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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
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20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
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31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
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45	October 29, 2007	November 9, 2007
46	November 5, 2007	November 16, 2007
47	November 13, 2007	November 23, 2007
48	November 19, 2007	November 30, 2007
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the filing period for your Regulatory Agenda will occur from April 30, 2007 to July 2, 2007 as July 1, 2007 is a Sunday and the office is closed.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.4575 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment deletes subsection (d)(1) as it is an unnecessary step in determining application of the Domestic Products preferences. Subsection (d)(5) is also deleted to remove discretion to waive the preference. Subsection (e) is being modified to add standards to aid in determining when the preference is applicable.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

217/785-1793

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that provide domestic products may benefit from these changes.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional or changed requirements will be needed.
 - C) Types of professional skills necessary for compliance: No additional or changed skills will be needed.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department had agreed with JCAR to make these changes and didn't realize the changes should also be part of a regulatory agenda.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section

- 1.1 Title
- 1.5 Policy
- 1.8 Purpose and Implementation of This Part
- 1.10 Application
- 1.15 Definition of Terms Used in This Part
- 1.25 Property Rights
- 1.30 Constitutional Officers, and Legislative and Judicial Branches

SUBPART B: PROCUREMENT RULES

Section

- 1.525 Rules

SUBPART C: PROCUREMENT AUTHORITY

Section

- 1.1005 Exercise of Procurement Authority
- 1.1010 Appointment of State Purchasing Officer
- 1.1030 Associate Procurement Officers
- 1.1040 Central Procurement Authority of the CPO
- 1.1050 Procurement Authority of the SPO; Limitations
- 1.1060 Delegation
- 1.1070 Toll Highway Authority
- 1.1075 Department of Natural Resources
- 1.1080 Illinois Mathematics and Science Academy

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section

- 1.1510 Illinois Procurement Bulletin
- 1.1525 Bulletin Content
- 1.1550 Official State Newspaper
- 1.1560 Supplemental Notice
- 1.1570 Error in Notice
- 1.1580 Direct Solicitation
- 1.1590 Retention of Bulletin Information

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

- 1.2005 General Provisions
- 1.2010 Competitive Sealed Bidding
- 1.2012 Multi-Step Sealed Bidding
- 1.2015 Competitive Sealed Proposals
- 1.2020 Small Purchases
- 1.2025 Sole Economically Feasible Source Procurement
- 1.2030 Emergency Procurements
- 1.2035 Competitive Selection Procedures for Professional and Artistic Services
- 1.2036 Other Methods of Source Selection
- 1.2037 Tie Bids and Proposals
- 1.2038 Mistakes
- 1.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 1.2043 Suppliers
- 1.2044 Vendor List/Required Use
- 1.2045 Prequalification
- 1.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 1.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
1.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
1.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
1.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section
1.2560 Prevailing Wage
1.2570 Equal Employment Opportunity; Affirmative Action
1.2575 Subcontractors

SUBPART L: CONTRACT PRICING

Section
1.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
1.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
1.4005 Real Property Leases and Capital Improvement Leases

SUBPART O: PREFERENCES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section	
1.4505	Procurement Preferences
1.4510	Resident Bidder Preference
1.4530	Correctional Industries
1.4535	Sheltered Workshops for the Disabled
1.4540	Gas Mileage
1.4545	Small Business
1.4570	Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
1.4575	Domestic Products

SUBPART P: ETHICS

Section	
1.5013	Conflicts of Interest
1.5015	Negotiations for Future Employment
1.5020	Exemptions
1.5030	Revolving Door
1.5035	Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

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1.5310	Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section	
1.5510	Complaints Against Vendors
1.5520	Suspension
1.5530	Resolution of Contract Controversies
1.5540	Violation of Law or Rule
1.5550	Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section	
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section

- 1.6500 General
- 1.6510 No Agency Relationship
- 1.6520 Obligations of Participating Governmental Units
- 1.6530 Centralized Contracts – Estimated Quantities
- 1.6535 Centralized Contracts – Definite Quantities

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Section

- 1.7000 Severability
- 1.7010 Government Furnished Property
- 1.7015 Inspections
- 1.7020 Records and Audits
- 1.7025 Written Determinations
- 1.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 7 Ill. Reg. 100, effective December 17, 1982; amended at 7 Ill. Reg. 13481, effective October 4, 1983; amended at 7 Ill. Reg. 13844, effective October 12, 1983; codified at 8 Ill. Reg. 14941; Sections 1.2210, 1.2220, 1.2230, 1.2240 recodified to Section 1.2210 at 9 Ill. Reg. 6118; amended at 10 Ill. Reg. 923, effective January 2, 1986; amended at 10 Ill. Reg. 18707, effective October 22, 1986; amended at 11 Ill. Reg. 7225, effective April 6, 1987; amended at 11 Ill. Reg. 7595, effective April 14, 1987; amended at 13 Ill. Reg. 17804, effective November 7, 1989; emergency amendment at 16 Ill. Reg. 13118, effective August 7, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 600, effective January 5, 1993; amended at 17 Ill. Reg. 14576, effective August 27, 1993; amended at 20 Ill. Reg. 9015, effective July 1, 1996; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12632, effective July 1, 1998, for a maximum of 150 days, and new Part adopted by emergency rulemaking at 22 Ill. Reg. 12726, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20875, effective November 25, 1998; emergency amendment at 23 Ill. Reg. 2812, effective February 16, 1999, for a maximum of 150 days; emergency expired on July 15, 1999; emergency amendment at 23 Ill. Reg. 5869, effective April 29, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7075, effective June 7, 1999; amended at 24 Ill. Reg. 1900, effective January 21, 2000; amended at 26 Ill. Reg. 13189, effective August 23, 2002; emergency amendment at 29 Ill. Reg. 20540, effective December 2,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 5673, effective March 7, 2006, for the balance of the 150 days; emergency expired August 3, 2006; amended at 30 Ill. Reg. 138, effective December 22, 2005; amended at 30 Ill. Reg. 13378, effective July 25, 2006; amended at 30 Ill. Reg. 17305, effective October 20, 2006; amended at 30 Ill. Reg. 18635, effective November 17, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART O: PREFERENCES

Section 1.4575 Domestic Products

- a) This Section applies unless an exception is provided by law, or in the case of a small, emergency or sole economically feasible source situation.
- b) This Section applies to supplies purchased by the State that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:
 - 1) If the State needs iron ore, this Section would not apply because the State would be asking for a raw material.
 - 2) If the State needs a steel ingot, the purchase would be subject to this Section as the steel ingot was subject to a manufacturing process. The iron ore used in manufacturing the ingot would not be subject to any domestic restriction.
 - 3) If the State needs a steel I-Beam, the I-Beam would be subject to this Section. The iron ore and steel used in creating the I-Beam would not be subject to any domestic restriction.
 - 4) If the State needs a structure made of steel I-Beams, the assembly would have to be done domestically. The iron ore, steel and I-Beams used in building the structure would not be subject to any domestic restriction.
- c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.
- d) The preference shall be as follows:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- ~~1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.~~
 - 12) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will provide domestic supplies shall be given preference.
 - 23) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of \$50,000.
 - 34) The winning vendor will be determined after application of the preference.
 - ~~5) Notwithstanding the preference outlined in this subsection (d), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.~~
- e) Each procuring agency shall include in the procurement file documentation showing the application of any preference given and any determination that the supplies to ~~be purchased~~a purchase were not subject to the Procurement of Domestic Products Act [30 ILCS 517]. In making this determination, the procuring agency shall consider, as appropriate, the plain words of the Act, the current and historic volume, quality and delivery needs of the State, market research, the price preference authorized by this Part and other factors relevant to the particular procurement. The procuring agency shall provide a copy of the documentation to CMS.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code Part 3000
- 3)

<u>Section:</u> 3000.1071	<u>Proposed Action:</u> Amendment
------------------------------	--------------------------------------
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2) and (3) and Section (12) (a) (1) of this Act [230 ILCS 10/5 (c) (2) and (3), 230 ILCS 10/12 (a) (1)]
- 5) A Complete Description of the Subjects and Issues Involved: The subject of the proposed amendment is the calculation and imposition of the gaming admission tax. Section 12 of the Riverboat Gambling Act [230 ILCS 10/12] requires that the admission tax shall be paid for each admission. Public Act 95-0663, effective October 17, 2007, establishes an exception to this general requirement by providing that a person who exits a riverboat gambling facility and re-enters that riverboat gambling facility within the same gaming day shall be subject only to the initial admission tax. The proposed amendment makes the language of 86 Ill. Adm. Code 3000.1071 consistent with that of Public Act 95-0663.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.625	Amendment	31 Ill. Reg. 9719; July 13, 2007
3000.840	Amendment	31 Ill. Reg. 10394; July 20, 2007
- 11) Statement of Statewide Policy Objectives: The objective of the proposed amendment is to conform the current rule pertaining to calculation and imposition of the gaming

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

admission tax (86 Ill. Adm. Code 3000.1071) to the statutory changes made by Public Act 95-0663, effective October 17, 2007.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Information and questions regarding this proposed amendment shall be directed to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No.: 312/814-7253
mfries@revenue.state.il.us

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: The proposed amendment will result in reductions, of unknown amount, in the admission tax transfer payments made to qualifying municipalities and counties. Section 12(b) of the Riverboat Gambling Act [230 ILCS 10/12(b)] provides that, from each taxable admission tax under Section 12(a)(1) of the Act, a municipality within which a riverboat is docked shall receive \$1 (one dollar) in admission tax revenues for each person admitted to the riverboat. Where a riverboat is located within a county but outside the boundaries of any municipality, the county shall receive \$1 (one dollar) in admission tax revenues for each person admitted to the riverboat. By reducing the number of taxable admissions, the proposed amendment will have the effect of reducing the total sums of these payments.
- B) Reporting, bookkeeping or other procedures required for compliance: The Illinois Gaming Board must approve minimum operating procedures and standards to implement the proposed amendment. These new procedures and standards can be implemented with the Board's existing personnel and will not impose additional costs on the Board.

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NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: Familiarity with the tax system, requiring an accounting background, and an understanding of audit functions.
- 14) Regulatory Agenda on which this rulemaking was summarized: This proposed rulemaking was not included on either of the two most recent regulatory agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

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
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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

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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

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3000.224	Economic Disassociation
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
3000.244	Surrender of Supplier's License
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
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
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3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

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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)
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SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

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3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
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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

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3000.620	Submission of Chips for Review and Approval
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3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
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3000.661	Minimum Standards for Voucher Systems
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3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

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3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a 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 Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

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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
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
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability

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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 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 January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended 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; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; emergency amendment at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days; emergency expired February 18, 2005; amended at 29 Ill. Reg. 10590, effective July 7,

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2005; emergency amendment at 29 Ill. Reg. 20095, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8643, effective April 19, 2006; amended at 30 Ill. Reg. 9177, effective April 26, 2006; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1071 Admission Tax and Wagering Tax

- a) Each holder of an Owner's license ("owner licensee") and licensed manager ("manager") is subject to tax and fee liability assessment for each Gaming Day for the applicable Admission Tax or 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 owner 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 owner licensee and manager shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day for that owner 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 owner licensee or manager.
- d) The Administrator shall prescribe and make available to each owner 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 owner 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

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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 an owner 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 on owner licensees as provided in Section 12 of the Act. *From the Gaming Day of August 23, 2005, for a licensee that admitted 1,000,000 persons or fewer in calendar year 2004, the rate is \$2 per person admitted, and for all other licensees the rate is \$3 per person admitted, except that only one admission tax shall be payable by an owner licensee for each person admitted during the same gaming day.* [230 ILCS 10/12(a)]
- g) The Admission Fee for a Gaming Day shall be calculated and imposed on licensed managers as 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.* [230 ILCS 10/12(a-5)] This Admission Fee is imposed upon admissions to riverboat gambling operations 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 admissions for holders of the Board approved fee-free passes issued to actual and necessary officials and employees of the manager or other persons actually working on the riverboat as provided in the Act.
- h) For any Gaming Day that commences after December 31, 1997 and ends on or before July 1, 2002, the Wagering Tax imposed on the owner licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and

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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.
- i) For any Gaming Day that commences on or after July 1, 2002 and ends on or before July 1, 2003, the Wagering Tax imposed on the owner 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;
 - 3) 27.5% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 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

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- 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 and ends on or before July 1, 2005, the Wagering Tax imposed on the owner 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) shall no longer be imposed as of any Gaming Day that commences on or after July 1, 2005.
- l) For any Gaming Day that commences on or after July 1, 2005, the Wagering Tax imposed on the owner licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:
- 1) 15% of annual Adjusted Gross Receipts up to and including \$25,000,000;

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- 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.
- n) 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 owner licensee or manager, 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.
- 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 owner 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

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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. 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) An owner licensee's or manager's failure to comply with the provisions of this Section may subject the owner 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 owner licensee or manager can show good cause. "Good cause" 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 owner 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 owner 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 owner 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

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period the waiver is deemed granted. If the Administrator denies the request for waiver the owner 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 (r), 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 at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. 117
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
117.12	Amendment
117.13	Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking affects Human Capital Development. This rulemaking revises the process for client training for Link Electronic Benefits Transfer (EBT) cards and issuing replacement Link cards. To further the goal of "online not in line", the Department will provide a brochure explaining the Link card instead of requiring a person to come into the local office and view a training video. In addition, clients will now be able to contact the Link Help Desk to request a replacement Link card instead of having to make a trip to their local office. Companion amendments are also being proposed to 89 Ill. Adm. Code 121.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

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Tracie Drew, 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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

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

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985;

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amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 117.12 Client Training Brochure for the Electronic Benefits Transfer (EBT) System

- a) A Client Training Brochure Clients will be provided to all cash and food stamp applicant~~trained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.~~
- b) Clients will be provided instructions including~~training and materials related~~, but not limited to:
 - 1) the appropriate use and security of the EBT card and Personal

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Identification Number (PIN);

- 2) client liabilities for benefit loss;
- 3) information on transaction limitations and charges;
- 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
- 5) information on the services available from the Client [Help Desk](#) ~~Helpline~~ ~~Number~~;
- 6) proper care and protection of the EBT card;
- 7) replacement card policy; and
- 8) how to report problems with the EBT card or EBT system equipment.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 117.13 Replacement of the EBT Card

- a) Replacement of the EBT Card
 - 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.
 - 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
 - 3) The client will ~~contact the Client Help Desk~~ ~~go to the local public assistance office~~ for replacement of the EBT card and selection of a new Personal Identification Number (PIN).
 - 4) Administrative remedies, as described in subsection (b) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of assistance benefits.
- b) Administrative Remedies

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The Department may employ any of the administrative remedies listed in this subsection (b) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- ~~1)~~ ~~Retraining—The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.~~
- 12) Charge for Replacement Card or Cards – The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 23) Telephone Approval – The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other time period designated by the Department. The amount of the transaction could not exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.
- 34) Transaction Withdrawals – To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.
- 45) Use of Specific Point-of-Sale (POS) Terminals – The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This

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determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

56) Use of Specific Automated Teller Machine (ATM) Terminals – The Department may notify a client of restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

67) Use of Protective or Alternate Payee - Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

c) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. 121
- 3) Section Numbers: Proposed Action:
 121.94 Amendment
 121.98 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: This rulemaking affects Human Capital Development. This rulemaking revises the process for client training for Link Electronic Benefits Transfer (EBT) cards and issuing replacement Link cards. To further the goal of "online not in line", the Department will provide a brochure explaining the Link card instead of requiring a person to come into the local office and view a training video. In addition, clients will now be able to contact the Link Help Desk to request a replacement Link card instead of having to make a trip to their local office. Companion amendments are also being proposed to 89 Ill. Adm. Code 117.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.23	Amendment	31 Ill. Reg. 10446; July 20, 2007
121.24	Amendment	31 Ill. Reg. 10446; July 20, 2007
121.26	Amendment	31 Ill. Re g. 10446; July 20, 2007
121.10	Amendment	31 Ill. Reg. 12652; September 7, 2007
121.120	Amendment	31 Ill. Reg. 12652; September 7, 2007
121.125	Amendment	31 Ill. Reg. 12652; September 7, 2007

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

121.71 Amendment 31 Ill. Reg. 13076; September 14, 2007

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

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

217/785-9772
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 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
- 121.8 Express Stamps Application Project
- 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

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
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
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SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
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121.62	Income Which Must Be Annualized
121.63	Deductions 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

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Section

- 121.80 Fraud Disqualification (Renumbered)
- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 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 [Brochure](#) for the Electronic Benefits Transfer (EBT) System
- 121.105 State Food Program (Repealed)
- 121.107 New State Food Program
- 121.108 Transitional Food Stamp (TFS) Benefits
- 121.120 Redetermination of Eligibility
- 121.125 Redetermination of Earned Income Households
- 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 (Repealed)

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

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Section

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

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- 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].

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; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory 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; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory 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; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory 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; peremptory 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; peremptory amendment at 8 Ill. Reg. 19690,

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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 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

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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, 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

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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; expedited correction at 27 Ill. Reg. 14262, 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. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.94 Replacement of the EBT Card or Food Stamp Benefits

- a) Replacement of the EBT Card
 - 1) The EBT card (benefit access device) will be replaced if lost, stolen or damaged.

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- 2) The loss, theft or damage of the EBT card must be immediately reported to the EBT contractor.
 - 3) The client will ~~contact the Client Help Desk go to the local public assistance office~~ for replacement of the EBT card and selection of a Personal Identification Number (PIN).
 - 4) Administrative remedies, as described in subsection (d) of this Section, may be imposed following the loss, theft or damage of the EBT card or the loss of food stamp benefits.
- b) For households receiving food stamp benefits via the EBT system, lost benefits resulting from the loss or theft of the EBT card and PIN will not be replaced due to the client's mismanagement or presumed fraud, collusion or cooperation in fraud.
- c) For households receiving food stamp benefits via food stamp coupons not through the EBT system, the following rules will apply:
- 1) When a household reports the non-receipt of coupons issued through the mail, the Department shall authorize a replacement issuance only if the coupons were validly issued, the household has not been issued more than one replacement in the previous five months and if sufficient time, up to five post office working days, has elapsed for delivery. The replacement coupons will be sent to the local office address and thereafter, for the next two months following the replacement, each month's regular issuance of coupons will be sent to the local office address.
 - 2) Replacement coupons shall not be issued when a participant claims that the envelope received in the mail contained less than the authorized allotment unless the coupon loss was due to damage in the mail before delivery or the Direct Mail Issuance Center inventory is incorrect. Additionally, replacement coupons shall not be issued for coupons that are received but subsequently are lost or misplaced.
 - 3) If a household requests replacement of food stamp coupons which were received by the household but which were improperly manufactured or were subsequently damaged or mutilated, the Section 121.94(c)(3) continued Department shall replace the coupons in an amount equal to

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the value of the improperly manufactured or mutilated coupons. A coupon cannot be replaced if less than three-fifths of the coupon is presented by the household.

- 4) If a household requests replacement of food stamp coupons which were received but subsequently destroyed in a household disaster and the request is made within ten days after the disaster, the Department shall replace the coupons in an amount not to exceed one month's worth of coupons within ten days after the date destruction was reported to the local office. The disaster must be verified. Replacement of destroyed coupons is limited to twice in a six-month period.
- 5) Replacement food stamp coupons shall not be issued for coupons that are lost, misplaced or stolen.

d) Administrative Remedies

The Department may employ any of the administrative remedies listed in this subsection (d) to deter multiple claims of benefit loss or multiple EBT card replacements, subject to notice to and appeal by the client. Which remedy would be applied will be determined by such elements as the type of situation that gives rise to the need for the remedy and the effectiveness of previously utilized remedies.

- ~~1)~~ ~~Retraining—The Department may require the client to attend and participate in additional EBT training. The emphasis in the training will be to reaffirm the client's responsibility in securing the EBT card and PIN and to ensure secure and responsible participation in the EBT system.~~
- 12) Charge for Replacement Card or Cards – The Department may assess a fee for replacement of the EBT card. Such fees may increase for subsequent replacement cards.
- 23) Telephone Approval – The Department may require the client to obtain time and amount-limited telephonic approval for use of the EBT card. The client would be required to place a call to the EBT contractor and positively identify himself or herself. The preauthorization would be time-limited and for a specific, preauthorized amount. The client would be able to use the card for a period of two hours or for some other period designated by the Department. The amount of the transaction could not

DEPARTMENT OF HUMAN SERVICES

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exceed the preauthorized amount and must be accomplished electronically (manual authorization or voucher processing). Key-entered transactions or exception processing may not be used.

34) Transaction Withdrawals – To assist a client in managing his or her funds or to reduce the potential for fraud, the Department may limit the amount of benefits that may be withdrawn or used per transaction per day. The amount would not exceed \$50.00 and may be lowered, as determined by the Department to be necessary under the individual circumstances.

45) Use of Specific POS Terminals – The Department may notify a client that it has restricted benefit access points available to the client. The client may be restricted to accessing benefits at one or two locations, designated by the Department. The merchant or retailer would have to obtain telephone authorization of the transaction. Use of exception processing or key-entered transactions would not be allowed. This determination can only be imposed for a period not to exceed 24 months and is designed to address situations of mismanagement, fraud, multiple replacement requests and intentional program violations.

56) Use of Protective or Alternate Payee – Repeated loss of the EBT card and PIN is a basis for a determination of client mismanagement and authorization of a Protective Payment Plan (PPP).

e) Other Remedies

The Department may use other remedies to reduce future claims and to address fraud, abuse, collusion or intentional program violations, as warranted by the individual case circumstances. Those remedies may include, but shall not be limited to:

- 1) disqualification;
- 2) penalties, fines and/or imprisonment consistent with federal and State law and regulations; and
- 3) referrals to federal law enforcement authorities, when appropriate.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System

- a) ~~A Client Training Brochure~~ Clients will be provided to all cash and food stamp applicantstrained on the use of the EBT system and EBT card prior to receipt of benefits via EBT.
- b) Clients will be provided instructions includingtraining and materials related, but not limited, to:
- 1) the appropriate use and security of the EBT card and PIN;
 - 2) client liabilities for benefit loss;
 - 3) information on transaction limitations and charges;
 - 4) client responsibility for reporting loss or theft of the EBT card and to whom and how such reports should be made;
 - 5) information on the services available from the Client Help Desk~~Helpline~~ Number;
 - 6) proper care and protection of the EBT card;
 - 7) replacement card policy; and
 - 8) how to report problems with the EBT card or EBT system equipment.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Disabled Hunting Method Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
760.10	Amendment
760.20	Amendment
760.21	New Section
760.22	New Section
760.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: allow persons age 62 and older to use a crossbow without obtaining a crossbow permit, establish two new Sections (Crossbow Equipment Requirements and Crossbow Hunting Rules), move applicable language from existing text to newly established Sections, and to add language indicating that violations of the Wildlife Code may result in suspension of privileges.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not listed on either of the two most recently filed regulatory agendas because: we were not aware that amendments would be necessary.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 760

CROSSBOW AND STANDING VEHICLE~~DISABLED~~
HUNTING ~~METHOD~~-AUTHORIZATIONS

Section	
760.10	Issuance of Permits
760.20	Crossbow Permits
<u>760.21</u>	<u>Crossbow Equipment Requirements</u>
<u>760.22</u>	<u>Crossbow Hunting Rules</u>
760.30	Standing Vehicle Permits
760.40	Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective November 21, 2001; amended at 32 Ill. Reg. _____, effective _____.

Section 760.10 Issuance of Permits

- a) Persons age 62 and older may hunt with the use of a crossbow in accordance with this Part without first obtaining a crossbow permit.
- b)a) The Department of Natural Resources (Department) may, after investigation, issue a permit to hunt with a crossbow or from a standing vehicle to any qualified person as provided in Sections 760.20 and 760.30.
- c)b) An applicant for a crossbow or standing vehicle permit shall submit an application on a form prepared and furnished by the Department, which shall include a written statement or report prepared and signed by a licensed physician, no more than 3 months preceding receipt of the application by the Department, verifying that the applicant is physically disabled as defined in Section 760.20(a) or 760.30(a) of this Part.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 760.20 Crossbow Permits

- a) Eligibility
- After proper application, the Department may issue a permit to hunt with a crossbow to those persons who have a permanent physical impairment due to injury or disease, congenital or acquired, that renders them so severely disabled as to be unable to use a conventional bow and arrow device. A person who meets any of the following automatically qualifies for a crossbow permit:
- 1) Has an amputation or other loss of one or more arms.
 - 2) Has an amputation or other loss of the index and middle finger on the draw and release hand.
 - 3) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician:
 - A) Upper extremity pinch.
 - B) Grip.
 - C) Nine-hole peg.
 - 4) Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.
 - 5) Is blind.
 - A) For the purpose of this subsection (a)(5), an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields

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of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

- B) The holder of a crossbow permit issued under this subsection (a)(5) shall be accompanied by a person who is not eligible to apply for a permit under this subsection. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has the appropriate licenses and/or permits to do so. The assistance rendered by the accompanying person who has not been issued the appropriate licenses and/or permits shall be limited to sighting the crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.

~~C) By virtue of applying for a crossbow permit, the applicant is certifying that he or she is physically unable to use a conventional bow and arrow device. Once the crossbow permit is issued, and during the period that it is in effect, the permittee shall be limited to using a crossbow while archery hunting.~~

- b) Any applicant with a permanent physical disability who, after taking the standard tests described in subsections (a)(3) and (a)(4), fails to qualify for a crossbow permit may file a supplemental application with the Department for further consideration and review. The nature of the applicant's disability and how it renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the supplemental application by the physician. The supplemental application shall be forwarded to a physician, selected by the Department, who is board certified in occupational and preventive medicine. The Department's physician will then notify the Department as to whether the applicant should be issued a crossbow permit.
- c) Permits issued under this Section shall be valid for a period of 3 years from the date of issuance specified on the permit.
- d) Loss of the crossbow hunting permit shall require the holder to reapply.
- e) Reapplication will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to use a conventional bow and arrow device.

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- f) By virtue of applying for a crossbow permit, the applicant is certifying that he or she is physically unable to use a conventional bow and arrow device. Once the crossbow permit is issued, and during the period that it is in effect, the permittee shall be limited to using a crossbow while archery hunting. ~~Crossbow Equipment Requirements~~

~~Crossbows used in hunting as authorized by a permit issued under this Section shall meet all of the following specifications:~~

- ~~1) Shall have a minimum peak draw weight of 125 pounds and a maximum peak draw weight of 200 pounds.~~
- ~~2) Shall have a minimum limb width of 24 inches and a minimum overall length (from butt of stock to front of limbs) of 24 inches.~~
- ~~3) Shall have a working safety.~~
- ~~4) Shall be used with bolts or arrows of not less than 14 inches in length (not including point) with a broadhead. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint, chert, or obsidian napped; broadheads with expandable blades must be metal. In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State owned and managed hunting areas for the taking of upland game.~~

- g) ~~Crossbow Hunting Rules~~

- ~~1) Crossbow permit holders are authorized to take game species during the seasons open to their taking by the use of archery devices. Season dates, hours, daily limits, possession limits, and all other requirements of law apply.~~
- ~~2) The issuance of a crossbow permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.~~

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- 3) ~~The crossbow permit must be carried by the hunter while exercising this privilege and must be presented to any law enforcement authority upon request.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 760.21 Crossbow Equipment Requirements

Crossbows used in hunting shall meet all of the following specifications:

- a) have a minimum peak draw weight of 125 pounds and a maximum peak draw weight of 200 pounds;
- b) have a minimum limb width of 24 inches and a minimum overall length (from butt of stock to front of limbs) of 24 inches;
- c) have a working safety;
- d) be used with bolts or arrows of not less than 14 inches in length (not including point) with a broadhead. Broadheads may have fixed or expandable blades, but they must be a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint-, chert- or obsidian-napped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal; and
- e) In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State-owned and -managed hunting areas for the taking of upland game.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 760.22 Crossbow Hunting Rules

- a) Hunters utilizing a crossbow in accordance with this Part are authorized to take game species during the seasons open to their taking by the use of archery devices. Season dates, hours, daily limits, possession limits and all other requirements of law apply.
- b) The crossbow authorization does not exempt the hunter from the necessity of obtaining hunting licenses, stamps or other permits as required by law.

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- c) The crossbow permit must be carried by the disabled hunter while exercising this privilege and must be presented to any law enforcement authority upon request.
- d) A valid photo ID with proof of age must be carried by persons age 62 and older while exercising this privilege and must be presented to any law enforcement authority upon request.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 760.40 Rejection of Application/Revocation of Permits

- a) The Department may issue a permit to an applicant who is denied a permit under this Part if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician selected by the applicant from a list of licensed physicians compiled by the Department, the Department finds that issuance of a permit complies with the intent of this Part. The use of this review procedure must be initiated by written request for review from the applicant, and all costs of the physician's services shall be paid by the applicant.
- b) In the event that an applicant for or holder of a crossbow or standing vehicle permit is in violation of this subsection (b), the application will be denied or the permit will be revoked in addition to any other penalties. The applicant/holder of the permit may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Violations are as follows:
 - 1) Providing false and/or deceptive information on the permit application form.
 - 2) Submitting an application during the period when the applicant has a license/permit currently revoked or privileges suspended pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
 - 3) Any violations of the Wildlife Code [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code: Chapter I), in addition to other penalties, may result in suspension of privileges and the revocation of crossbow and standing vehicle permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1.100	Amendment
1.245	Amendment
1.310	Amendment
1.420	Amendment
1.430	Amendment
1.440	Amendment
1.510	Amendment
1.515	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved:

Earlier this year, several related inquiries brought into focus a need to clarify the meaning of Section 1.420, Media Services. The current language of that rule is vague, stating only that, "Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school." As such, the rule does not provide any concrete standards against which compliance can be gauged, nor does it ensure uniform understanding of the characteristics of an adequate program. As a first step toward improving the rule, a survey of regional superintendents was conducted in order to gather information on the status of media services in districts around the State. The variability revealed by their responses, in addition to questions from the field, underscored the need to develop more specific statements of these expectations.

The proposed revisions to Section 1.420(o) reflect recommendations developed by an advisory committee convened for the purpose. They include a three-year time horizon for implementation of the new requirements. The rule calls for a more intensive level of professional staff involvement in high school programs than in those for younger students, and this is in line with what staff have learned about districts' current approaches. It should be noted that the proposed amendments make no revisions in the requirement that school staff who provide library and media services must be appropriately qualified.

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These amendments also affect a number of unrelated provisions that need to be updated for various reasons.

Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates) needs to be revised to reflect changes made recently by P.A. 95-223, which establishes limits on waivers and modifications of Section 27-6 of the School Code (Courses in Physical Education Required; Special Activities). School districts need to understand how the new legislation will affect their ability to be granted flexibility with regard to the daily physical education mandate. The text of the proposed amendment is based on information available to staff on the specific intent of the bill's sponsor.

Section 1.245 (Waiver of School Fees)

The changes proposed for Section 1.245 will clarify districts' authority to verify income for the purposes of granting fee waivers for students who are eligible for free and reduced-priced meals under the federal meals program.

Under Sections 10-20.13 and 34-21.6 of the School Code, school districts are required to waive textbook, instructional, and other fees for any student who would be eligible to receive free lunch or breakfast under the State's School Breakfast and Lunch Program Act. Eligibility for the State program is based on the income guidelines established for the National School Lunch Program and the School Breakfast Program ("federal meals program"). While State law requires all school districts to provide free lunch to eligible students, not all school districts participate in the federal meals program.

Before changes were made in the federal meals program in 2004, participating school districts could verify the income levels of 100 percent of the students whose applications were approved for free or reduced-price lunch or breakfast. As part of that process – or as a separate process – participating school districts could also verify or request additional documentation from students applying for school fee waivers, regardless of whether they had approved applications under the federal meals program.

The new federal verification requirements, however, restrict a participating school district's ability to verify income for the federal meals program to either 3 percent or 3,000 of approved meals applications on file as of October 1, whichever is less. Verification can also be made for cause. These federal limitations affect a school district's ability to verify income for the purposes of fee waivers in the following ways.

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- School districts participating in the federal meals program can verify income for any student with an approved application for free or reduced-price meals only within the federal requirements (i.e., 3 percent or 3,000, or for cause).
- School districts participating in the federal meals program can verify income within reason for any student without an approved application for free or reduced-price meals (see examples provided in the proposed amendments).
- School districts not participating in the federal meals program may verify income within reason for all students requesting fee waivers.

Section 1.310 (Administrative Qualifications and Responsibilities) is being updated to reflect the recent repeal of Appendix B and its replacement by new Section 1.705. The Section's title is also being revised so it will capture the Section's contents more accurately.

Sections 1.430 and 1.440 set forth specific requirements applicable to elementary schools and high schools, respectively. Recent legislation (P.A. 95-299) requires a change in Section 1.440, in that school boards may now adopt policies so that, under certain specified circumstances, students in Grades 7 and 8 may enroll in high school classes and receive credit toward graduation for completing them. The rule on requirements for graduation thus needs to acknowledge that not all the required coursework will necessarily have been completed in Grades 9 through 12.

This amendment provides an opportunity to revise both Sections 1.430 and 1.440 to indicate more clearly what is meant by several portions of the School Code that require instruction in history and government-related topics. Sections 27-3, 27-4, 27-21, and 27-22 all address these, sometimes requiring instruction, sometimes requiring evidence of comprehensive knowledge, and sometimes requiring "an examination". Questions received from the field have led us to conclude that some believe "the Constitution Test" is required for graduation from eighth grade, while the actual requirements at that level are for:

- at least one hour of instruction each week (Section 27-4) and "passing a satisfactory examination" on the subjects listed in Section 27-3 – American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag; as well as
- instruction in history and "evidence of having a comprehensive knowledge thereof" (Section 27-21).

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There is no State-prescribed "Constitution Test", and districts may or may not administer tests addressing only the U.S. and/or Illinois Constitutions. As can also be seen from the information above, a test limited to the Constitution(s) would fulfill only a subset of the requirements. The revisions to Section 1.430 are intended to address these matters more completely.

Section 1.440 already distinguishes between the instruction in which students are required to participate and what must be completed as a prerequisite to receipt of a high school diploma. The wording change being proposed in subsection (c)(1) of that Section is a semantic one only, in that the statutory reference to "passing a satisfactory examination" is awkward and doubtless was intended to convey the idea of *satisfactory performance* on an examination (i.e., passing).

The proposed new material in **Section 1.510 (Transportation)** responds to Public Act 95-260, which added a new provision to the Vehicle Code requiring school districts to adopt policies to ensure that children are not unintentionally left on school buses. Because Section 1.510 includes a subsection on "Passenger Treatment and Supervision", it would be incomplete absent a reference to this new statutory requirement. It is not necessary for the rule to go into all the detail included in the law but rather only to acknowledge that part of the requirement for supervision of passengers is to obey this law and the employing/contracting district's policy.

Section 1.515 (Training of School Bus Driver Instructors) is being strengthened with regard to the qualifications required. Under subsection (a)(3), instructors must have had training in first aid. The goal of this amendment is to ensure that the training will have been reasonably recent. This revision was prompted by individuals' presentation of cards that had expired, indicating that their training had occurred quite some time in the past. (These cards are typically valid for periods of two or three years.)

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: *Powerful Libraries Make Powerful Learners: The Illinois Study* (2005; Illinois School Library Media Association); *School Libraries Work!* (2006; Scholastic Research & Results)
- 7) Will this rulemaking replace any emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Is there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objective: A program of library media services has been required in all public schools since at least the 1970s. However, ISBE's long-standing rule provides no specific information about the required characteristics or intensity of the program by which to gauge school districts' compliance with the requirement. To ensure that what is known about effective library media services is brought to bear on the achievement of Illinois students, this proposed rule will establish a threshold for the required services, differentiating levels of staffing between elementary and secondary schools. Currently, insufficient numbers of library media professionals are being prepared for service in Illinois schools. A rule requiring specified levels of staffing will establish a demand for trained professionals and, over time, would be expected to lead to an increase in the number of approved preparation programs and the number of certified library information specialists.
- 12) 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 (S-493)
Springfield, Illinois 62777

217/782-5270

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

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Certification System
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
- 1.90 System of Rewards and Recognition - The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Powers and Duties (Repealed)
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)

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- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Certified Staff in Contractual Continued Service
- 1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.445 Required Course Substitute
- 1.450 Special Programs
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 School Food Services (Repealed)
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

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Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
 - 1.710 Requirements for Elementary Teachers
 - 1.720 Requirements for Teachers of Middle Grades
 - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
 - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
 - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
 - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
 - 1.740 Standards for Reading through June 30, 2004
 - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
 - 1.750 Standards for Media Services through June 30, 2004
 - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
 - 1.760 Standards for Pupil Personnel Services
 - 1.762 Supervision of Speech-Language Pathology Assistants
 - 1.770 Standards for Special Education Personnel
 - 1.780 Standards for Teachers in Bilingual Education Programs
 - 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 - 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 - 1.790 Substitute Teacher
-
- 1.APPENDIX A Professional Staff Certification
 - 1.APPENDIX B Certification Quick Reference Chart (Repealed)
 - 1.APPENDIX C Glossary of Terms (Repealed)
 - 1.APPENDIX D State Goals for Learning
 - 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)

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- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

STATE BOARD OF EDUCATION

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- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], *a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education*, or, as authorized under Sections 13A-5 and 13A-10 of the School Code [105 ILCS 5/13A-5 and 13A-10] with respect to regional safe schools programs, the governing board of an Intermediate Service Center operating such a program may petition for:
- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.
- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested. Further, pursuant to Section 2-3.25g of the School Code, *waivers may not be requested from compliance with any provision of the School Code or the rules of the State Board of Education that reflects or implements the No Child Left Behind Act of 2001 (Public Law 107-110)*, which shall include all requirements for:
- 1) the entities to be held accountable for the achievement of their students;
 - 2) the participation of students in the various forms of the State assessment;
 - 3) the timing of administration of the State assessment;
 - 4) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;

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- 5) the use of indicators other than test scores in determining the progress of students;
 - 6) the required qualifications of paraprofessionals;
 - 7) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
 - 8) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
 - 9) the appointment of school or district improvement panels for schools or school districts on academic watch status;
 - 10) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and
 - 11) the appeals process set forth in Section 1.95 of this Part, and the authority of the State Board of Education to make final determinations on such appeals.
- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
- 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.
 - 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
 - 3) Identification as to whether the request is for an initial waiver or

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modification or for the renewal of a previously approved request.

Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.

- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description thatwhich sets forth:
 - A) the intent of the rule or mandate to be achieved,
 - B) the manner in which the applicant will meet that intent,
 - C) how the manner proposed by the applicant will be more effective, efficient or economical, and
 - D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
- 6) If the request is for a waiver of the administration expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
- 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, thisueh time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of

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the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.

- 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.
- 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local governing board.
- d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notifications provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, each of which must comply with the requirements of Section 2-3.25g of the School Code.
- e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
 - 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.
 - 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by

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the State Board, which shall be sent by certified mail, return receipt requested.

- 3) Incomplete requests will not be considered.
- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
- 1) is not based upon sound educational practices,
 - 2) endangers the health or safety of students or staff,
 - 3) compromises equal opportunities for learning, or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Unit, 100 North First Street, S-493, Springfield, Illinois 62777-0001. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- j) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.

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- k) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.
- l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of the School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of the School Code [105 ILCS 5/10-20.13 and 34-21.6].

- a) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.
- 1) "School fees" include, but are not limited to, the following:
- A) All charges for required textbooks and instructional materials.
- B) All charges and deposits collected by a school for use of school

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property (e.g., locks, towels, laboratory equipment).

- C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
 - D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.
 - E) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).
 - F) Graduation fees (e.g., caps, gowns).
 - G) School records fees.
 - H) School health services fees.
 - I) Driver's education fees assessed pursuant to Section 27-23 of the School Code [105 ILCS 5/27-23].
- 2) "School fees" do not include:
- A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).
 - B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
 - C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).
 - D) Charges for admission to school dances, athletic events or other social events.

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- E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).
- b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
- c) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:
- 1) Eligibility Criteria~~Standards to determine eligibility~~
 - A) Eligibility criteria~~Standards~~ must include a waiver of fees for all students who qualify for free lunches or breakfasts under the Community School Breakfast and Lunch Program Act [105 ILCS 125]. Students must meet the income requirements of the program, but need not participate in order to receive a waiver of school fees.
 - B) Eligibility criteria~~Standards~~ must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include: students who are eligible to receive reduced-price~~reduced-price~~ lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.
 - 2) Notification of parents
 - A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents; if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, — e.g., other students or neighbors). The notice shall at least describe:

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- i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
 - ii) the fees subject to waiver under the district's policy;
 - iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d) of this Section; and
 - iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.
- B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:
- i) the district waives fees for persons unable to afford them in accordance with its policy; and
 - ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.
- 3) Procedures for the resolution of disputes
- A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within 30 calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.
 - B) An appeal shall be decided within 30 calendar days after the receipt of the parents' request for an appeal. Parents shall have the

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right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.

- C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.
- d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in order to determine eligibility for a school fee waiver; however, for students approved for free or reduced-price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.), verification shall be conducted within the limitations set forth in 42 USC 1758.
- e) If the fee waiver policy and/or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within 30 calendar days following the adoption of the amendments.
- f)e) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in the Act.
- g)f) *No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [105 ILCS 5/28-19.2(a)].*

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

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Administrators and supervisors shall be appropriately certificated, meeting the requirements stated in Section 21-7.1 of the School Code [105 ILCS 5/21-7.1] and [Section 1.705 Appendix B](#) of this Part.

- a) Chief school business officials, effective July 1, 1977, shall be appropriately certificated, meeting the requirements stated in Section 21-7.1 of the School Code.
- b) Department chairpersons who are required to supervise and/or evaluate teachers shall [meet the applicable requirements of Section 1.705](#)~~have appropriate certification as indicated in Appendix B~~ of this Part. (See [also](#) Section 21-7.1 of the School Code.) This regulation shall apply only to those individuals first assigned to this position on or after September 1, 1978.
- c) Divided Service
 - 1) An administrator, i.e., a superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position.
 - 2) In school districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach (up to ½ day).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate

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unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

- 2) Include in its instructional program concepts ~~which are~~ designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The State Superintendent's approval shall be requested before the beginning of the school year.
 - B) The school district's request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

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- C) Requests for extensions of the State Superintendent's approval shall be made annually prior to the opening of school.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers hold certificates thatwhich are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.
- 4) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.

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- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

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- C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- i) Career Education
- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
- 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services —(housing, food, transportation), clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

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- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
 - 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
 - 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
- 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

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- C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
- D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] or by the Sex Education Act [105 ILCS 130].
- o) Library Media Programs
Each attendance center shall provide a program of library media services to meet the curricular and instructional needs of the school. No later than the beginning of the 2010-11 school year, each district's program shall meet the requirements of this subsection (o).
- 1) General
The program shall include a library media center containing a collection of resources that circulate to students and staff for the purpose of supporting learning activities that require the use of multiple sources of information and other resources such as relevant technologies (e.g., personal computers, LCD projectors, white boards, DVD players). Specifically:
- A) The center shall include an organized collection of resources that users can locate, including printed materials, audiovisual resources such as videocassettes, DVDs, and CDs, and electronic resources such as Internet access, on-line resources, and e-books.
- B) Resources in the collection shall be available for students and staff to check out.
- 2) Facilities

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There shall be space within each attendance center specifically devoted to a library media center. The designated space shall provide adequate shelving for materials and seating that is appropriate to the needs of the students in the grade levels served. The designated space shall accommodate the needs of students with disabilities.

3) Staff

A library information specialist shall be assigned to each attendance center, with responsibility for instructional activities such as information literacy collaboration with other teachers, technology instruction, and reading motivation. Clerical or paraprofessional staff shall be assigned to assist with the library media program by implementing routine, non-professional library operations and providing technical support. Specifically:

A) There shall be at least one library information specialist employed full-time in each high school.

B) There shall be at least one library information specialist assigned to each attendance center other than a high school. Full- or part-time professional staffing shall be commensurate with the number of students and faculty to be served and their needs related to the program of library media services.

C) The level of clerical or paraprofessional support provided shall be commensurate with the number and ages of the students to be served and their needs related to the program of library media services.

4) Financial Resources

Each district's annual budget shall include an identifiable allocation for resources and supplies for the program of library media services. Authority for managing expenditures from this allocation shall reside with a library information specialist.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the

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School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

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- 7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have [thesueh](#) policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.
- q) **Pupil Personnel Services**
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) **Social Sciences and History**
Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);

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- 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.
- t) *In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades.* (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2])
- u) *School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development.* (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3])

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 1.430 Additional Criteria for Elementary Schools

- a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by the School Code or applicable rules, is the option of the local board of education.
- 1) Language Arts, Reading and other Communication Skills
 - 2) Science
 - 3) Mathematics
 - 4) Social Studies
 - 5) Music
 - 6) Art
 - 7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
 - 8) Physical Education (see Section 27-6 of the School Code)
 - 9) Career Education - Awareness and Exploration
 - 10) Safety Education (see Section 27-17 of the School Code)
 - 11) Conservation of Natural Resources (see Section 27-13.1 of the School Code)
 - 12) *Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse (Section 27-13.2 of the School Code)*
- b) *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools.*

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Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent, and no student shall receive a certificate of graduation without passing an examination on these subjects. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]).

- c) *No student shall be graduated from the 8th grade unless he or she has received instruction in the history of the United States and has given evidence of comprehensive knowledge of the subject (Section 27-21 of the School Code), which may include, without limitation, a written test or the teacher's evaluation of the student's work. ~~No student shall receive certification of graduation without passing a satisfactory examination upon these subjects.~~*

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
- 1) Language Arts
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career and Technical Education - Orientation and Preparation

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- 9) Health Education
 - 10) Physical Education
 - 11) Consumer Education
 - 12) Conservation of Natural Resources
 - 13) Driver and Safety Education (see Section 27-23 of the School Code [105 ILCS 5/27-23] and 23 Ill. Adm. Code 252)
- b) Required Participation
- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
 - 2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.
 - 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12, unless he or she has demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part.
 - 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code [~~105 ILCS 5/27-3 and 27-4~~])
- c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade).

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However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.

- 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination*~~No student shall receive certification of graduation without passing a satisfactory examination~~ on the subjects discussed in subsection (b)(4) of this Section.
- 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
- 3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
 - 1) The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:
 - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;
 - B) writing assignments will be an integral part of the course's content across the time span covered by the course;

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- C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:
- i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part); and
 - ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.
- 2) The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART E: SUPPORT SERVICES

Section 1.510 Transportation

- a) Section 29-3 of the School Code [105 ILCS 5/29-3] requires the school boards of certain school districts to provide free transportation to pupils as delineated in that

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Section. These school districts may provide free transportation to other students in accordance with the remaining applicable provisions of Article 29 of the School Code [105 ILCS 5/Art. 29]. Districts that are not required to provide free transportation may do so at their option.

- b) Each district seeking State reimbursement for pupil transportation shall comply with the provisions of Article 29 of the School Code.
- c) Each district that is required to provide free transportation has the responsibility of providing sufficient buses for transporting all eligible pupils.
- d) Each school district is required to conform to the equipment standards and regulations established by the Department of Transportation.
- e) Each local school board that provides transportation shall designate a person under its direct supervision to ensure adherence to all laws and regulations affecting safe pupil transportation.
- f) School bus routing is the responsibility of the local school board. School districts shall arrange school bus stops to maximize safety, so that buses will not have to back up, and so that crossing arms will not infringe upon pedestrian crosswalks or cross streets. School buses are not required to enter private property.
- g) Local school boards shall institute policies and practices that promote the safety and well-being of school bus passengers, including provisions that support Section 10-22.6(b) of the School Code [105 ILCS 5/10-22.6(b)]. Local school boards shall require that all school bus drivers who transport pupils have been trained as discussed in Section 1.515 of this Part. The requirements set forth in subsections (h) through (n) of this Section shall serve as minimum statewide requirements for operating a school bus. Transportation for students who receive special education and related services shall be as set forth in the State Board's rules for Special Education (23 Ill. Adm. Code 226). Local school boards may adopt more stringent requirements, at their discretion.
- h) Operation of the Bus by the Driver
 - 1) The service door shall be closed at all times when the bus is in motion.

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- 2) Windows shall not be lowered below the stop line painted on the body pillar.
 - 3) The emergency door shall be unlocked but securely latched when operating the school bus.
 - 4) The driver shall not leave the bus while the motor is running.
 - 5) The gasoline tank shall not be filled while there are any persons on the bus or while the motor is running.
 - 6) The school bus signs shall be displayed only when the bus is being used for official school transportation.
 - 7) The required alternately flashing warning lights and stop arm shall be used only when stopping to receive or discharge students.
 - 8) The driver shall not back a bus at the school while students are in the vicinity unless a responsible person is present to guide the bus driver.
 - 9) The driver shall not permit a weapon or explosive of any kind on the bus.
 - 10) The driver shall not smoke when operating a school bus.
- i) Passenger Treatment and Supervision
- 1) All passengers shall be seated when the bus is in motion.
 - 2) Students shall not be asked to leave the bus along the route for breach of discipline, nor shall they be asked to sit anywhere other than on a seat for breach of discipline.
 - 3) The bus driver shall observe the requirements of the district's policy adopted pursuant to Section 12-816 of the Vehicle Code [625 ILCS 5/12-816] with respect to ensuring that *no passenger remains on the bus at the end of a route, a work shift, or the work day.*
- j) Loading and Unloading

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- 1) When children are picked up and must cross a roadway, the driver shall beckon them to cross the road when it is safe to do so.
 - 2) The driver on a regular route shall not be expected to wait for a tardy student and may proceed on a timely route if the student is not in sight.
 - 3) At school, the bus shall be driven onto the school grounds to discharge pupils or they shall be otherwise discharged so they will not have to cross a street if at all possible. At all discharge points where it is necessary for pupils to cross a roadway, the driver shall direct students to a point at least ten feet in front of the bus on the shoulder of the roadway and shall direct them to remain there until a signal is given by the bus driver for the students to cross.
 - 4) A driver shall not allow a student to get off the bus at any place other than the student's designated discharge point unless permission is granted by the proper school official.
 - 5) If a loading zone is not visible to traffic approaching from either direction, the district shall notify the Illinois Department of Transportation and request a determination as to the need to erect appropriate signs.
- k) Permitted Occupants
- 1) The manufacturer's capacity for a bus shall not be exceeded.
 - 2) Only persons authorized by the school district shall be allowed to ride school buses. Except with the permission of school authorities, the driver shall transport no school children with animals. Any animal transported shall be properly confined at all times when it is on a school bus.
- l) Accidents
- 1) In case of an accident or breakdown while the bus is transporting students, the first consideration shall be whether it is safer to evacuate the students or to have them remain on the bus.
 - 2) All accidents shall be reported immediately to the appropriate school officials.

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- 3) A completed copy of the Illinois Department of Transportation's "Motorist Report of Motor Vehicle Accident Form" (SR-1) shall be forwarded to the regional superintendent immediately after any accident.
 - 4) In case of a death that occurs as a result of a school bus accident, the responsible district official shall immediately notify the regional superintendent by telephone.
- m) **Railroad Crossings**
Each driver of a school bus shall stop at all railroad crossings except where protected by a human flagman or law enforcement officer or marked as having been exempted by the Illinois Commerce Commission pursuant to Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202].
- 1) The driver shall stop between 15 and 50 feet in front of the first rail. While stopped, the driver shall open the service door, listen and look in both directions for any approaching train. When the driver determines that no train is approaching, he or she shall close the door, then proceed completely across the grade crossing without changing gears.
 - 2) A driver who has stopped at a railroad crossing that is protected only by flashing lights and who determines that no train is, in fact, approaching (i.e., a malfunction is apparent) may proceed despite the warning lights, provided that he or she has complied with the requirements of subsection (m)(1) of this Section.
 - 3) The driver shall not use the alternately flashing warning signals or stop arm at railroad grade crossings.
- n) **School Bus Crossing Arm**
- 1) A school bus driver shall use the school bus crossing arm whenever the bus stops to allow students to enter or leave the bus. The driver shall allow sufficient space for the full extension of the crossing arm without infringing on other vehicles, other obstacles, the pedestrian crosswalk, or a cross street. However, a driver may omit using the crossing arm at school loading areas where school buses are parked bumper to bumper or when

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extending the crossing arm would impede pedestrians' crossing, extend into the adjacent cross street, or collide with another object or vehicle.

- 2) A school bus driver shall report to the affected school district any instance when the crossing arm cannot be used as required. School districts shall use this information in evaluating school bus routes and pickup and dropoff points. Districts shall retain these records in a manner consistent with their retention policies applicable to other records.
- 3) A school bus shall not be used if its crossing arm is found to be inoperable during the pre-trip inspection, or if the crossing arm has malfunctioned and has not yet been repaired.
- 4) If a crossing arm malfunctions while the school bus is carrying students, the driver shall note the stop where the malfunction first occurs and may complete the route if permitted to do so by local board policy.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1.515 Training of School Bus Driver Instructors

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], regional superintendents of schools are responsible for conducting training programs for school bus drivers. These programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules titled School Bus Driver Permit (92 Ill. Adm. Code 1035).

- a) 92 Ill. Adm. Code 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to this certification.
 - 1) The person must be at least 21 years of age.
 - 2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current teaching certificate endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.

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- 3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.
 - 4) The person must have assisted a certified instructor in conducting an initial school bus driver training course and a refresher course; the person must also have taught each of these types of courses under the observation of a certified instructor and have received a satisfactory evaluation of overall teaching performance.
 - 5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individuals in question and using a form supplied by the State Superintendent of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.
- b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
 - c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.300 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and Authorized by the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendment: October 26, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice Proposal Published in Illinois Register: 30 Ill. Reg. 17691; November 13, 2006
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: There are no substantive changes.
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This amendment deletes language relating to the 30-day probationary period for State employees who have been appointed to a position subject to jurisdiction B after serving as a full-time employee continuously for a minimum of two years in a position not subject to jurisdiction B.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

217/785-1793

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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NOTICE OF ADOPTED AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

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302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section

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- 302.170 Programs
- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

- Section
- 302.190 Definitions
- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

- Section
- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

- Section
- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period
- 302.325 Intermittent Status

SUBPART G: PROMOTIONS

- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
- 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

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Section	
302.400	Transfer
302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
302.432	Notice To Employee
302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
302.445	Transfer of Duties
302.450	Limitations on Transfers
302.460	Employee Records

SUBPART I: DEMOTION

Section	
302.470	Demotion
302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
302.497	Demotion of Other Employees
302.498	Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section	
302.500	Voluntary Reduction of Certified and Probationary Employees
302.505	Limitations in Voluntary Reduction
302.507	Definition of Layoff
302.510	Temporary Layoff
302.512	Use of Accrued Benefits During Temporary Layoff
302.514	Notice of Temporary Layoff
302.516	Return From Temporary Layoff
302.518	Scheduling of Temporary Layoffs
302.519	Deferral of Wages
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302.523	Voluntary Indeterminate Layoff
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302.530	Order of Layoff
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302.560	Order of Preference in Voluntary Reduction
302.570	Reemployment Lists
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SUBPART K: DISCHARGE AND DISCIPLINE

Section	
302.625	Definition of Certified Employee
302.626	Progressive Corrective Discipline
302.628	Prohibited Disciplinary Action
302.630	Disciplinary Action Warning Notice
302.640	Suspension Totaling Not More Than Thirty Days in any Twelve Month Period
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302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
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302.700	Cause for Discharge
302.705	Pre-Termination Hearing
302.710	Suspension Pending Decision on Discharge
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302.730	Notice to Employee
302.750	Appeal by Employee
302.780	Discharge of Probationary Employees
302.781	Reinstatement from Suspension or Discharge
302.785	Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict
302.790	Prohibition of Discrimination
302.795	Administrative Leave

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SUBPART L: TERM APPOINTMENTS

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302.800	Definition of Terms
302.810	Positions Subject to Term Appointments
302.820	Appointment
302.821	Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
302.822	Appointees Under Term Appointments
302.823	No Promotion to Positions Covered by Term Appointments (Repealed)
302.824	No Reallocation to Term Positions
302.825	Reemployment Rights to Term Appointment
302.830	Expiration of Term Appointment
302.840	Renewal Procedures
302.841	Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842	Effective Date of Reappointment or Termination (Repealed)
302.846	Change in Position Factors Affecting Term Appointment Exclusion
302.850	Reconsideration Request
302.860	Renewal Procedure for Incumbents Subject to Public Act 83-1369
302.863	Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13

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Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007.

SUBPART F: PROBATIONARY STATUS

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by:
 - 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as provided under Section 302.610;
 - 2) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.
- e) ~~An employee who has been appointed to a position subject to Jurisdiction B of the Personnel Code and who, immediately prior to the appointment, has served the State as a full-time employee, continuously, for a minimum of 2 years in a position not subject to Jurisdiction B, shall serve a probationary period of 30 days.~~
- cd) An employee transferred during the probationary period shall serve that portion of the probationary period ~~that~~which was not completed at the time of ~~the~~such transfer.

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NOTICE OF ADOPTED AMENDMENT

- de) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during ~~the~~such probationary period.
- ef) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, ~~the~~such absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 31 Ill. Reg. 15069, effective October 26, 2007)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Senior Citizens and Disabled Persons Prescription Drug Discount Program
- 2) Code Citation: 80 Ill. Adm. Code 2151
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2151.10	Repealed
2151.20	Repealed
2151.30	Repealed
2151.40	Repealed
2151.50	Repealed
2151.60	Repealed
2151.70	Repealed
2151.80	Repealed
2151.90	Repealed
2151.100	Repealed
2151.110	Repealed
2151.120	Repealed
- 4) Statutory Authority: Implemented and authorized by the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act [320 ILCS 55]
- 5) Effective Date of Repealer: October 26, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, 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: 31 Ill. Reg. 3117; February 23, 2007
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

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- 13) Will this repealer replace any emergency amend ment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The Senior Citizens and Disabled Persons Prescription Drug Discount Program (Act) [320 ILCS 55] established a program that allowed senior citizens and disabled citizens in the State of Illinois to receive prescription medication at a discounted rate. Central Management Services had this administrative responsibility and promulgated rules. Public Act 94-86 since established the Illinois Cares Rx Program, replacing this program and transferring administrative responsibility to the Department of Healthcare and Family Services. The Department of Healthcare and Family Services proposed emergency rules and published the rules for First Notice at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days. Those rules were finalized on May 26, 2006 at 30 Ill. Reg. 10274. Because CMS no longer has authority to administer the rule and the responsibility now belongs to another Agency, the entire rule is being repealed.
- 16) Information and questions regarding this adopted repealer shall be directed to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
- 217/785-1793
- 17) Does this repealer require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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112.78 Amendment 31 Ill. Reg. 10404; July 20, 2007

15) Summary and Purpose of Amendments: Pursuant to provisions of P.A. 93-598, this rulemaking eliminates the payment level cap for all assistance units without regard to the date of a child's birth. P.A. 93-598 requires the Department to no longer apply family cap policy to a child born to a TANF mother on or after January 1, 2004. This Act further requires the Department to eliminate the capped payment level on all existing capped children no later than July 1, 2007.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

- 112.1 Description of the Assistance Program and Time Limit
- 112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
- 112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
- 112.5 Incorporation by Reference
- 112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 112.8 Caretaker Relative
- 112.9 Client Cooperation
- 112.10 Citizenship
- 112.20 Residence
- 112.30 Age
- 112.40 Relationship
- 112.50 Living Arrangement
- 112.52 Social Security Numbers
- 112.54 Assignment of Medical Support Rights
- 112.60 Basis of Eligibility
- 112.61 Death of a Parent (Repealed)
- 112.62 Incapacity of a Parent (Repealed)
- 112.63 Continued Absence of a Parent (Repealed)
- 112.64 Unemployment of the Parent (Repealed)
- 112.65 Responsibility and Services Plan
- 112.66 Alcohol and Substance Abuse Treatment
- 112.67 Restriction in Payment to Households Headed by a Minor Parent
- 112.68 School Attendance Initiative
- 112.69 Felons and Violators of Parole or Probation

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SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	
112.70	Employment and Work Activity Requirements
112.71	Individuals Exempt from TANF Employment and Work Activity Requirements
112.72	Participation/Cooperation Requirements
112.73	Adolescent Parent Program (Repealed)
112.74	Responsibility and Services Plan
112.75	Teen Parent Personal Responsibility Plan (Repealed)
112.76	TANF Orientation
112.77	Reconciliation and Fair Hearings
112.78	TANF Employment and Work Activities
112.79	Sanctions
112.80	Good Cause for Failure to Comply with TANF Participation Requirements
112.81	Responsible Relative Eligibility for JOBS (Repealed)
112.82	Supportive Services
112.83	Teen Parent Services
112.84	Employment Retention and Advancement Project
112.85	Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section	
112.86	Project Advance (Repealed)
112.87	Project Advance Experimental and Control Groups (Repealed)
112.88	Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89	Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90	Project Advance Sanctions (Repealed)
112.91	Good Cause for Failure to Comply with Project Advance (Repealed)
112.93	Individuals Exempt From Project Advance (Repealed)
112.95	Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program (Repealed)

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Parent
112.105	Budgeting Unearned Income
112.106	Budgeting Unearned Income of Applicants
112.107	Initial Receipt of Unearned Income
112.108	Termination of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump-Sum Payments
112.128	Protected Income (Repealed)
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Employed Applicants
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-contractual School Employees
112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion from Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income from Work-Study and Training Programs
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards

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- 112.153 Deferral of Consideration of Assets
- 112.154 Property Transfers (Repealed)
- 112.155 Income Limit
- 112.156 Assests for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section

- 112.250 Grant Levels
- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
- 112.254 Payment Levels in Group III Counties
- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section

- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

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SUBPART J: CHILD CARE

Section

112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
112.416	Fees for Service for Transitional Child Care (Repealed)
112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at

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3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency

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amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended

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at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency

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amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138,

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effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements

- a) An individual shall be exempt from TANF Employment and Work Activity Requirements when that individual:
 - 1) Is a child who is not a parent.
 - 2) Is the parent or other caretaker relative of a child under age one in the home ~~who is~~ personally providing care for the child. ~~This includes family cap cases.~~
 - A) Only one person in a case may be exempted for this reason.
 - B) A parent under age 20, without a high school diploma or equivalent, cannot claim this exemption unless his or her youngest child is under 12 weeks of age.
 - 3) Is 60 years of age or older.
 - 4) ~~Is an adult~~~~Are adults~~ in a ~~family~~~~families~~ when only children are receiving TANF benefits.

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- b) Exemption from TANF Employment and Work Activity does not equate to exemption from the 60-month lifetime limit.

(Source: Amended at 31 Ill. Reg. 15080, effective October 24, 2007)

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels

a) The Payment Levels are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:

- ~~a1)~~ the number in the assistance unit ~~except as specified in subsection (b) of this Section;~~
- ~~b2)~~ the presence or absence of an adult in the assistance unit; and
- ~~c3)~~ the grouping of the county in which the assistance unit lives.
- b) ~~Effective January 1, 1996 cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. Medicaid coverage, food stamps and child care are not included in the cap.~~
- 1) ~~Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.~~
- 2) ~~An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:~~
- A) ~~the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;~~
- B) ~~for cases active as of January 1, 1996 the birth occurs within ten months after the date of implementation (by October 31, 1996);~~

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- ~~C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapplication;~~
 - ~~D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;~~
 - ~~E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or~~
 - ~~F) the child (including all children in the case of multiple births) was born to a minor included in the grant who became a first time minor parent.~~
- ~~3) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.~~
- e) ~~Subsection (b) shall not apply to affect the payment level of any assistance unit as a result of the birth of a child on or after January 1, 2004. The payment level cap will be eliminated for all affected assistance units by July 1, 2007.~~

(Source: Amended at 31 Ill. Reg. 15080, effective October 24, 2007)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
510.60	Amend
510.200	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: November 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11261; August 3, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed rulemaking prohibits a harness driver from claiming a horse that he or she is driving. This rulemaking also creates a draw by lot in the event a trainer, on behalf of multiple owners, submits multiple claims for the same horse. In addition, this rulemaking prevents a horse that is claimed at an Illinois racetrack from leaving the State of Illinois for 60 days.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 510
CLAIMING RACES

Section	
510.10	Definition
510.20	Claiming Eligibility
510.30	Form and Deposit of Claim
510.40	Errors which Invalidate Claim
510.50	Refund of Voided Claim
510.60	Prohibited Action with Respect to Claim
510.70	Horses under Lien
510.80	Affidavit May be Required
510.90	Claimant's Responsibility
510.100	Claimed Horse's Certificate
510.110	Engagements of a Claimed Horse
510.120	Protests of a Claim
510.130	Title to a Claimed Horse
510.140	Distribution of the Purse
510.150	Delivery of a Claimed Horse
510.160	Trainer Responsibility for Post-Race Tests
510.170	Excusing Claimed Horse
510.180	Stable Eliminated by Fire or Other Hazard
510.190	Entering Claimed Horse (Repealed)
510.195	Determining Eligibility Dates
510.200	Claimed Horse Racing Elsewhere
510.210	Sale of a Claimed Horse
510.220	Illinois Rules Govern Claimed Horse
510.230	Extension of Regular Meeting (Repealed)
510.240	Claiming Authorization
510.250	Claiming Price

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

ILLINOIS RACING BOARD

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SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007.

Section 510.60 Prohibited Action with Respect to Claim

No person or racing interest shall:

- a) claim more than one horse from any one race;
- b) claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;
- c) refuse to deliver the claimed horse to the successful claimant; furthermore, the horse in question shall be disqualified until delivery is effected;
- d) make any agreement with any other person or racing interest for the protection of each other's horses in any claiming race;
- e) remove any horse which has been entered in a claiming race from the race track where it has been entered to race;
- f) fail or refuse to comply with any rule or condition of the meeting for the purpose of avoiding or preventing a claim for such horse;
- g) offer, or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;
- h) attempt to intimidate or prevent anyone from running a horse in any claiming

ILLINOIS RACING BOARD

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race;

- i) claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law or father-in-law;
- j) claim horses owned or trained by their own spouse, child, sibling, parent, mother-in-law or father-in-law;
- k) claim, directly or indirectly, a horse he or she is driving in a race;
- l) claim a horse without designating a licensed trainer. In the event multiple owners designate the same trainer for a single claim, a preliminary drawing between those owners shall be determined by lot under the supervision of the Stewards or their duly appointed representative. The winner of the preliminary drawing shall be the participant in the final draw. In the event that there are no other claimants, the winner of the preliminary draw shall be the sole claimant.

(Source: Amended at 31 Ill. Reg. 15094, effective November 1, 2007)

Section 510.200 Claimed Horse Racing Elsewhere

- a) Horses claimed at race tracks located in the Chicagoland area shall not race at any other race track for 60 days except at another race track located in the Chicagoland area. Race tracks located within 50 miles of the City of Chicago shall be considered in the Chicagoland area. However, a claimed horse may race at another race track when a race meeting concludes and no race meeting starts in the Chicagoland area for 30 days. No claimed horse shall race at any other race track until the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter.
- b) Horses claimed at race tracks located outside the Chicagoland area shall not race at any other race track until the close of the race meeting, or for 60 days, whichever is shorter.
- cb) This Section shall not apply when claimed horses are fulfilling a stakes engagement or have the express written consent, of the race track where they were claimed, to race at another location.

(Source: Amended at 31 Ill. Reg. 15094, effective November 1, 2007)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Security and Admissions
- 2) Code Citation: 11 Ill. Adm. Code 1325
- 3) Section Number: 1325.160 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: November 1, 2007
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11285; August 3, 2007
- 10) Has JCAR issued a Statement of Objection 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 letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed rulemaking expands the current turnstile rule to include electronic scanning devices at admission plazas.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1325
SECURITY AND ADMISSIONS

Section	
1325.10	Stable Enclosures Fenced
1325.20	Report of Arrival and Departure of Horses
1325.30	Stable Area Security
1325.40	Policing of Premises
1325.50	Admission to Parts of Premises
1325.60	Identification Cards and Badges
1325.70	Admission Statements
1325.80	State Admissions Admission Tax
1325.90	Admissions Records
1325.100	Board Approval of Tickets and Credentials
1325.110	Crediential Credentials and Ticket Specimens
1325.120	Tax Exempt Credentials
1325.130	Tax Exempt Credentials Report (Repealed)
1325.140	Track Responsible for Credentials
1325.150	Board Access to Records
1325.160	Turnstiles and Electronic Scanning Devices
1325.170	Admission to Track
1325.180	Revocation of Credentials
1325.190	Inspections and Searches
1325.200	Investigative Authority

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991; amended at 31 Ill. Reg. 15099, effective November 1, 2007.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Section 1325.160 Turnstiles and Electronic Scanning Devices

All gates for the admission of patrons shall have turnstiles equipped with meters or electronic scanning devices, and ~~thesueh~~ turnstiles or electronic scanning devices must be numbered consecutively or have other means of individual identification. The race track operator shall test the ~~turnstile~~ equipment at the opening of each racing day. ~~TheSaid~~ test is to be made under the supervision and direction of the Board or such agents as the Board may appoint. A daily ~~turnstile~~ reconciliation is to show a beginning reading and final reading of each ~~device~~ turnstile, the total admitted, and also a classified breakdown of all types of admittance. The operator must employ methods, subject to the approval of the Board, to record serial numbers and code letters or numbers each day a tax exempt ticket or credential is used for admittance, in order to substantiate all tax exempt admissions.

(Source: Amended at 31 Ill. Reg. 15099, effective November 1, 2007)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Admissions and Credentials
- 2) Code Citation: 11 Ill. Adm. Code 1428
- 3) Section Number: 1428.200 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: November 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11302; 8/3/07
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed rulemaking expands the current turnstile rule to include electronic scanning devices at admission plazas.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1428
ADMISSIONS AND CREDENTIALS

Section

1428.10	State Admissions Tax
1428.20	Admission Records
1428.30	Weekly Remittance of Tax
1428.40	Admission Statements
1428.50	Delivery of Reports
1428.60	Board Approval of Tickets and Credentials
1428.70	Control Numbers
1428.80	Revocation of Tickets, Credentials
1428.90	Notice of State Tax
1428.100	Credential and Ticket Specimens
1428.110	Gate Cards
1428.120	Tax Exempt Credentials
1428.130	Report on Tax Exempt Credentials (Repealed)
1428.140	Concessionaires, Employees Credentials
1428.150	Requisitions for Passes
1428.160	Tax Exempt Credentials Report (Repealed)
1428.170	Summary of Tickets and Credentials
1428.180	Track Responsible for Credentials
1428.190	Board Access to Records
1428.200	Turnstiles and Electronic Scanning Devices
1428.210	Admission to Track
1428.220	Revocation of Credentials
1428.230	Admissions for Licensees
1428.240	Intertrack Wagering Location Licensee Admission Fees

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

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NOTICE OF ADOPTED AMENDMENT

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. 17633, effective October 16, 1990; amended at 14 Ill. Reg. 20042, effective December 4, 1990; emergency amendment at 17 Ill. Reg. 3683, effective March 4, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14049, effective August 16, 1993; amended at 19 Ill. Reg. 17187, effective January 1, 1996; amended at 31 Ill. Reg. 15103, effective November 1, 2007.

Section 1428.200 Turnstiles and Electronic Scanning Devices

All gates for the admission of patrons shall have turnstiles equipped with meters or electronic scanning devices, and ~~thesueh~~ turnstiles or electronic scanning devices must be numbered consecutively or have other means of individual identification. The race track operator shall test the ~~turnstile~~ equipment at the opening of each racing day. ~~TheSaid~~ test is to be made under the supervision and direction of the Board or such agents as the Board may appoint. A daily ~~turnstile~~ reconciliation is to show a beginning reading and final reading of each ~~device~~ turnstile, the total admitted, and also a classified breakdown of all types of admittance. The operator must employ methods, subject to the approval of the Board, to record serial numbers and code letters or numbers each day a tax exempt ticket or credential is used for admittance, in order to substantiate all tax exempt admissions.

(Source: Amended at 31 Ill. Reg. 15103, effective November 1, 2007)

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Testing of Breath, Blood and Urine for Alcohol, other Drugs, and Intoxicating Compounds
- 2) Code Citation: 20 Ill. Adm. Code 1286
- 3) Section Number: 1286.320 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1]
- 5) Effective Date of Amendment: October 29, 2007
- 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) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 9840; July 13, 2007
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace any emergency amendment currently in effect? Yes

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The current collection procedure used to obtain a blood sample from a subject to determine the alcohol concentration or presence of other drugs or intoxicating compounds is conducted by licensed medical personnel within established medical protocols. For the subject's well-being, the protocol requires disinfecting the skin prior to drawing blood. The Department has been provided test results which indicate the disinfectant wipes provided with the blood collection kits supplied by its vendor contain trace amounts of alcohol. Upon inquiry, the Department has been informed that all manufacturers' disinfectant wipes contain trace amounts of alcohol. Review of independent scientific literature indicates use of disinfectants containing alcohol at this minute quantity prior to a blood draw has no effect on the subsequent analytical results of the specimen. These results were verified by the Department's own scientific analysis. The current administrative rule prohibits use of a disinfectant containing any amount of alcohol. The current rule, when applied to the disinfectants currently provided, has no scientific basis and should be amended.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. John Hosteny
Interim Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

SUBPART A: GENERAL PROVISIONS

Section	
1286.10	Definitions
1286.20	Grievances
1286.30	Additional Testing
1286.40	Conversion of a Blood Serum or Blood Plasma Alcohol Concentration to a Whole Blood Equivalent
1286.50	Passive Sensors
1286.60	Department Notification
1286.70	Maintenance of Records for Approved Evidentiary Instruments
1286.75	Subpoena Procedure for Evidentiary Instruments
1286.80	Approved Evidentiary Instrument and Logbook Availability
1286.90	Reporting Laboratory Results

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND
LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section	
1286.100	Licensing BAOs
1286.110	Renewal of BAO License
1286.120	Revocation and Denial of BAO License
1286.130	Authorization of BATs
1286.140	Revocation and Denial of BAT Authorization
1286.150	Accrediting BAIs
1286.160	Revocation and Denial of BAI Accreditation
1286.170	Certification of Laboratories and Laboratory Technicians
1286.180	Revocation and Denial of Laboratory Certification

SUBPART C: EQUIPMENT

Section

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

1286.200	Equipment Approval and Accuracy
1286.210	Evidentiary Instrument Approval
1286.220	Checking Approved Evidentiary Instruments for Accuracy
1286.230	Checking Approved Evidentiary Instruments for Continued Accuracy
1286.240	PBT Approval
1286.250	Checking Approved PBTs for Accuracy
1286.260	Operation of PBTs

SUBPART D: SAMPLING PROCEDURES

Section

1286.300	General Sampling Protocol
1286.310	Approved Evidentiary Instrument Operation
1286.320	Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.330	Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds
1286.340	Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)
1286.350	Operation of PBTs (Repealed)

AUTHORITY: Authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]. Implementing and authorized by Section 6-106.1a of the Illinois Vehicle Code [625 ILCS 5/6-106.1a]. Implementing and authorized by Section 11-501.2 of the Illinois Vehicle Code [625 ILCS 5/11-501.2]. Implementing Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5]. Implementing Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6]. Implementing and authorized by Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8]. Implementing Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7.5]. Implementing Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b]. Implementing and authorized by Section 6-1 of the Boat Registration and Safety Act [625 ILCS 45/6-1].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 239, effective January 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 3023, effective February 1, 2001; amended at 28 Ill. Reg. 10017, effective June 30, 2004; amended at 31 Ill. Reg. 7305, effective May 1, 2007; emergency amendment at 31 Ill. Reg. 10188, effective July 9, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15107, effective October 29, 2007.

SUBPART D: SAMPLING PROCEDURES

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED AMENDMENT

Section 1286.320 Blood Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

- a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.
- b) For samples collected in Illinois, *the blood sample shall be collected by a licensed physician, registered nurse, trained phlebotomist, or certified paramedic. When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a registered nurse, a trained phlebotomist acting under the direction of the physician, or certified paramedic.* (Section 11-501.2(a) of the Illinois Vehicle Code)
- c) The blood sample should be drawn using proper medical technique. A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.
- d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)
- e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.
- f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).
- g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 31 Ill. Reg. 15107, effective October 29, 2007)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
NOVEMBER 13, 2007

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Halal Food Disclosure (8 Ill. Adm. Code 190)
-First Notice Published: 31 Ill. Reg. 2053 – 2/2/07
-Expiration of Second Notice: 11/28/07

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 31 Ill. Reg. 12384 – 8/31/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

-Expiration of Second Notice: 12/1/07

Elections

3. Practice and Procedure (26 Ill. Adm. Code 125)
 - First Notice Published: 31 Ill. Reg. 12160 – 8/17/07
 - Expiration of Second Notice: 11/23/07
4. Miscellaneous (26 Ill. Adm. Code 207)
 - First Notice Published: 31 Ill. Reg. 12576 – 8/31/07
 - Expiration of Second Notice: 12/7/06

Human Services

5. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 31 Ill. Reg. 10446 – 7/20/07
 - Expiration of Second Notice: 12/7/07

Natural Resources

6. The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)
 - First Notice Published: 31 Ill. Reg. 12271 – 8/24/07
 - Expiration of Second Notice: 11/28/07
7. Ginseng Harvest and Commerce Regulations (17 Ill. Adm. Code 1580)
 - First Notice Published: 31 Ill. Reg. 12445 – 8/31/07
 - Expiration of Second Notice: 12/1/07

Pollution Control Board

8. General Rules (35 Ill. Adm. Code 101)
 - First Notice Published: 31 Ill. Reg. 6537 – 5/4/07
 - Expiration of Second Notice: 11/30/07
9. Petroleum Underground Storage Tanks (Releases Reported September 23, 1994, Through June 23, 2002) (35 Ill. Adm. Code 732)
 - First Notice Published: 31 Ill. Reg. 6629 – 5/4/07
 - Expiration of Second Notice: 11/30/07
10. Petroleum Underground Storage Tanks (Releases Reported on or After June 24, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

(35 Ill. Adm. Code 734)

-First Notice Published: 31 Ill. Reg. 6648 – 5/4/07

-Expiration of Second Notice: 11/30/07

11. Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)

-First Notice Published: 31 Ill. Reg. 11107 – 8/3/07

-Expiration of Second Notice: 11/30/07

12. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

-First Notice Published: 31 Ill. Reg. 11112 – 8/3/07

-Expiration of Second Notice: 11/30/07

Property Tax Appeal Board

13. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)

-First Notice Published: 31 Ill. Reg. 9759 – 7/13/07

-Expiration of Second Notice: 12/8/07

Public Health

14. Podiatric Scholarship and Residency Programs Code (77 Ill. Adm. Code 593)

-First Notice Published: 31 Ill. Reg. 10626 – 7/27/07

-Expiration of Second Notice: 11/28/07

Racing Board

15. Horse Health (11 Ill. Adm. Code 605)

-First Notice Published: 31 Ill. Reg. 11266 – 8/3/07

-Expiration of Second Notice: 12/8/07

16. Race Officials (11 Ill. Adm. Code 1306)

-First Notice Published: 31 Ill. Reg. 11272 – 8/3/07

-Expiration of Second Notice: 12/2/07

17. Eligibility and Qualification for Races (11 Ill. Adm. Code 1309)

-First Notice Published: 31 Ill. Reg. 12151 – 8/17/07

-Expiration of Second Notice: 12/2/07

18. General Licensee Rules (11 Ill. Adm. Code 1313)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

-First Notice Published: 31 Ill. Reg. 11276 – 8/3/07
-Expiration of Second Notice: 12/2/07

19. Forbidden Conduct (11 Ill. Adm. Code 1320)
 - First Notice Published: 31 Ill. Reg. 11281 – 8/3/07
 - Expiration of Second Notice: 12/2/07
20. Officials of Meeting (11 Ill. Adm. Code 1403)
 - First Notice Published: 31 Ill. Reg. 11289 – 8/3/07
 - Expiration of Second Notice: 12/2/07
21. Trainers and Owners (11 Ill. Adm. Code 1410)
 - First Notice Published: 31 Ill. Reg. 11293 – 8/3/07
 - Expiration of Second Notice: 12/2/07
22. Regulations for Meetings (Thoroughbred) (11 Ill. Adm. Code 1424)
 - First Notice Published: 31 Ill. Reg. 11297 – 8/3/07
 - Expiration of Second Notice: 12/2/07
23. Horse Health Rules (Repealer) (11 Ill. Adm. Code 1431)
 - First Notice Published: 31 Ill. Reg. 12155 – 8/17/07
 - Expiration of Second Notice: 12/2/07

Revenue

24. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 12296 – 8/24/07
 - Expiration of Second Notice: 11/28/07
25. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 12449 – 8/31/07
 - Expiration of Second Notice: 11/29/07
26. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 31 Ill. Reg. 12670 – 9/7/07
 - Expiration of Second Notice: 12/6/07

Secretary of State

27. Issuance of Licenses (92 Ill. Adm. Code 1030)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

- First Notice Published: 31 Ill. Reg. 11503 – 8/10/07
- Expiration of Second Notice: 11/18/07

- 28. Commercial Driver Training Schools (92 Ill. Adm. Code 1060)
 - First Notice Published: 31 Ill. Reg. 11509 – 8/10/07
 - Expiration of Second Notice: 11/18/07

- 29. The Illinois Library System Act (23 Ill. Adm. Code 3030)
 - First Notice Published: 31 Ill. Reg. 12463 – 8/31/07
 - Expiration of Second Notice: 12/2/07

- 30. Illinois State Library Grant Programs (23 Ill. Adm. 3035)
 - First Notice Published: 31 Ill. Reg. 12499 – 8/31/07
 - Expiration of Second Notice: 12/2/07

- 31. Literacy Grant Program (Repealer) (23 Ill. Adm. Code 3040)
 - First Notice Published: 31 Ill. Reg. 12528 – 8/31/07
 - Expiration of Second Notice: 12/2/07

- 32. Public Library Construction Grants (23 Ill. Adm. Code 3060)
 - First Notice Published: 31 Ill. Reg. 12546 – 8/31/07
 - Expiration of Second Notice: 12/2/07

- 33. The Illinois State Library Training Program Grants (Repealer) (23 Ill. Adm. Code 3070)
 - First Notice Published: 31 Ill. Reg. 12567 – 8/31/07
 - Expiration of Second Notice: 12/2/07

PEREMPTORY RULEMAKINGSCentral Management Services

- 34. Pay Plan (80 Ill. Adm. Code 310)
 - Notice Published: 31 Ill. Reg. 14331 – 10/12/07

Human Services

- 35. Food Stamps (89 Ill. Adm. Code 121)
 - Notice Published: 31 Ill. Reg. 14372 – 10/12/07

AGENCY RESPONSES

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOVEMBER AGENDA

Central Management Services

36. Pay Plan (80 Ill. Adm. Code 310; 31 Ill. Reg. 12608) (Emergency)

Children and Family Services

37. Licensing Enforcement (89 Ill. Adm. Code 383; 31 Ill. Reg. 4511)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 23, 2007 through October 29, 2007 and have been scheduled for review by the Committee at its November 13, 2007 or its December 11, 2007 meetings. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/6/07	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	9/7/07 31 Ill. Reg. 12670	11/13/07
12/7/07	<u>State Board of Elections</u> , Miscellaneous (26 Ill. Adm. Code 207)	8/31/07 31 Ill. Reg. 12576	11/13/07
12/7/07	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	7/20/07 31 Ill. Reg. 10446	11/13/07
12/8/07	<u>Illinois Racing Board</u> , Horse Health (11 Ill. Adm. Code 605)	8/3/07 31 Ill. Reg. 11266	11/13/07
12/8/07	<u>Property Tax Appeal Board</u> , Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	7/13/07 31 Ill. Reg. 9759	11/13/07
12/12/07	<u>Environmental Protection Agency</u> , Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 and 901 (Repealer) (35 Ill. Adm. Code 951)	8/31/07 31 Ill. Reg. 12388	12/11/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/12/07	<u>Environmental Protection Agency</u> , Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 902 (Repealer) (35 Ill. Adm. Code 952)	8/31/07 31 Ill. Reg. 12411	12/11/07
12/12/07	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	7/20/07 31 Ill. Reg. 10404	12/11/07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) Section Number: 1.2036 Action: Withdrawal
- 4) Date Notice of Proposed Rules Published in the Register: December 29, 2006; 30 Ill. Reg. 19577
- 5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: July 6, 2007; 31 Ill. Reg. 9532
- 6) Summary of Action Taken by the Agency: In response to the Objection of the Joint Committee on Administrative Rules and based on the Committee's Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking dated 10/10/07 and published in the October 26, 2007 *Illinois Register* at 31 Ill. Reg. 14605, the Department withdraws the proposed amendment.

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

**LIST OF CONTRACTORS PROHIBITED FROM AN AWARD OF A CONTRACT OR
A SUBCONTRACT FOR PUBLIC WORKS PROJECTS**

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Mamax, Inc.
684 County Line Road
Bensenville, IL 60106
June 15, 2007 and continuing through June 15, 2009
IDOL Case #'s: 2003-PW-WJ01-0704
2006-PW-WJ02-0724

Steve Piper & Sons, Inc.
31 W 320 Ramm Drive
Naperville, Illinois 60564
December 6, 2006 and continuing through December 6, 2008
IDOL Case No.: 2005-PW-AP03-0859

Steve Piper & Sons, Inc.
D/B/A Lucky Charm Contracting, Inc.
31 W 320 Ramm Drive
Naperville, Illinois 60564
December 6, 2006 and continuing through December 6, 2008
IDOL Case No.: 2004-PW-AP03-1448

Del Toro Landscaping, Inc.
18N061 Galligan Rd.
Dundee, IL 60118
April 10, 2007 and continuing through November 9, 2008
IDOL Case No: 2004-PW-WJ10-0922
2004-PW-WJ02-1303
2004-PW-WJ11-1008
2005-PW-WJ04-0932
2005-PW-WJ10-0395

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

Monahan's Landscape Co., Inc.
D/B/A Monahan's Construction Co.
2525 E. Oakton Street
Suite A3
Arlington Heights, Illinois 60005
September 18, 2006 and continuing through September 17, 2008
IDOL Case No: 2006-PW-WJ08-0062
2004-PW-WJ10-0973
2003-PW-WJ06-0242

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**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part: (1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (2) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Revenue and the Department of Healthcare and Family Services are executive agencies directly responsible to the Governor that exercise the rights, powers, duties, and responsibilities derived from 20 ILCS 2505 et seq. and 20 ILCS 2205 et seq., respectively; and

WHEREAS, streamlining and consolidating certain functions of one agency into another agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology, and realize other cost savings, among other things; and

WHEREAS, the Department of Healthcare and Family Services, through its Division of Child Support Enforcement, is the primary agency entrusted with administering and collecting child support payments on behalf of affected custodial parents; and

WHEREAS, the Department of Revenue, through its child support collection program, has assisted the Department of Healthcare and Family Services in collecting delinquent child support payments; and

WHEREAS, the Department of Revenue's child support collection program personnel are completely funded by the Department of Healthcare and Family Services' Child Support Administrative Fund; and

2007 – 2

**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

WHEREAS, the Department of Revenue has twenty-nine (29) employees/positions assigned to collect seriously overdue child support on behalf of the Department of Healthcare and Family Services; and

WHEREAS, the Department of Healthcare and Family Services has acquired administrative enforcement powers and remedies, including the following powers: to administratively seize bank accounts; to file liens on real property; to cause denials of State-issued professional, occupational and recreational licenses; to cause denials of new and renewed passports; to publish the names of delinquent parents; and to impose other administrative collection actions; and

WHEREAS, consolidation into one agency of the resources available to collect past due child support will promote increased collections; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring the administration and collection of child support payment functions (the "Functions") and personnel from the Department of Revenue (the "Transferring Agency") to the Department of Healthcare and Family Services (the "Receiving Agency"); and

WHEREAS, the Functions, as well as the staff performing those Functions, of the Transferring Agency's child support collection program shall be transferred to the Receiving Agency in accordance with the objectives of the child support collection program.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective October 23, 2007, or as soon thereafter as practicable, the powers, duties, rights, and responsibilities of the Transferring Agency's twenty-nine (29) current and vacant employees/positions shall be transferred from the Transferring Agency to the Receiving Agency pursuant to this Executive Order.

II. EFFECT OF TRANSFER

The powers, duties, rights, and responsibilities vested in the child support collection program shall not be affected by this Executive Order, except that all management, staff support, and

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**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

other resources necessary to the operation of the program shall be provided by the Receiving Agency.

- A. The status and rights of the employees in the Transferring Agency engaged in the performance of the Functions of the child support collection program shall not be affected by the transfer. The rights of the employees as derived from the State of Illinois and its agencies under the Personnel Code, the applicable collective bargaining agreements, or any pension, retirement, or annuity plan shall not be affected by this Executive Order. Personnel employed by the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.
- B. All books, records, papers, documents, contracts, and pending business pertaining to the powers, duties, rights, and responsibilities related to the child support collection program and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format, shall be transferred to the Receiving Agency; provided, however, that the transfer of such information shall not violate any applicable confidentiality constraints.
- C. All unexpended appropriation balances and other funds otherwise available to the Transferring Agency for use in connection with the child support collection program shall be transferred and made available to the Receiving Agency for use in connection with the child support collection program.

III. SAVINGS CLAUSE

- A. The powers, duties, rights, and responsibilities related to the child support collection program and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers, or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights, and responsibilities as had

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**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE TO THE
DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES**

been exercised by the Transferring Agency or its divisions, officers, or employees.

- C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the functions of the child support collection program transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon the Receiving Agency.
- E. This Executive Order shall not affect any act done, ratified, or canceled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause regarding the child support collection program before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by Governor: October 23, 2007

Filed with Secretary of State: October 23, 2007

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 45 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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