) Description: This Part contains the regulations for fish removal with chemicals.
- B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: September 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- ee) Part(s) (Heading and Code Citation): Field Trials on Department-Owned or

DEPARTMENT OF NATURAL RESOURCES

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Managed Sites – 17 Ill. Adm. Code 910

- 1) Rulemaking:
 - A) Description: This Part contains the regulations for conducting field trials on department-owned or managed sites.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Field Trials on Non-Department Owned or Managed Sites – 17 Ill. Adm. Code 930

- 1) Rulemaking:
 - A) Description: This Part contains the regulations for conducting field trials on non-department owned or managed sites.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003

DEPARTMENT OF NATURAL RESOURCES

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- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- gg) Part(s) (Heading and Code Citation): Dog Training on Department-Owned or – Managed Sites – 17 Ill. Adm. Code 950
- 1) Rulemaking:
- A) Description: This Part contains the regulations for dog training on Department-owned or –managed sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: October 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- hh) Part(s) (Heading and Code Citation): Incidental Taking of Endangered and

DEPARTMENT OF NATURAL RESOURCES

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Threatened Species – 17 Ill. Adm. Code 1080

- 1) Rulemaking:
 - A) Description: Provides regulations for submittal of plan for approval by the Department.
 - B) Statutory Authority: Implementing and authorized by Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Name: Jonathan E. Furr, General Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- ii) Part(s) (Heading and Code Citation): Special Wildlife Funds Grant Program – 17 Ill. Adm. Code 3060
 - 1) Rulemaking:
 - A) Description: New Part containing regulations for administration of four funds established with the intent to support the activities of the Department or other managers of land to preserve, protect, acquire and manage wildlife habitat for future generations.
 - B) Statutory Authority: Implementing and authorized by the Habitat Endowment Act [520 ILCS 25], Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32], the Civil Administrative Code of Illinois [801 ILCS 63], the Real

DEPARTMENT OF NATURAL RESOURCES

JULY 2003 REGULATORY AGENDA

Property Conservation Rights Act [765 ILCS 120] and the Illinois Grant Funds Recovery Act [30 ILCS 705].

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
 - Name: Jonathan E. Furr, General Counsel
 - Address: One Natural Resources Way
Springfield IL 62702-1271
 - Telephone: 217/782-1809
 - G) Related rulemakings and other pertinent information: None
- jj) Part(s) (Heading and Code Citation): Permanent Program Performance Standards – Underground Mining Operations – 62 Ill. Adm. Code 1817
- 1) Rulemaking:
 - A) Description: This Part is being amended to reflect an updated reference which is used in the Agricultural Land Productivity Formula (ALPF). ALPF is used to test the crop productivity success of mine areas.
 - B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: October 2003
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

DEPARTMENT OF NATURAL RESOURCES

JULY 2003 REGULATORY AGENDA

Name: Karen Jacobs, Legal Counsel
Address: One Natural Resources Way
Springfield IL 62702-1271
Telephone: 217/782-1809

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

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- a) Part(s) (Heading and Code Citation):
- 2) Rulemaking: Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554
- A) Description: These revisions will clarify existing procedures for trucking firms involved in the movement of oversize and overweight loads on State Highways.
- B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.
- F) Agency contact person for information:
- Name: Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
- Address: 2300 South Dirksen Parkway
Springfield, IL 62764
- Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation):
- 1) Rulemaking: Tourist Attraction Signing Program; 92 Ill. Adm. Code 543
- A) Description: This proposed rule will, upon adoption, regulate tourist attraction signs that will be displayed along various freeways under the Department's jurisdiction. The rulemaking will establish standards, specifications and financial responsibility for the program.

DEPARTMENT OF TRANSPORTATION

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- B) Statutory Authority: 225 ILCS 440/4.08
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Those entities that elect to participate in the program will be impacted by this Part.
- F) Agency contact person for information:
- Name: Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
- Address: 2300 South Dirksen Parkway
Springfield, IL 62764
- Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: This rule will be developed with the assistance of the Bureau of Tourism, Illinois Department of Commerce and Economic Opportunity.
- c) Part(s) (Heading and Code Citation):
- 1) Rulemaking: Administrative Requirements for Official Testing Stations; 92 Ill. Adm. Code 451
- A) Description: This rulemaking will clarify and update the responsibilities of station owners and their employees regarding, for example, where and how vehicle inspections are to be conducted.
- B) Statutory Authority: Implementing and authorized by Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410], Article VIII of the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12, Art. VIII], and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13].
- C) Scheduled meeting/hearing date: None scheduled.

DEPARTMENT OF TRANSPORTATION

JULY 2003 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities may be affected by the revisions that will be made to the station classification requirements.
- F) Agency contact person for information:
- Name: Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
- Address: 2300 South Dirksen Parkway
Springfield, IL 62764
- Telephone: (217) 782-3215
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation):
- 1) Rulemaking: Motor Carrier Safety Regulations; 92 Ill. Adm. Code 385-397
- A) Description: These rulemakings will update the regulations to incorporate new federal hours of service for intrastate transportation.
- B) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This Part will affect small businesses and not-for-profit corporations that own or operate commercial motor vehicles in Illinois. They will be required to comply with the new federal hours of service regulations.
- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JULY 2003 REGULATORY AGENDA

Name: Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311

Address: 2300 South Dirksen Parkway
Springfield, IL 62764

Telephone: (217) 782-3215

G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE

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