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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

May 02, 2008 Volume 32, Issue 18

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Office of the Inspector General (OIG) 89 Ill. Adm. Code 430	6962
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF Illinois Promotion Act Programs 14 Ill. Adm. Code 510	6966
EMPLOYMENT SECURITY, DEPARTMENT OF Claims, Adjudication, Appeals and Hearings 56 Ill. Adm. Code 2720	6999
Payment of Benefits 56 Ill. Adm. Code 2830	7005
PUBLIC HEALTH, DEPARTMENT OF Nursing Education Scholarships 77 Ill. Adm. Code 597	7013
RACING BOARD, ILLINOIS Superfecta 11 Ill. Adm. Code 311	7027
Exacta Double 11 Ill. Adm. Code 320	7032
REVENUE, DEPARTMENT OF Income Tax 86 Ill. Adm. Code 100	7036
STATE BOARD OF EDUCATION Requirements for Accounting, Budgeting, Financial Reporting, and Auditing 23 Ill. Adm. Code 100	7051

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services 89 Ill. Adm. Code 431	7088
EXECUTIVE ETHICS COMMISSION Organization, Information, Rulemaking and Hearings 2 Ill. Adm. Code 1620	7099
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Pharmacy Practice Act 68 Ill. Adm. Code 1330	7116
REVENUE, DEPARTMENT OF Motor Fuel Tax 86 Ill. Adm. Code 500	7134

STATE BOARD OF EDUCATION	
Student Records	
23 Ill. Adm. Code 375	7143
PEREMPTORY RULES	
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	7154
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120	7212
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	7224
NOTICE OF FAILURE TO REMEDY	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Medical Assistance Programs	
89 Ill. Adm. Code 120	7227
NOTICE OF AGENCY RESPONSE TO THE OBJECTION OF THE	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT	
Hospital Services	
89 Ill. Adm. Code 148	7228
Hospital Reimbursement Changes	
89 Ill. Adm. Code 152	7229
NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS	
POLLUTION CONTROL BOARD	
Definitions and General Provisions	
35 Ill. Adm. Code 211	7230
Nitrogen Oxides Emissions	
35 Ill. Adm. Code 217	7231
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE	
ILLINOIS REGISTER	
REVENUE, DEPARTMENT OF	
2008 First Quarter Income Tax Sunshine Index.....	7232
EXECUTIVE ORDERS AND PROCLAMATIONS	
PROCLAMATIONS	
Mine Safety Day	
2008-152.....	7236
Pfc. Shane Penley	
2008-153.....	7237
Teen Appreciation Week	
2008-154.....	7237
National Parent Care Day	

2008-155.....	7238
Tay-Sachs Awareness Month	
2008-156.....	7238
100 Hours of Power Week	
2008-157.....	7239
Illinois Equal Pay Day	
2008-158.....	7240
Black Barbershop Health Outreach Day	
2008-159.....	7241
Childhood Drowning Prevention Month	
2008-160.....	7243
Sierra Leone Independence Day	
2008-161.....	7243
National Association of Insurance Women Week	
2008-162.....	7244
Careers in Construction Week	
2008-163.....	7245
Records and Information Management Month	
2008-164.....	7246
Say It Out Loud Month	
2008-165.....	7247
Rett Syndrome Awareness Week	
2008-166.....	7247
Exercise is Medicine Month	
2008-167.....	7248

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.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008

23	May 27, 2008	June 6, 2008
24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the next filing period for your Regulatory Agenda will occur from April 21, 2008 to July 1, 2008.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

406 E. Monroe, Station #65-D
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us
Facsimile: 217/557-0692

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: The Department has determined that the proposed amendment will not have an economic impact on small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 430

OFFICE OF THE INSPECTOR GENERAL (OIG)

Section

430.10	Purpose
430.20	Definitions
430.30	Office of Inspector General (OIG) Investigations
430.40	Complaints
430.50	Cooperation with OIG Investigations
430.60	Records Retrieval
430.70	Administrative Leave
430.80	Subpoena Powers
430.90	Confidentiality
430.100	OIG Reports
430.110	Annual Reports
430.120	Severability

AUTHORITY: Implementing and authorized by Section 35.5 and 35.6 of the Children and Family Services Act [20 ILCS 505/35.5 and 35.6] and Section 5 of the Illinois Administrative Procedures Act [5 ILCS 100/5].

SOURCE: Adopted at 25 Ill. Reg. 14828, effective November 1, 2001; amended at 32 Ill. Reg. _____, effective _____.

Section 430.90 Confidentiality

- a) OIG investigations access information that is confidential pursuant to numerous State and federal statutes and administrative rules. OIG reports are confidential because they contain information gleaned from these confidential records. OIG reports shall not be distributed beyond the Department or private agency that is the subject of the report without the consent of the Inspector General.
- b) The OIG may share confidential information with law enforcement when it refers cases for possible criminal investigation or prosecution, or when conducting joint investigations with law enforcement, or pursuant to an intergovernmental

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

agreement; provided, however, that the entity with whom the confidential information is shared agrees not to use the information for any other purpose and agrees to seek a protective order before redisclosing the information.

- c)~~b)~~ The OIG shall redact confidential information, as required by law and/or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).
- d)~~e)~~ OIG reports shall not be subject to disclosure under the Freedom of Information Act [5 ILCS 140].
- e)~~d)~~ The Department and the OIG shall protect from retaliation any person who files a complaint or provides information in good faith. To protect persons from retaliation, the OIG may withhold the identity of sources of information.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Promotion Act Programs
- 2) Code Citation: 14 Ill. Adm. Code 510
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
510.10	Amend
510.20	Amend
510.30	Amend
510.40	Amend
510.50	Amend
510.60	Amend
510.70	Repeal
510.80	Amend
510.110	Amend
510.120	Amend
510.130	Amend
510.140	Amend
510.150	Amend
510.160	Amend
510.220	Amend
510.240	Amend
510.250	Amend
510.260	Amend
510.310	Amend
510.320	Amend
510.330	Amend
510.340	Amend
510.350	Amend
510.360	Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].
- 5) A Complete Description of the Subjects and Issues Involved: General clean up of existing rules; add definitions; delete obsolete rules; and update programs to keep up with technology.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 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 rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Jolene Clarke
Department of Commerce and Economic Opportunity
620 E. Adams Street
Springfield, Illinois 62701
- Phone: 217/557-1820
Fax: 217/782-0038
e-mail: jolene.clarke@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses and small municipalities affected: Not for profit organizations
- B) Reporting, bookkeeping or other procedures required for compliance: Basic accounting skills
- C) Types of professional skills necessary for compliance: Basic organization management and accounting skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department did not anticipate the changes when the regulatory agendas were published.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY ~~DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS~~

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

- 510.10 Authority
- 510.20 Definitions
- 510.30 Form of Application
- 510.40 Application Procedures
- 510.50 Grant Agreement
- 510.60 Computation of Time
- 510.70 Severability (Repealed)
- 510.80 Administrative Requirements for Grants

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section

- 510.110 Purpose
- 510.120 Eligible Uses of Grant Funds
- 510.130 Allocation of Appropriations
- 510.140 Funding Limitation
- 510.150 Matching Funds
- 510.160 Evaluation and Selection Process

SUBPART C: TOURISM ATTRACTION DEVELOPMENT
GRANT AND LOAN PROGRAM

Section

- 510.210 Purpose
- 510.220 Eligible Uses of Grant and Loan Funds
- 510.230 Allocation of Appropriations
- 510.240 Funding Limitation
- 510.250 Matching Funds

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 510.260 Evaluation and Selection Process
510.270 Administrative Requirements for Loans

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section

- 510.310 Purpose
510.320 Eligible Uses of Grant Funds
510.330 Allocation of Appropriations
510.340 Funding Limitation
510.350 Matching Funds
510.360 Evaluation and Selection Process

AUTHORITY: Implementing and authorized by the Illinois Promotion Act. [20 ILCS 665]

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 18834, effective December 8, 2000, for a maximum of 150 days; emergency expired May 6, 2001; old Part repealed and new Part adopted at 25 Ill. Reg. 8993, effective July 1, 2001; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 510.10 Authority

The Illinois ~~Department of Commerce and Economic Opportunity~~~~Department of Commerce and Community Affairs~~, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665].

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

Section 510.20 Definitions

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

The following definitions are applicable to this Part:

"Act": means the Illinois Promotion Act [20 ILCS 665].

~~"Agreement": means a written document executed between the Grantee and the Department defining the rights and obligations with respect to the Project.~~

"Applicant": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210 or 510.310 of this Part, submitting a written request for ~~Program~~program funds appropriated under the Act.

"Application": means a written request for ~~grant~~program funds containing the required information and attachments.

~~"Borrower": means an Illinois county, municipality, not for profit organization, local promotion group or for profit business that has been awarded a loan in accordance with the Act.~~

"Bureau of Tourism": means the division of the Department that has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the ~~Department of Commerce and Economic Opportunity~~Department of Commerce and Community Affairs of the State of Illinois.

"Director": means the Director of the ~~Department of Commerce and Economic Opportunity~~Department of Commerce and Community Affairs.

"Economic Impact": means the direct financial result of visitor spending at a tourism destination, attraction or event.

"Eligible Project": means a project that is eligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"Fiscal Year": means July 1 through June 30, the ~~Fiscal Year~~fiscal year of the State of Illinois.

"Grant Agreement": means a written document executed between the Grantee

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

and the Department setting forth the obligations of the Parties, describing the purpose of the grant, identifying the manner in which Grant Funds will be paid and expended, specifying the grant terms during which Grant Funds may be expended, and requiring unspent Grant Funds to be returned to the State.

"Grant Amount" or "Grant Funds": means a monetary~~an~~ amount that the Department shall award~~pay~~ to a Grantee for its expenditure~~use~~ on an Eligible Project~~eligible project~~.

"Grantee": means an organization, unit of local government or other eligible entity, as defined in Section 510.110, 510.210, or 510.310 of this Part, eligible to receive Program~~program~~ funds appropriated under the Act.

"Ineligible Project": means a project that is ineligible for funding as defined in Sections 510.120, 510.220, and 510.320 of this Part.

"In Kind Contribution": means noncash contributions necessary to complete the Project for which the cash value is easily documented (i.e., donated labor, equipment, supplies and materials), and that are eligible grant and match line-item expenditures identified in the budget of the Grant Agreement.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any Municipality~~municipality~~, county or region of Illinois. [20 ILCS 665/3(b)]~~as described in Section 3(b) of the Act.~~

"Matching Funds": means the portion of the Total Project Cost~~total project cost~~ that is provided by the Grantee. Matching Funds shall,~~which is~~ not be funds from other Department funded grant programs or used to match any other grant, and are~~is~~ necessary and irrevocably obligated to the Project.

"Municipality": means "Municipality~~municipality~~" as defined in Section 1-1-2(1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)]. [20 ILCS 665/3(d)]

"Private Sector": means any non-governmental entity.

"Program": means the Tourism Marketing Partnership Program, Tourism Attraction Development Loan and Grant Program, or the Tourism Private Sector

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Grant Program described in this Part.

"Project": means the activity or program of activities, described by the Applicant in the Application and approved by the Department, for which a grant is awarded.

"Supporting Visitor Services": means accommodations, restaurants, shopping, and recreational and cultural activities located within a reasonable distance from the location of the Tourism Attraction, Tourism Destination or Tourism Event being promoted.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project as identified in the budget of the Grant Agreement ~~grant agreement~~.

"Tourism": means travel 50 miles or more one-way, or an overnight trip outside of a person's normal routine. [20 ILCS 665/3(e)]

"Tourism Attraction": means fishing and hunting areas, State parks, historical/cultural sites, areas of historic or scenic interest, museums, recreation areas, botanical gardens, theme/amusement parks, interpretive programs and other facilities or businesses that attract or serve visitors that are open to the public for a minimum of 100 days per year (if the Tourism Attraction ~~tourism attraction~~ is entirely event driven, then it shall be open for a minimum of 200 hours per year), and are marketed and promoted to visitors from more than 50 miles away.

"Tourism Destination": means a city, town or other area the economy of which is dependent on revenues accruing from tourism.

"Tourism Event": means an event, such as a major convention, trade show, sporting activity, or festival, with potential to attract visitors from outside a 50-mile radius and to produce significantly increased Economic Impact ~~economic impact~~ for the State of Illinois through overnight stays.

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

Section 510.30 Form of Application

- a) All communications relating to the Application procedures defined in Section 510.40 shall be sent to the Illinois Bureau of Tourism of the Illinois Department

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~of Commerce and Economic Opportunity~~~~Department of Commerce and Community Affairs~~, located at 620 East Adams, Springfield, Illinois 62701.

- b) An Application shall be typed or computer generated using the current approved format provided by the Department.
- c) An Application shall contain one~~+~~ original and five~~the designated number of~~ copies ~~as required by the Department~~.
- d) An Application shall include information and supporting documents that will enable the Department to evaluate the Application ~~to be evaluated~~ based on the criteria described in Sections 510.160, 510.260 and 510.360 of this Part.
- e) Each Application, including supporting documents and attachments, shall be contained under a single cover.

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

Section 510.40 Application Procedures

- a) Upon request, the Department shall supply interested entities with Application guidelines and instructions that describe the Program~~program~~ rules, required information, and attachments. Applications under these Programs~~programs~~ will be accepted on an ongoing basis beginning May 1, with grants awarded July 1 through the end of each Fiscal Year~~fiscal year~~, or until all appropriated funds have been awarded. Applicants should submit their Application at least~~Applications must be received a minimum of~~ 60 days prior to the Project~~project~~ initiation date in order to be considered for funding. However, depending on the purpose of the grant, the need for the grant, the Economic Impact to the State, and the timeliness of the event, it is within the Department's discretion to waive this 60 day period.
- b) An Application will be considered delivered and submitted on the date it is postmarked or hand delivered to the Bureau of Tourism at the Department's Springfield address.
- c) Within 30~~15~~ business days after the Department receives the Application, the program manager~~Program Manager~~ shall notify the Applicant whether, after a brief review, the Application and attachments, if any, are complete. This notice is not in any way an acknowledgment by the Department as to the adequacy of the

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

substance of the Application. If the Application and attachments are incomplete, the Applicant shall be notified of the deficiencies. The Applicant will then have 2015 business days to cure any deficiencies. In the event the Applicant fails to cure all deficiencies within the 2015 business days, the Application shall be considered null and void and returned to the Applicant.

- d) Within 9060 days from the date an Application is determined to be complete, the ~~program manager~~Program Manager shall notify the Applicant ~~whether that~~ the Application has been approved or rejected. If the Application has been rejected, the notification shall state the reasons for that determination.

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

Section 510.50 Grant Agreement

- a) When ~~an Application has been approved for funding~~a grant has been awarded, the Grantee and the Department shall execute ~~a Grant Agreement~~an agreement. ~~The agreement shall be executed between the Grantee and the Director of the Department or the Director's designee on behalf of the Department.~~ If the~~The~~ Project ~~is~~shall not be initiated and costs ~~are~~shall not be incurred ~~before~~prior to the ~~time~~ the Department approves the Application, the Department bears no responsibility for those costs in the event the Application is denied or the grant is funded at less than the amount requested~~in order for the costs to be eligible for funding~~.
- b) The Grant Agreement~~agreement~~ shall contain substantive provisions, including, but not limited to, the following:
- 1) A recitation of legal authority pursuant to which the agreement is made;
 - 2) An identification of the Project scope and schedule, and the work or services to be performed or conducted by the Grantee;
 - 3) An identification of the Grant Amount~~grant amount~~;
 - 4) The conditions and manner in which the Department shall pay the Grant Amount~~grant amount~~ subject at all times to annual appropriation by the Illinois General Assembly;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 5) The Grantee agrees to provide and irrevocable promise of the Grantee to pay the applicable Matching Funds~~local match~~ of the Total Project Cost;
- 6) The Grantee agrees~~A promise by the Grantee~~ not to assign or transfer any of the rights, duties or obligations of the Grantee without the written consent of the Department;
- 7) The Grantee agrees~~A promise by the Grantee~~ not to amend the Project scope or budget~~agreement~~ without the Department's written consent~~of the Department~~. Failure to do so will result in a cost disallowance. The Project must be completed by the end completion~~date~~ stated in~~of~~ the Grant Agreement~~notice of grant award~~ unless a written modification request for an extension of time is submitted before the grant end date and approved by the Department~~no later than 30 days prior to the award completion date~~;
- 8) The Grantee agrees to~~A covenant that the Grantee shall~~ expend the Grant Amount~~grant amount~~ and any accrued interest only for the purposes of the Project as stated in the Grant Agreement~~grant agreement~~ and approved by the Department; ~~and~~
- 9) The Grantee agrees not to enter~~A covenant that the Grantee shall refrain from entering~~ into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act; ~~and~~.
- 10) The Grantee agrees to acknowledge the Department's participation in the Project by displaying the Department's current logo and/or providing a statement that identifies the Project as being developed and/or funded in cooperation with the Department/Bureau of Tourism. Grantee's failure to utilize the Department logo correctly (e.g., size, placement, etc.) or statement may result in a 10% deduction of the Total Project Cost.

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

Section 510.60 Computation of Time

Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development initiating that period of time occurs,

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

and shall run until the end of the last day or the next business day if the last day is a Saturday, Sunday or federal or State holiday. ~~When the period of time is 5 days or less, Saturday, Sunday and federal or State holidays shall be excluded in the computation of time.~~ Timeliness shall be deemed by the date of postmark or the date of hand delivery.

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

Section 510.70 Severability (Repealed)

~~If any Section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part or any portion thereof is for any reason held to be unconstitutional or invalid or ineffective by any form of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part or any portion thereof.~~

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

Section 510.80 Administrative Requirements for Grants

- a) Termination of Grant – Grants shall be terminated for the following reasons:
 - 1) Termination Due to Loss of Funding – In the absence of State funding for a ~~Fiscal Year~~fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all Grantees. In the event the Department suffers such a loss of funding in full or part, the Department will give the Grantee written notice setting forth the effective date of full or partial termination or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) Termination for Cause
 - A) If the Department determines that the Grantee has failed to comply with the terms and conditions of the grant or this Part, the Department ~~may~~shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances that will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

These circumstances are explained in the Grant Agreement ~~grant agreement~~.

- B) The Department shall notify the Grantee in writing, within 10 working days after the determination to terminate, of the reasons for ~~the such~~ termination and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be made in accordance with legal rights and liabilities in the Grant Agreement and the Illinois Grant Funds Recovery Act [30 ILCS 705] ~~grant agreement~~.
- 3) Termination by Agreement – The Department and the Grantee shall terminate the grant in whole or in part when the Department and the Grantee agree that the continuation of the Program ~~program~~ objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Grantee shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Grantee for the Department's share of the noncancelable obligations, properly incurred by the Grantee prior to termination.
- b) Interest on Grant Funds – In accordance with Section 10 of the Illinois Grant Funds Recovery Act, [30 ILCS 705/10] all interest earned on Grant Funds ~~funds~~ held by the Grantee under the grant shall become part of the grant when earned, ~~as long as this amount does not exceed the maximum allowable grant award~~. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department within the grant close-out process described in subsection (c).
- c) Grant Close-out – In accordance with Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4], any Grant Funds not expended or legally obligated, all funds, including any interest, remaining at the end of the grant period or at the expiration of the period of time Grant Funds were ~~grant funds are~~ available for expenditure or obligation by the Grantee, shall be returned to the Department within 45 days after the end of the grant term ~~relevant period~~. ~~The Grantee agrees to repay the Department for any funds that are determined by the~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~Department to have been spent in violation of the grant agreement.~~

- d) Audits – A Grantee shall be responsible for securing ~~an~~ compliance audit for any grant award exceeding \$~~500,000~~300,000. Additionally, an audit may be required when certain risk conditions exist, including, but not limited to, a negative compliance history and disclosure of previous material audit findings. The audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036 (June 2006, no later editions are incorporated)~~Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2000, no later editions are incorporated).~~
- e) Special Audits – The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.
- f) Monitoring and Evaluation – Grantee shall permit any agent authorized by the Department, the Office of Inspector General, the Auditor General of the State of Illinois, or any of their duly authorized representatives, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Grantee involving transactions related to a grant from the Department. Once the Department has concluded its monitoring activities, the Grantee will be notified of the Department's determination and findings, if any. If a determination containing findings of noncompliance has been made by the Department, the Grantee will be allowed an opportunity to cure any and all noncompliance issues. If any noncompliance issues cannot be resolved, the Department will issue a final determination~~notice~~ requesting that the Grantee repay any funds that are determined by the Department to have been spent in violation of the Grant Agreement~~agreement~~. If the Grantee fails to comply with the Department's final determination~~notice~~, the Department shall issue a final notice to the Grantee providing ~~it~~the Grantee the opportunity to invoke its rights under the Illinois Grant Funds Recovery Act~~request an administrative hearing pursuant to the Department's Administrative Hearing Rules found at 56 Ill. Adm. Code 2605.~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- g) Complaint Process – An administrative hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on the Grantee. In either case, the Department and the Grantee shall follow the Administrative Hearing Rules as set forth in 56 Ill. Adm. Code 2605.
- h) Certifications – The Grantee shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.
- i) Reports – Grantee shall submit, as required by the Department, reports on the financial status of the Project~~project~~ and reports on outcomes and results of the Project~~project~~.

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

SUBPART B: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.110 Purpose

Section 5 of the Act authorizes the Department to make grants to counties, municipalities, not-for-profit organizations, and Local Promotion Groups~~local promotion groups~~ located in the State of Illinois to assist in the promotion of Tourism Attractions, Tourism Destinations,~~tourism destinations, attractions~~ and Tourism Events in Illinois~~events~~.

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

Section 510.120 Eligible Uses of Grant Funds

- a) Eligible Promotional Projects and Activities – The Program shall provide matching grants to eligible Applicants~~applicants~~ to assist in promotional activities including, but not limited to, the following:
 - 1) Travel Related Promotional Materials: Costs related to production, design and distribution of travel related brochures, visitor guides, direct mail literature or travel guides that are primarily used to promote areas outside of 50 miles from the Tourism Attractions, Tourism Destinations or Tourism Events in Illinois~~Production and printing of travel related brochures that are primarily used as fulfillment for advertising placed outside of 50 miles;~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 2) Media: Costs related to production, design and placement for print advertising, radio advertising, on line advertising, out of home advertising and television advertising directed toward areas outside of 50 miles from the Tourism Attraction, Tourism Destination or Tourism Event in Illinois ~~Advertising primarily directed toward areas outside of 50 miles from the attraction, event, or area being promoted;~~
- 3) Billboards: Costs related to design and production of billboard artwork and rental of billboard space directed toward areas outside of 30 miles from the Tourism Attraction, Tourism Destination or Tourism Event in Illinois, unless the billboard is placed on an intrastate ~~Rental of billboard space and artwork, design and production of billboard advertising to promote a destination, attraction, event or other travel related service;~~
- 4) Web Sites: Costs related to Web site development, including hosting fees, domain registration and related maintenance fees, search engine optimization and key word searches;
- 5) Market Research: Costs to conduct research to optimize the effectiveness of marketing the Tourism Attraction, Tourism Destination or Tourism Event in Illinois to areas outside of 50 miles; ~~Marketing research;~~
- 6) Travel/Trade Shows: Costs related to travel/trade show booth space rental ~~Travel/trade show booth space rental~~ and related expenses, including travel show registration fees for domestic and international marketing, utilities, furniture rental, cleaning, etc. (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing;
- 7) Visitor Inquiries: Costs related to telephone expenses for 1-800 telephone numbers ~~number telephone expenses~~ for visitor inquiries; ~~and~~
- 8) Mail Promotions: Costs of the purchase and use of mailing lists for direct mail promotions, provided the promotional material is printed under this Program and provided the postage is billed at bulk rate;
- 98) Promotional Publications: Expenses for shipping and distribution of promotional publications printed under this Program to State funded

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~Tourism information centers; purchase and use of mailing lists for direct mail promotions, and postage used for fulfillment.~~

- 10) Ad Campaigns: Costs related to email newsletters and ad mail campaigns primarily directed towards visitors outside a 50 mile radius from the Tourism Attraction, Tourism Destination or Tourism Event in Illinois; and
- 11) Maps: Costs related to the design and production of maps illustrating the Tourism Attractions of an area being promoted.

- b) Ineligible Promotional Projects and Activities – Projects and activities ineligible for funding are those that do not contribute to increasing visitation and travel expenditures in the State, including, but not limited to:
- 1) Administrative expenses (e.g., stationery, envelopes, basic telephone service charges except for 1-800 number phone expenses for visitor inquiries~~phone~~, rent, newsletters, supplies, personnel or equipment, and grant management fees)~~except for 1-800 number phone expenses for visitor inquiries~~;
 - 2) Normal postage, distribution and shipping expenses, except for those allowed in subsections~~subsection~~ (a)(8) and (a)(9);
 - 3) Association or organizational dues;
 - 4) Street banners, bumper stickers, placemats, or any type of specialty items;
 - 5) Any type of quick-print materials;
 - 6) Purchase or rental of projectors, television sets, or video recorders;
 - 7) Projects solely promoting for-profit entities;
 - 8) Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.);
 - 9) Travel expenses (transportation, lodging, per diem); and
 - 10) ~~Maintenance fees associated with a website; and~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

~~1011~~) Promotion of county fairs.

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

Section 510.130 Allocation of Appropriations

Annual appropriations made by the Illinois General Assembly to the Department for the purpose of making grants under Section 5 of the Act for promotional activities are allocated by the Department pursuant to Section 8(1) of the Act.

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

Section 510.140 Funding Limitation

The Total Project Cost~~total project cost~~ must equal or exceed \$3,000 in order to be considered for a grant award.

- a) Up to 40 percent% of the Total Project Cost~~total project cost~~ may be funded for approved Projects~~projects~~ generating additional visitation to the area from outside 50 miles but generating limited overnight stays.
- b) Up to 50 percent% of the Total Project Cost~~total project cost~~ may be funded for Projects~~projects~~ that generate significant visitation and overnight stays to the area.
- e) ~~Up to 60% of the total project cost may be funded for:~~
 - 1) ~~First time marketing activities that have the ability to generate significant visitation and overnight stays;~~
 - 2) ~~Advertising of a value added package, including overnight accommodations with attraction admission, coupons, etc.;~~
 - 3) ~~Marketing an entire heritage tourism demonstration area or scenic byway;~~
~~and~~
 - 4) ~~Projects including partners across multiple jurisdictions outside their normal designated service area.~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- cd) The maximum Grant Amount~~grant amount~~ for any one Grantee in a Fiscal Year~~fiscal year~~ shall be \$50,000, unless a Project~~project~~ is a cooperative marketing project initiated~~opportunity supported or promoted~~ by the Department that includes multiple partners across multiple Local Tourism Convention Bureau jurisdictions. However, if on February 1 of any given year, remaining Grant Funds are~~funds remain~~ available, Grantees who have reached the~~their~~ maximum Grant Amount~~grant amount~~ of \$50,000 can apply for additional funds.
- de) Grantees that charge "for-profit" participants for inclusion in promotional projects must also include the promotion of the entire destination in such advertisements. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

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

Section 510.150 Matching Funds

As provided for in Section 510.140, the~~The~~ Grantee shall provide Matching Funds~~matching funds~~ to the Total Project Cost~~total project cost~~ that:

- a) Are identified in the budget of the Grant Agreement~~grant agreement~~;
- b) In no case shall be less than 50 percent~~40%~~ of the Total Project Cost~~total project cost~~;
- c) Are not funds from other Department funded grant programs or funds used to match any other grants; and
- d) Are necessary and irrevocably obligated to the Project.

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

Section 510.160 Evaluation and Selection Process

- a) ~~The~~Upon completion of the Application procedure as described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

for a grant award include, but are not limited to, the following:

- 1) To what extent does the Project promote a viable Tourism Attraction, Tourism Destination or Tourism Event located within 30 miles of an area with Supporting Visitor Services~~Does the Project promote a viable Tourism Attraction, Tourism Destination or Tourism Event located within 30 miles of an area with Supporting Visitor Services~~
 - 2) To what extent is the Project part of the Applicant's overall marketing plan?~~Is the Project part of the Applicant's overall marketing plan?~~
 - 3) To what extent does the Project include repeat marketing efforts and to what extent do the results from those efforts justify repeat funding?~~Does the Project include repeat marketing efforts and to what extent do the results from those efforts justify repeat funding?~~
 - 4) To what extent do the geographic advertising markets appear reasonable and based upon research?~~Do the geographic advertising markets appear reasonable and based upon research?~~
 - 5) To what extent will a majority of the marketing be targeted to attract visitors from outside 50 miles?~~Will a majority of the marketing be targeted to attract visitors from outside 50 miles?~~
 - 6) To what extent does the Project encompass multiple attractions, municipalities, or counties?~~Does the Project encompass multiple attractions, municipalities, or counties?~~
 - 7) To what extent does the Project demonstrate how it will increase visitation, length of stay and/or Tourism expenditures from outside 50 miles?~~Does the Project demonstrate how it will increase visitation, length of stay and/or Tourism expenditures from outside 50 miles?~~
 - 8) To what extent does the Project include tracking and evaluation measures?~~Does the Project include tracking and evaluation measures?~~
 - 9) To what extent will the Project have a significant impact on the area's overall tourism efforts?~~Will the Project have a significant impact on the area's overall tourism efforts?~~
 - 10) To what extent will the Project have a significant impact on the State's overall tourism efforts?
- b) ~~The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:~~
- 1) ~~A rating of 1 means that the Application meets the criteria at a minimum~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- level;
- 2) ~~A rating of 3 means that the Application meets the criteria at a below average level;~~
 - 3) ~~A rating of 5 means that the Application meets the criteria at an average level;~~
 - 4) ~~A rating of 7 means that the Application meets the criteria at an above average level; and~~
 - 5) ~~A rating of 10 means that the Application meets the criteria at an exceptional level.~~
- e) ~~Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:~~
- 1) ~~1 point for minimum deficiencies;~~
 - 2) ~~3 points for above average performance;~~
 - 3) ~~5 points for average performance;~~
 - 4) ~~7 points for below average performance; or~~
 - 5) ~~10 points for poor performance.~~
- bd)** The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~50 of 100 possible~~40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: TOURISM ATTRACTION DEVELOPMENT
GRANT AND LOAN PROGRAM**Section 510.220 Eligible Uses of Grant and Loan Funds**

- a) Eligible Projects and Activities – The Program shall provide grants and loans to eligible Applicants for ~~Projects~~projects and activities including, but not limited to, the following:
- 1) Capital Projects – land and building acquisition, construction and; renovation ~~or acquisition~~ of buildings for the purpose of creating or enhancing a Tourism Attraction;
 - 2) Equipment – purchase and installation of machinery and equipment designed to create or enhance the Tourism Attraction;
 - 3) Training – development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois;
 - 4) Studies – feasibility, research, development, and marketing studies dedicated to improving and developing tourism specific attractions; and
 - 5) Interpretive Programs – creation, implementation and staffing of and fabrication of exhibits for, interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities – Projects and activities ineligible for funding include, but are not limited to, the following:
- 1) Debt refinancing;
 - 2) Contingency funding;
 - 3) Normal operating expenses; and
 - 4) ~~Routine staff~~; ~~5) Operating expenses~~; and ~~6) Administrative expenses~~.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 510.240 Funding Limitation

The Department shall provide no more than 50 ~~percent%~~ of the entire amount of actual expenditures for a single ~~Project~~~~project~~, ~~with grants~~ not to exceed \$1,000,000, as set forth in Section 8a(1) of the Act.

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

Section 510.250 Matching Funds

- a) The Grantee shall provide ~~Matching Funds~~~~matching funds~~ to the ~~Total Project Cost~~~~total project cost~~ that:
- 1) Are identified in the budget of the ~~Grant Agreement~~~~grant agreement~~;
 - 2) In no case shall be less than 50 ~~percent%~~ of the ~~Total Project Cost~~~~total project cost~~, if the Grantee is ~~a unit of local government,~~~~a county,~~~~municipality,~~ not-for-profit organization or ~~Local Promotion Group~~~~local promotion group~~;
 - 3) In no case shall be less than 75 ~~percent%~~ of the ~~Total Project Cost~~~~total project cost~~, if the Grantee is a for-profit business;
 - 4) Are not funds from other Department funded grant programs or funds used to match any other grants; and
 - 5) Are necessary and irrevocably obligated to the Project.
- b) Allowable match includes:
- 1) Term loan proceeds, bond sale proceeds, or other forms of financial institution participation;
 - 2) Other public grant or loan program funds;
 - 3) Retained earnings, proceeds of a public stock offering, or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill;

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 4) Local hotel/motel tax, membership dues, or other cash contributions; and
 - 5) In Kind Contributions~~In-kind contributions~~ necessary to complete the Project~~project~~ and for which the cash value is easily documented (i.e., donated labor, equipment, supplies and materials), and that are eligible grant and match line-item expenditures identified in the budget of the Grant Agreement~~grant agreement~~. In Kind Contributions~~In-kind contributions~~ may only be used as allowable match by municipalities, counties, not-for-profit organizations, or Local Promotion Group~~local promotion groups~~ and cannot exceed 25 percent~~%~~ of the match requirement.
- c) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of the grant or loan award, unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
 - 2) Funds from other Department funded grant programs (although they may be used to further the Project);
 - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
 - 4) Lines of credit;
 - 5) Contract for deed without a due and payable clause or that is an apparent substitution for simple rent;
 - 6) Post-Project~~Post-project~~ costs such as normal operational expenses;
 - 7) Debt refinancing; and
 - 8) In Kind Contributions~~In-kind contributions~~, if the Grantee is a for-profit business.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 510.260 Evaluation and Selection Process

- a) ~~The~~ Upon completion of the Application procedure as described in Section 510.40, ~~the~~ Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered for a grant award include, but are not limited to, the following:
- 1) To what extent is ~~Is~~ the Project a viable Tourism Attraction ~~tourism attraction~~ located within 30 miles of an area with Supporting Visitor Services ~~supporting visitor services~~?
 - 2) To what extent does ~~Does~~ the attraction meet the definition of a Tourism Attraction ~~tourism attraction as defined~~ in Section 510.20 of this Part?
 - 3) To what extent are ~~Are~~ the costs itemized on the budget reasonable and necessary to enhance or develop the Tourism Attraction ~~tourism attraction~~?
 - 4) To what extent is ~~Is~~ the Tourism Attraction ~~tourism attraction~~ currently marketed or going to be marketed to visitors from outside 50 miles?
 - 5) To what extent does ~~Does~~ the Project demonstrate how it will increase visitation, length of stay and/or Tourism ~~tourism~~ expenditures from outside 50 miles?
 - 6) To what extent does ~~Does~~ the Project include adequate tracking and evaluation measures?
 - 7) To what extent will ~~Will~~ the development or enhancement of the Tourism Attraction ~~tourism attraction~~ be completed and open to the public with regular scheduled hours at the end of the grant period?
 - 8) To what extent will ~~Will~~ the increase in expenditures from additional visitors generate economic benefits to the State and local area ~~Return on Investment (ROI) for the State within 3 years~~?
 - 9) To what extent will ~~Does~~ the Project have a ~~demonstrate the potential for sustainable economic growth and job creation, or~~ a significant impact on

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

the area's overall tourism efforts?

10) To what extent will the Project demonstrate the potential for sustainable economic growth and job creation, and to what extent will it have a significant impact on the State's overall tourism efforts?

- b) ~~The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:~~
- ~~1) A rating of 1 means that the Application meets the criteria at a minimum level;~~
 - ~~2) A rating of 3 means that the Application meets the criteria at a below average level;~~
 - ~~3) A rating of 5 means that the Application meets the criteria at an average level;~~
 - ~~4) A rating of 7 means that the Application meets the criteria at an above average level; and~~
 - ~~5) A rating of 10 means that the Application meets the criteria at an exceptional level.~~
- e) ~~Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:~~
- ~~1) 1 point for minimum deficiencies;~~
 - ~~2) 3 points for above average performance;~~
 - ~~3) 5 points for average performance;~~
 - ~~4) 7 points for below average performance; or~~
 - ~~5) 10 points for poor performance.~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- bd)** The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~50 out of 100 possible~~⁴⁰ points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- ce)** Financial Evaluation Component - The Department shall conduct a financial analysis of the loan Application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss statements for the past 3 years, as well as the most recent 90 days, and a 3 year projected balance sheet and profit and loss statement, ~~and as well as~~ a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis that will determine the: liquidity and debt coverage for the ~~Project~~^{project}; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1999-2000 (no later amendments or editions included) "RMA Annual Statement Studies", published by Risk Management Association, One Liberty Plaza, 1650 Market, Suite 2300, Philadelphia, PA 19103, or a comparable source if ~~the~~^{such} industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

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

SUBPART D: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section 510.310 Purpose

Section 5**(b)** of the Act authorizes the Department to make grants to Illinois not-for-profit organizations, for-profit entities, counties, municipalities and ~~Local Promotion Groups~~^{local promotion groups} to match funds from sources in the ~~Private Sector~~^{private sector} for the purpose of attracting and hosting ~~Tourism Events~~^{tourism events}.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 510.320 Eligible Uses of Grant Funds

a) Eligible Projects and Activities – Activities eligible for funding include, but are not limited to, the following costs associated with attracting and hosting ~~new~~ events:

- 1) Advertising and marketing activities directed toward areas outside of 50 miles from the event;
- 2) Transportation and housing;
- 3) ~~Prize/award money~~ ~~Incentives~~;
- 4) Building ~~or equipment~~ rental;
- 5) Receptions and banquets;
- 6) Registrations;
- 7) Entertainment and speakers;
- 8) Programming;
- 9) Photography, postage and printing;
- 10) Audiovisual;
- 11) Telemarketing;
- 12) Promotional items; and
- 13) Temporary staff.

~~Costs associated with hosting existing or repeat events will not be eligible unless documentation can be provided that the event was secured in direct competition with other states or significant enhancements will be made to the event to increase the attendance from outside 50 miles.~~

b) Ineligible Projects and Activities – Activities that are ineligible for funding

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

include, but are not limited to, the following:

- 1) Developing or making permanent improvements to facilities;
 - 2) Purchase of equipment;
 - 3) Normal payroll or operating expenses; and
 - 4) Purchase of alcoholic beverages.
- c) Grant Funds cannot be used to assist one community in attracting an existing Illinois event from another Illinois community. If multiple eligible Illinois entities apply for a grant associated with attracting the same event, no entity will receive Grant Funds for the attraction of that event. If an Illinois entity is successful in its bid and gets the event, Grant Funds may be available to that entity for the hosting of the event.
- d) Costs associated with hosting existing or repeat events will not be eligible unless documentation can be provided that the event was secured in direct competition with other states or significant enhancements will be made to the event to increase the attendance from travel outside 50 miles.

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

Section 510.330 Allocation of Appropriations

Annual appropriations made by the Illinois General Assembly to the Department for the purpose of making grants under Section 5 of the Act to match funds from the Private Sector~~private sector~~ may be used by the Department in any county of this State.

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

Section 510.340 Funding Limitation

The Department shall provide no more than 50 ~~percent~~% of the entire amount of eligible expenditures for a single Project~~project~~. Total Project Costs~~eligible project costs~~ must be a minimum of \$20,000.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 510.350 Matching Funds

- a) The Grantee shall provide Matching Funds~~matching funds~~ to the Total Project Cost~~total project cost~~ that:
- 1) Are identified in the budget of the Grant Agreement~~grant agreement~~;
 - 2) In no case shall be less than an amount equal to the grant award ~~or 50% of the total project cost~~;
 - 3) Are not other government funds or funds used to match any other grants; and
 - 4) Are necessary and irrevocably obligated to the Project.
- b) Allowable Match~~match~~ includes:
- 1) Private Sector funds - Grant funds must be matched with dollar-for-dollar cash funding from the Private Sector~~private sector~~; and
 - 2) Up to 25 percent of the amount required in subsection (b)(1) may be substituted with In Kind Contributions~~In kind contributions~~ from the Private Sector~~private sector~~ for which the value is easily documented~~documentable~~, such as hotel services and transportation company services, ~~not to exceed 25% of the match~~.
- c) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of the grant award, unless those costs are approved by the Department as being otherwise compliant with the provisions of this Part and consistent with the purposes of the Act;
 - 2) Post-Project~~Post-project~~ costs not identified in the budget of the Grant Agreement~~grant agreement~~;
 - 3) Funds from sources other than the Private Sector~~private sector~~ (although they may be used to further the Project);

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 4) Funds used as match for other grant programs; and
- 5) Normal operational expenses such as payroll costs, office and equipment rental, utilities, etc.

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

Section 510.360 Evaluation and Selection Process

- a) ~~The~~ Upon completion of the Application procedure described in Section 510.40, the Department's internal review committee shall conduct an evaluation of each Application. Each question will be scored using a rating system of 1-10 with 10 being the highest possible score per question, with a maximum possible score of 100. The criteria used in determining whether an Application will be considered for a grant award includes, but is not limited to, the following:
 - 1) To what extent is ~~Is~~ the event being held within 30 miles of an area with Supporting Visitor Services ~~supporting visitor services~~?
 - 2) To what extent are ~~Are~~ the costs itemized on the budget reasonable and necessary to hold the event?
 - 3) To what extent will ~~Will~~ the event be marketed to visitors from areas outside 50 miles of the event?
 - 4) To what extent will ~~Will~~ the event attract ~~more than 5000~~ visitors from outside a 50-mile radius?
 - 5) To what extent will ~~Will~~ the event generate media coverage outside the local area?
 - 6) To what extent will ~~Will~~ the event increase visitation, length of stay and/or Tourism ~~tourism~~ expenditures from outside 50 miles?
 - 7) To what extent are there ~~Are there~~ established tracking and evaluation measures for the event?
 - 8) To what extent will State and local tax revenue will be generated

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

(assuming 6.9 cents in State and local taxes generated for every \$1 in visitor expenditures) in comparison to the amount requested~~Will the event generate a Return on Investment (ROI) of a minimum of \$1:\$1 in State tax revenues?~~

9) To what extent will~~Will~~ the event have a significant impact on the area's overall tourism efforts?

10) To what extent will the event have a significant impact on the State's overall tourism efforts?

b) ~~The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:~~

1) ~~A rating of 1 means that the Application meets the criteria at a minimum level;~~

2) ~~A rating of 3 means that the Application meets the criteria at a below average level;~~

3) ~~A rating of 5 means that the Application meets the criteria at an average level;~~

4) ~~A rating of 7 means that the Application meets the criteria at an above average level; and~~

5) ~~A rating of 10 means that the Application meets the criteria at an exceptional level.~~

e) ~~Internal review committee members may deduct points from their overall scores for deficiencies in accountability, timeliness and effectiveness in how the Applicant met the criteria in subsection (a) of this Section on the most recent grant performance by deducting:~~

1) ~~1 point for minimum deficiencies;~~

2) ~~3 points for above average performance;~~

3) ~~5 points for average performance;~~

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

- 4) ~~7 points for below average performance; or~~
- 5) ~~10 points for poor performance.~~
- bd) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of ~~50 out of 100 possible~~40 points to be considered eligible for funding. The internal review committee shall forward all eligible Applications, together with its recommendations, to the Director for final determination. During the final review process, the Director will determine whether an eligible Application is awarded a grant.
- e) ~~Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.~~
- f) ~~If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of that event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of the event.~~

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3)

<u>Section Number:</u> 2720.11	<u>Proposed Action:</u> New
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- 4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304
- 5) A Complete Description of the Subjects and Issues Involved: New Section 2720.11 announces that future payments of benefits administered by the Department of Employment Security will be made by either direct deposit or debit card. In the absence of an election for direct deposit, payment will be made through a debit card. A schedule for the transition is part of the rulemaking.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, IL 60603

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

312/793-4240

Fax: 312/793-5645

e-mail: gregory.ramel@illinois.gov

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

This proposed amendment has no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments submitted to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rule has no direct effect on employers.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
<u>2720.11</u>	<u>Methods Of Payment</u>
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form Of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing A Claim
2720.101	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports For Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs
2720.155	Non-Resident Application For Benefits
2720.160	Reconsidered Findings Or Determinations

SUBPART C: APPEALS TO REFEREE

Section	
2720.200	Filing Of Appeal
2720.201	Application For Electronic Data Transmission Of Notice Of Hearing
2720.205	Notice Of Hearing
2720.210	Preparation For The Hearing
2720.215	Format Of Hearings
2720.220	Ex Parte (One Party Only) Communications
2720.225	Subpoenas
2720.227	Depositions
2720.230	Consolidation Or Severance Of Proceedings
2720.235	Withdrawal Of Appeal
2720.240	Continuances
2720.245	Conduct Of Hearing
2720.250	Rules Of Evidence
2720.255	Failure Of Party To Appear At The Scheduled Hearing
2720.265	The Record
2720.270	Referee's Decision
2720.275	Labor Dispute Appeals
2720.277	Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section	
2720.300	Filing Of Appeal
2720.305	Notice Of Appeal
2720.310	Request For Oral Argument

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

2720.315	Submission of Written Argument Or Request to Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal Of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision Of The Board Of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2720.11 Methods Of Payment

- a) For purposes of this Section, "benefits" includes payments to a claimant pursuant to the Unemployment Insurance Act; trade readjustment allowances and alternative trade adjustment assistance payable pursuant to the Trade Act of 1974, as amended (19 USC 2101 et seq.); disaster unemployment assistance payable pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT

as amended (42 USC 5121 et seq.); and any other payments the Department may make with respect to unemployment.

- b) Except as otherwise provided in subsection (c), the Department will pay benefits to a claimant by crediting the benefits to a financial institution account that the Department shall establish for the claimant and against which the claimant may electronically draw funds through the use of a debit card. The issuance of a debit card pursuant to this Section does not entitle a claimant to draw funds unless:
- 1) the claimant has activated the card in accordance with the instructions of the financial institution with which the account was established; and
 - 2) the account has a positive balance. The claimant's use of a card pursuant to this Section shall be subject to the terms of the cardholder agreement provided by the financial institution with which the claimant's account has been established. The Department may make adjustments to an account established pursuant to this Section when necessary to correct credit or debit entries made in error.
- c) Notwithstanding subsection (b), the Department will pay benefits to a claimant by direct deposit into a financial institution account designated by the claimant if the designation is in effect at the time the benefit payment is processed. A designation made pursuant to this subsection shall be made on a Direct Deposit Authorization Form provided by the Department and shall subject the claimant to the terms and conditions set forth on the form. The Department may make adjustments to an account designated pursuant to this Section when necessary to correct credit or debit entries made in error.
- d) This Section applies to trade readjustment allowance payments made on or after the effective date of this Section, payments made pursuant to the Unemployment Insurance Act with respect to benefit years beginning on or after the effective date of this Section, and all other benefit payments made on or after October 1, 2008, except alternative trade adjustment assistance payments. This Section applies to alternative trade adjustment assistance payments made on or after April 1, 2009. Paper checks will not be issued through the regular benefit payment system with regard to benefit payments to which this Section applies.

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Payment of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2830
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2830.300	Amendment
2830.303	New
2830.305	Amendment
2830.310	Amendment
2830.315	Amendment
2830.325	Amendment
- 4) Statutory Authority: 820 ILCS 405/400, 401, 404, 1700 and 1701
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will provide a process for addressing situations in which a replacement electronic benefit payment is required or a debit card is lost or stolen.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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: These proposed amendments neither create nor expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, IL 60603

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Phone: 312/793-4240

Fax: 312/793-5645

e-mail: gregory.ramel@illinois.gov

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

These proposed amendments have no direct impact on small businesses, small municipalities and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as a small business, small municipality or not-for-profit corporation as part of any written comments that they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has no direct effect on small businesses, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: No reporting or bookkeeping is required for compliance.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2830
PAYMENT OF BENEFITS

SUBPART A: GENERAL PROVISIONS

Section

- 2830.10 Mailing Address For Benefit Checks
2830.50 Calculating The "National Average Of This Ratio" Under Section 401 Of The Act

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

Section

- 2830.200 Payment Of Benefits Due A Deceased Claimant
2830.205 Order Of Payment To Survivors Of A Deceased Claimant
2830.210 Payment To A Minor Survivor Of A Deceased Claimant
2830.215 Time And Manner For Claiming Benefits Due A Deceased Claimant
2830.220 Right Of Appeal

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

Section

- 2830.300 Requests For Reissuance Of Checks Or Replacement Of Electronic Payments
2830.303 Lost Or Stolen Debit Cards
2830.305 Where Original Benefit Check Has Been Processed By The Payor Depository
Bank Or Where Direct Deposit Has Been Established Without Authorization
2830.310 Check Or Direct Deposit Authorization Forgery Investigation
2830.315 Notice Of Interview
2830.320 Continuances
2830.325 Check Or Direct Deposit Authorization Forgery Interview
2830.330 The Record
2830.335 Decision
2830.340 Appeals

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

**Section 2830.300 Requests For Reissuance Of Checks Or Replacement Of Electronic
Payments**

- a) If the claimant is filing an intrastate claim (see 56 Ill. Adm. Code 2714 for interstate claims), his or her request for the reissuance of a payment~~benefit check~~ must be made in person at the claimant's local office ~~where the claimant last filed a claim~~. Such request shall be made in writing on a form provided by the Department, BIS-0096, "Request for Replacement Check and Check Tracer."
- 1) If the original check has already been processed by the payor~~depository~~ bank, the claimant will be sent instructions as outlined in Section 2830.305.
 - 2) If the original check has been returned to the Agency by either the individual or the Post Office, it shall be immediately reissued to the individual.
 - 3) If the original check has not been processed by the payor~~depository~~ bank, the Department~~Agency~~ will submit a stop payment order ~~to the bank~~. After confirmation that~~acknowledge of~~ the stop payment order has been processed~~is returned by the depository bank~~, a replacement check will immediately be issued.
- b) Requests by a second endorser for replacement of a benefit check that~~which~~ has not already been processed by the payor~~depository~~ bank shall be made in writing to Accounting Services Division, Trust Fund Subdivision, 33401~~33401~~ S. State St.,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL ~~60603~~60605.

- 1) If the original benefit check was lost, mutilated or stale-dated after receipt by the second endorser, and if proof of ~~that~~such action is provided to the ~~Department~~Agency, disbursement of the funds to cover the check will be made to the second endorser.
- 2) If the original benefit check was subject to a stop payment order initiated by the claimant pursuant to subsection (a)(3), the matter will be sent to the Benefit Payment Control Division for an interview pursuant to Section 2830.310.

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

Section 2830.303 Lost Or Stolen Debit Cards

A claimant must report a lost or stolen debit card immediately to the financial institution that issued the card by calling the telephone number provided on the cardholder agreement provided by the financial institution. The telephone number will also be available on the Department's website. A replacement card will be issued in accordance with the terms and conditions of the cardholder agreement.

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

Section 2830.305 Where Original Benefit Check Has Been Processed By The Payor~~Depository~~ Bank Or Where Direct Deposit Has Been Established Without Authorization

- a) ~~When~~Where a request for reissuance of a ~~payment~~benefit check is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the ~~payor~~depository bank, or when the payment has been directly deposited into a financial institution account the claimant asserts he or she did not authorize pursuant to 56 Ill. Adm. Code 2720.11, thesuch claimant will be sent a copy of the check or the Direct Deposit Authorization/Change Form and an a form, BIS-0097, "Affidavit of Non-Endorsement or an Affidavit of Non-Authorization for Direct Deposit." If the claimant believes that neither the claimanthe nor the claimant'shis authorized agent endorsed the check or signed the direct deposit authorization~~or that he did not receive the proceeds of such check, then~~, within 30 days ~~after~~of the mailing of the copy of the check or Direct

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

Deposit Authorization/Change Form, the claimant must file the completed "Affidavit of Non-Endorsement or Affidavit of Non-Authorization for Direct Deposit, as appropriate," at the local office where the claimant last filed a claim for benefits.

- b) When~~Where~~ a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the payor~~depository~~ bank, the~~such~~ request must be made within 90 days after the date that the~~such~~ check was paid by the payor~~depository~~ bank.

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

Section 2830.310 Check Or Direct Deposit Authorization Forgery Investigation

- a) When~~Where~~ a forgery investigation is to be conducted because the claimant claims he or she did not receive~~non-payment of~~ the proceeds of a payment~~benefit check~~, all materials relevant to the matter shall be forwarded to the Department's~~Agency's~~ Benefit Payment Control Subdivision where a special agent shall investigate the matter and prepare a recommendation as to whether to reissue the payment~~benefit check~~ to the claimant.
- b) If the recommendation of the special agent is not to reissue the payment~~original benefit check~~, the special agent shall set the matter for a forgery interview pursuant to Section 2830.315.
- c) Prior to the forgery interview provided in Section 2830.315, the special agent who conducted the initial investigation shall prepare a form, SI-1F, Report of Forgery Investigation, and record the results of the following in chronological order:
- 1) Any contact with the second endorser or payor of the check. Any relevant information or evidence, such as check cashing registration cards or direct deposit information, should be noted and included in the file;
 - 2) Contact with additional witnesses as might be deemed necessary by the special agent;
 - 3) Any contact with the claimant, including any background information that~~which~~ might have been discovered; and

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 4) A summary of all relevant facts and the basis for the decision not to reissue the ~~payment~~benefit check.

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

Section 2830.315 Notice Of Interview

- a) Written notice of the date, time and place of the forgery interview will be mailed to the claimant at least 10 days prior to the date of the interview.
- b) The notice of interview shall identify the facts and issues to be covered by the interview.
- c) The notice of interview shall be sent to the claimant at the address shown on the Affidavit of Non-Endorsement or Affidavit of Non-Authorization for Direct Deposit, as the case may be.

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

Section 2830.325 Check Or Direct Deposit Authorization Forgery Interview

- a) A special agent other than the special agent who conducted the investigation will control the interview, which will be limited to the issues set forth in the notice of interview;
- b) All testimony at the interview shall be made under oath or affirmation;
- c) At the interview, the special agent shall:
 - 1) Inform the parties of the purpose of the interview and of their rights under the Act and the rules promulgated thereunder;
 - 2) Present to the claimant all relevant material obtained during the investigation;
 - 3) If the second endorser is present, take any testimony that he or she can offer on the cashing of the benefit check;
 - 4) Provide the claimant with an opportunity to explain any reasons or to

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

present any evidence ~~that~~^{which} would show that the signature on the benefit check or direct deposit authorization form is not his or hers, and then allow the claimant to cross-examine any witnesses at the hearing or rebut any other evidence presented; and

- 5) Issue his or her decision on the available facts, even if the claimant does not appear at the interview (there shall be no defaults for want of prosecution, though the claimant may withdraw his or her request for reissuance).

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nursing Education Scholarships
- 2) Code Citation: 77 Ill. Adm. Code 597
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
597.10	Amendment
597.100	Amendment
597.110	Amendment
597.200	Amendment
597.220	Amendment
597.320	Amendment
597.330	Amendment
- 4) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]
- 5) A Complete Description of the Subjects and Issues Involved: Part 597 regulates the disbursement of scholarship awards to students pursuing degrees, diplomas or certificates in nursing. These Sections are being amended because of changes in the Nursing Education Scholarship Law [Public Act 94-1020 and Public Act 93-0879]. This rulemaking expands the categories of nursing degrees to include master's or doctorate degrees in nursing. Definitions are being amended to incorporate the graduate degree in nursing and employment as nurse educators.

Selection criteria are being amended to include the graduate degree in nursing, and the scholarship award distribution formula was adjusted to include recipients pursuing graduate degrees in nursing. Selection criteria were further amended to incorporate a merit factor. Numbering sequences were corrected to reflect the inclusion of new criteria.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Published studies or reports, and source of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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: The proposed amendments incorporate statutory changes intended to increase the number and quality of nurses in the Illinois workforce. These amendments will not require any new expenditure by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Health care professionals and facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 597

NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section
597.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
597.100 Eligibility
597.110 Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section
597.200 Scholarship Description
597.210 Determination of Financial Need
597.220 Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section
597.300 Contract
597.310 Repayment of Scholarship
597.320 Forgiveness of Scholarship
597.330 Deferral of Scholarship Obligation

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 21 Ill. Reg. 4828, effective March 29, 1997;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

amended at 23 Ill. Reg. 8824, effective August 1, 1999; amended at 26 Ill. Reg. 16965, effective November 8, 2002; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 597.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution. (Section 3(6) of the Law):

"Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution. (Section 3(109) of the Law):

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Financial and Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program. (Section 3(3) of the Law):

"Associate degree in nursing program" or "hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, ~~and~~ associate degree in applied sciences in nursing, or hospital-based diploma in nursing. (Section 3(7) of the Law):

"Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing. (Section 3(4) of the Law):

~~*"Certificate in practical nursing program" means a program offered by an approved institution and leading to a Certificate in Practical Nursing.*~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Department" means the Illinois Department of Public Health. (Section 3(2) of the Law):

"Enrollment" means the establishment and maintenance of an individual's status as a nursing student in an approved institution, regardless of the terms used at the institution to describe such status. (Section 3(5) of the Law):

"Fees" means those mandatory charges, in addition to tuition, that all students enrolled in a nursing program must pay, including required course or lab fees. (Section 3(~~1140~~) of the Law):

"Full-time nurse educator employment" means employment by an approved academic institution in Illinois to educate nursing students based on the academic institution's definition of full-time faculty status.

"Full-time nursing employment" means providing direct patient care of at least 24 hours per week for those persons working weekend shifts, or 35 hours or more per week for those working weekday shifts.

"Full-time nursing student" means a student who is enrolled in a nursing program for at least 12 credit hours per term or as otherwise determined as full-time by the academic institution. ~~school~~ (Section 3(~~1244~~) of the Law):

"Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing. (Section 3(8) of the Law)

"Hospital-based diploma in nursing program" means a program offered by an approved institution and leading to a hospital-based diploma in nursing. (Section 3(7) of the Law):

"Law" means the Nursing Education Scholarship Law [110 ILCS 975]. (Section 3(13) of the Law)

"Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Financial and Professional Regulation under the Nurse~~Nursing and Advanced Practice~~ Nursing-Act [225 ILCS 65]. (Section 3(~~1847~~) of the Law):

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Mean-Weighted Average Tuition and Fees" means the tuition and mandatory fees used for the Illinois Public Universities and Illinois Community Colleges by the Illinois Student Assistance Commission for purposes of MAP grants, multiplied by the number of full-time equivalent undergraduate students enrolled at each such institution, added together, and divided by the sum of the full-time equivalent enrollments for the previous year at each institution. This figure is calculated once per year and is used regardless of whether individual institutions adjust their tuition and mandatory fees for that same year. The Mean-Weighted Average Tuition and Fees is calculated separately for Illinois Public Universities and Illinois Community Colleges (as cited in the COLLEGE ILLINOIS! Master Agreement and Disclosure Statement).

"Monetary Award Program" or "MAP" means a grant awarded by the Illinois Student Assistance Commission (ISAC) that provides payment toward tuition and mandatory fees for Illinois residents to attend an Illinois college. Eligibility is based on financial need. The maximum award depends on legislative action and available funding each year.

"Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees. (Section 3(23) of the Law)

~~"Nursing Education Scholarship Law" or "Law" means 110 ILCS 975.~~

"Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse ~~in providing~~ direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program~~nursing education scholarship program.~~ (Section 3(~~1413~~) of the Law).

"Part-time nursing employment" means providing direct patient care ~~for~~of between 17.5 hours and 34 hours per week.

~~"Part time nursing student" means a student who is enrolled in a nursing program for at least one third of the number of hours required per term by a school for its~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~full-time students.~~

"Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students. (Section 3(15) of the Law)

"Practical Nursing Program" means a program offered by an approved institution and leading to a certificate in practical nursing. (Section 3(16) of the Law)

"Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of ~~Financial and~~ Professional Regulation under the ~~Nurse~~Nursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 3(~~17~~16) of the Law).

"Student in good standing" means a student enrolled in a nursing program ~~maintaining~~who maintains a cumulative grade point average equivalent to at least an academic grade of "C" ~~. or better~~ (Section 3(~~20~~19) of the Law).

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois Workers' Compensation ~~Industrial~~ Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor. (Section 3(~~21~~20) of the Law).

"Tuition" means the established charges of an institution of higher learning for instruction at that institution. (Section 3(~~22~~21) of the Law).

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

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

~~To~~In order to qualify for consideration, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing that the applicant:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) *Has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States* (Section 5(1) of the Law);
- b) *Is enrolled or accepted for admission to an Illinois school in an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program or certificate in practical nursing program at an approved institution* (Section 5(2) of the Law); *and*
- c) *Agrees to meet the nursing employment obligation* (see the definition of "nursing employment obligation" in Section 597.10) (Section 5(3) of the Law).

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

Section 597.110 Application

- a) Application forms are prescribed by the Department and are available at financial aid offices, ~~and~~ departments of nursing at approved schools, the Department's web site, or as well as directly from the Department upon request.
- b) Incomplete applications and applications received after the published deadline will not be considered in the selection process. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections must be made during this time period.
- c) *Each person applying for such a scholarship shall be provided with a copy of Section 6 of the Law ~~110 ILCS 975/6~~ at the time of application.* (Section 6 of the Law)

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

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

- a) A full-time nursing student in good standing pursuing *an associate degree in nursing* may receive a scholarship for *up to 2 academic years*. (Section 5 of the Law)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) A full-time nursing student in good standing pursuing *a hospital-based diploma in nursing* may receive a scholarship for *up to 3 academic years*. ([Section 5 of the Law](#))
- c) A full-time nursing student in good standing pursuing *a baccalaureate degree in nursing* may receive a scholarship for *up to 4 academic years*. ([Section 5 of the Law](#))
- d) A full-time nursing student in good standing pursuing a graduate degree in nursing may receive a scholarship for up to 5 academic years. (Section 5 of the Law)
- ~~e~~) A full-time nursing student in good standing pursuing *a certificate in practical nursing* may receive a scholarship for *up to one academic year*. (Section 5 of the Law)
- ~~f~~) *Full-time* tuition and fees awards for students at approved private institutions shall not exceed the tuition and fee *charges at community colleges and universities statewide and the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget* for the academic year in which the scholarship is made. ([Section 7 of the Law](#))
- ~~g~~) *Part-time* awards shall be determined by applying the proportion represented by the *part-time enrollment to full-time enrollment ratio to the average per term scholarship amount for a student in the same nursing degree category*. ([Section 7 of the Law](#))
- ~~h~~) Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing an associate degree in nursing or a hospital-based diploma in nursing at an Illinois Community College. ([Section 7 of the Law](#))
- ~~i~~) Scholarship amounts for students pursuing associate degrees in nursing, ~~or~~ baccalaureate degrees in nursing, or graduate degrees in nursing at a college or university shall include 75% of the weighted tuition and fees charged by public universities in Illinois plus the uniform living allowance reported in the weighted

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~Monetary Award Program (MAP)~~ budget. (Section 7 of the Law)

- i) *Scholarship amounts for students in certificate in practical nursing programs shall include 75% of the average tuition and fees charges at all practical nursing programs plus the uniform living allowance reported in the weighted ~~Monetary Award Program (MAP)~~ budget. (Section 7 of the Law)*

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

Section 597.220 Selection Criteria for Award of Scholarships

- a) Scholarships awarded by the Department will be given to students who meet the eligibility requirements in Section 597.100 of this Part and who agree to the provisions of the contract.
- b) Recipients shall be selected on the basis of the following criteria:
- 1) Renewal~~renewal~~ recipients will receive preference;
 - 2) If~~if~~ in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Center for Nursing Advisory Board, consider the following factors in granting~~give~~ priority in awarding scholarships ~~to~~:
 - A) Financial~~students in the greatest financial~~ need, as shown on a current standardized financial needs assessment form used by an approved institution, of~~;~~ B) ~~students pursuing their education on a full-time or closest to full-time basis;~~
 - BE) A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.~~students having the fewest number of credit hours remaining to complete the degree;~~
 - CD) A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities (Section 5 of the Law), including, but not limited to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART D: TERMS OF PERFORMANCE

Section 597.320 Forgiveness of Scholarship

- a) A recipient must graduate from the nursing program funded and provide a copy of the diploma or certificate that indicates the graduation date as soon as the document# is available.
- b) A recipient must be licensed as a registered professional nurse or as a licensed practical nurse in the State of Illinois and must provide a copy of the license as soon as it is available.
- c) For each full-time semester, the nursing employment obligation is 6 months of full-time employment; for each part-time semester, the nursing employment obligation is 3 months of full-time employment; for each full-time quarter/trimester, the nursing employment obligation is 4 months of full-time employment; for each part-time quarter/trimester, the nursing employment obligation is 2 months of full-time employment; for each full-time summer term, the full-time nursing employment obligation is 3 months of full-time employment; for each part-time summer term, the full-time nursing employment obligation is 1½ months of full-time employment. The total nursing employment obligation for any one academic year shall not exceed 12 months of full-time employment.
- d) *Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program, any recipient who accepted a scholarship under Section 5 of the Act a recipient shall begin meeting the required nursing employment obligation providing direct patient care or employment as a nurse educator in the case of a recipient receiving a graduate degree in nursing. (Section 6 of the Law)* Employment as a "license pending" nurse does not meet the nursing employment requirements. Fulfillment of the nursing employment obligation must be completed within a time period equivalent to twice the number of months of nursing employment obligation as described in subsection (c).
- e) Forms to document full-time and/or part-time nursing employment shall be sent to the recipient following graduation and licensure. Documentation forms will be

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

forwarded periodically until the nursing employment obligation is completed, at which time the recipient will be notified and the record closed.

- f) If a recipient suffers total and permanent disability, the nursing employment obligation shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)
- g) If a recipient dies or is adjudicated as incompetent, all scholarship obligations shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)

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

Section 597.330 Deferment of Scholarship Obligation

- a) The nursing employment *obligation may be deferred and re-evaluated* by a review of a written ~~request~~~~statement~~ from the recipient *every 6 months when the failure to fulfill the nursing employment obligation results from ~~involuntarily~~~~1)Involuntarily~~ leaving the profession due to a decrease in the number of nurses employed in the State; or ~~when~~~~2)When~~ the failure to fulfill the nursing employment obligation results from total and permanent disability.*
- b) *In order to defer the continuous nursing employment obligation, a recipient must request the deferment in writing from the Department and must provide a letter from his/her physician attesting to the recipient's inability (either temporarily or permanently) to continue employment. (Section 6 of the Law).*
- c) *A recipient shall notify ~~the Department~~~~program-staff~~ within 30 days if the recipient spends up to 4 years in military service before or after graduation and after completion of the nursing employment obligation. (Section 6 of the Law) The time spent in military service, up to 4 years, shall be excluded from the computation of the number of months of nursing employment obligation as described in Section 597.320(c).*
- d) *A recipient shall notify ~~the Department~~~~program-staff~~ within 30 days after enrollment if the recipient is enrolled in an academic program leading to a graduate degree in nursing. (Section 6 of the Law) The nursing employment obligation shall be deferred until he or she has completed a graduate degree in nursing.*

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- e) *If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated with the higher degree. [\(Section 6 of the Law\)](#)*
- f) *The recipient must begin meeting the required nursing employment obligation no later than 6 months after the end of any deferment. (Section 6 of the Law)*

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: 311.20 Proposed Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking permits a 100% carryover of the pool in the event there are no winning wagers. Currently, racetracks are only permitted to pay out a minor portion of the daily pool to those who select the most winners. Carryover pools increase handle, State revenue and horsemen's purses.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 311
 SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

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

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004; amended at 29 Ill. Reg. 14024, effective September 1, 2005; amended at 30 Ill. Reg. 2654, effective February 21, 2006; amended at 30 Ill. Reg. 10463, effective June 1, 2006; amended at 31 Ill. Reg. 8522, effective June 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 311.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with ~~either~~ subsection (a), ~~or~~ (b) or (c). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b) or subsection (c), including the exact percentages it will use to determine minor and major pools. The racing program shall indicate when the method described in subsection (b) or subsection (c) is being used for a meet.

- a) The net Superfecta pool shall be distributed to winning wagers in the following

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

precedence, based upon the official order of finish:

- 1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but, if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but, if there are no such wagers, then
 - 3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but, if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the first place betting interest only; but, if there are no such wagers, then
 - 5) The entire pool shall be refunded on Superfecta wagers for that contest.
- b) Distribution of Winnings
- 1) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but, if there are no such wagers, then
 - B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Superfecta race. The remaining minor pool shall be paid as a Superfecta consolation pool, which will be equally divided among those ticket holders who correctly select the first three betting interests; but, if there are no such wagers, then
 - C) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first two interests; but, if there are no such wagers, then

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- D) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first betting interest; but, if there are no such wagers, then
- E) The entire net pool shall become a carryover pool into the next regularly scheduled Superfecta race.
- 2) On the last Superfecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- c) Distribution of Winnings
- 1) The net superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
- A) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but, if there are no such wagers, then
- B) The entire pool shall be paid as a carryover pool into the next regularly scheduled superfecta race.
- 2) On the last superfecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- de) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Exacta Double
- 2) Code Citation: 11 Ill. Adm. Code 320
- 3) Section Number: 320.20 Proposed Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking permits a 100% carryover of the pool if the exact winning wager is not selected. Currently, racetracks are only permitted to pay winners of the first exacta or winners of the second exacta in a profit split scenario when no one selects both exactas. Carryover pools increase handle, State revenue and horsemen's purses.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was inadvertently not included on the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 320
EXACTA DOUBLE

Section

320.10	General
320.20	Pool Distribution
320.30	Dead Heats
320.40	Scratches
320.50	Races Cancelled

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

SOURCE: Adopted at 30 Ill. Reg. 14580, effective September 1, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 320.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with either subsection (a) or (b). The organization licensee must notify the Board, 30 days prior to the beginning of its race meet, of which method it will use to distribute pools under this Section.

- a) The net exacta double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish.
- 1a) As a single price pool to those who selected, in exact order, the first two finishers in each of the two exacta double contests; but, 1 if there are no such wagers, then
- 2b) As a profit split pool to those who selected, in exact order, the first two finishers in either of the two exacta double contests; but, 2 if there are no such wagers on one of those contests, then

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 3e) As a single price pool to those who selected, in exact order, the first two finishers in the one covered exacta double contest; but, if there are no such wagers, then
- 4d) The entire pool shall be refunded on exacta double wagers for those contests.
- b) The net exacta double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
- 1) As a single price pool to those who selected, in exact order, the first two finishers in each of the two exacta double contests; but, if there are no such wagers, then
 - 2) The entire net pool shall be paid as a carryover pool into the next regularly scheduled exacta double race.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2196 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/210.5 and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: When it was first enacted, IITA Section 210.5 allowed two different credits: a credit equal to 30% of the start-up costs incurred by a corporation to provide a child care facility for its employees and a credit equal to 5% of the annual operating costs of the facility. The 30% credit for start-up costs expired December 31, 2004. Public Act 95-648 re-instated that credit for taxable years ending on or after December 31, 2007.
- 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>
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.3380	Amendment	32 Ill. Reg. 798; January 18, 2008
100.9700	Amendment	32 Ill. Reg. 798; January 18, 2008
100.5040	Amendment	32 Ill. Reg. 4574; April 4, 2008
100.3500	Amendment	32 Ill. Reg. 5936; April 11, 2008
100.9730	New Section	32 Ill. Reg. 5936; April 11, 2008
100.2455	New Section	32 Ill. Reg. 6438; April 18, 2008
100.2655	New Section	32 Ill. Reg. 6923; April 25, 2008

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Corporations subject to income tax will receive guidance on the reinstated credit allowed under IITA Section 210.5.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations (IITA Section 304(c))

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
- 100.5040 Innocent Spouses
- 100.5050 Frivolous Returns
- 100.5060 Reportable Transactions
- 100.5070 List of Investors in Potentially Abusive Tax Shelters
- 100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
- 100.5110 Composite Returns: Responsibilities of Authorized Agent
- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credits for Resident Individuals
- 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section	
100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section	
100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART Y: CREDITS AND REFUNDS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

- 100.9500 Access to Books and Records (IITA Section 913)
- 100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
- 100.9510 Taxpayer Representation and Practice Requirements
- 100.9520 Conduct of Investigations and Hearings (IITA Section 914)
- 100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

- 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

- 100.9700 Unitary Business Group Defined (IITA Section 1501)
- 100.9710 Financial Organizations (IITA Section 1501)
- 100.9720 Nexus
- 100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

- 100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section

- 100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 16, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: CREDITS

Section 100.2196 Employee Child Care Assistance Program Tax Credit (ITA Section 210.5)

- a) Eligibility for Credit

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Beginning with tax years ending on or after December 31, 2000, each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in:
 - ~~A)1)~~ *an amount equal to 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees; plus*
 - ~~B)2)~~ *5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. (IITA Section 210.5(a))*
 - 2) The 30% credit for start-up costs is allowed only for tax years ending on or before December 31, 2004, and on or after December 31, 2007. The 5% credit for annual expenses is allowed for all years ending on or after December 31, 2000. Both parts of the credit are ~~and is~~ exempt from the sunset provisions of IITA Section 250.
- b) To receive the tax credit under IITA Section 210.5, a corporate taxpayer must either *independently provide and operate a child care facility for the children of its employees or join in a partnership with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership.* (IITA Section 210.5(a)) Amounts paid to a child care facility that is not operated by the taxpayer or by such a partnership do not qualify for the credit. *For purposes of this credit, a "child care facility" is limited to a child care facility located in Illinois.* (IITA Section 210.5(c))
- c) For purposes of this credit, the term "start-up costs" qualifying for the 30% credit means *the cost of planning, site-preparation, construction, renovation, or acquisition of a child care facility.* (IITA Section 210.5(c)) Such costs are the capital expenditures incurred in creating a new facility or expanding an existing facility, both tangible and intangible. In the case of a capitalized asset, the 30% credit is allowed in the year the asset is placed in service in the child care facility.
- 1) Uncapitalized expenses incurred in connection with the child care facility prior to commencing operations are start-up costs. For example, salaries paid prior to the opening of the facility to the employees hired to operate the facility are start-up costs. Such expenses qualify for the 30% credit in

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

the tax year expensed, even if the facility is not in operation by the end of the tax year.

- 2) Capital expenditures that are expensed rather than depreciated under IRC ~~section~~Section 179 qualify as start-up costs in the same manner as expenditures that are actually capitalized and amortized.
- 3) In the case of property previously acquired by the taxpayer and later converted to use in the child care facility, the start-up cost shall be the adjusted basis of such property at the time of conversion, plus any capital costs of renovation or modification to make the property ready for use in the child care facility.
- 4) Any expenditure that qualifies for the federal employer-provided child care credit as an amount paid or incurred to acquire, construct, rehabilitate or expand property to be used in a new or expanded child care facility under the provisions of IRC ~~section~~Section 45F(c)(1)(A)(i) shall qualify for the 30% credit, even if the requirements of IRC ~~section~~Section 45F(c)(1)(A)(i)(II) or (III) are not met and provided that the facility is operated by the employer corporation or a partnership described in subsection (b).

EXAMPLE: An employer acquires a building to be used as a child care facility and the land on which the building is located. The cost of the building qualifies for the federal credit, but the cost of the land does not qualify because IRC ~~section~~Section 45F(c)(1)(A)(i)(II) provides that only depreciable property may qualify for the federal credit. The cost of both the building and the land will qualify for the credit allowed under this IITA Section 210.5.

- d) The *annual amount paid* by the employer qualifying for the 5% credit shall include all expenses (including depreciation and amortization) incurred in connection with the operation of the child care facility that are deducted during the taxable year. Depreciation and amortization of capitalized items and IRC ~~section~~Section 179 deductions qualify for the credit whenever the original expenditure qualified as a start-up cost for the 30% credit, provided that the asset continues to be used in the operation of the child care facility. In the year the facility commences operations, only expenses deductible in the period after the commencement of operations qualify for the 5% credit. Expenses of the facility

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

deducted prior to the commencement of operations qualify only for the 30% credit as start-up costs. Any expense qualifying for the federal employer-provided child care credit under IRC ~~section~~[Section](#) 45F(c)(1)(A)(ii) for a tax year shall also qualify for the 5% credit in the same tax year. Any expense for which the employer claims the 5% credit authorized under this Section cannot qualify for the 5% Dependent Care Assistance Program Credit under IITA Section 210. (See IITA Section 210.5(a).)

- e) Any credit allowed under this Section that is unused in the year the credit is earned *may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year* until it is used. (IITA Section 210.5(b)) Any 30% credit earned in tax years ending on or before the December 31, 2004 sunset date may be carried forward to tax years ending after that date. *The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first.* (IITA Section 210(b))
- f) A corporate taxpayer claiming the credit provided by IITA Section 210.5 needs to maintain records sufficient to document the costs associated with the provision of a child care facility and the "start-up costs" expended to provide a child care facility. Documentation must take the form of vouchers paid, cancelled checks or other proof of payment. Should the expenditure not be solely for child care, the documentation should explain how the amount allocated for child care was determined. If the child care provided includes care for non-employee children, the costs must be allocated between employee children and non-employee children. The method of allocation used must be reasonable and documented.
- g) The credit is allowed only to corporations subject to tax under IITA Section 201(a) and (b). Neither ~~subchapter~~[Subchapter](#) S corporations nor shareholders of ~~subchapter~~[Subchapter](#) S corporations are allowed to claim the credit.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing
- 2) Code Citation: 23 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.20	Amendment
100.70	Amendment
100.TABLE A	Amendment
100.TABLE C	Amendment
100.TABLE E	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds primarily to P.A. 95-675, which established the School Facility Occupation Tax as an additional source of revenue for school districts. Since that funding source was unknown when Part 100 was under development last year, it is not currently accommodated by any of the account codes used in the new rules. Additions to Tables A and C will resolve this problem, as well as adding codes for funds that may be received by districts under the federal Safe Routes to School program or the "Grow Your Own" Teacher Education Initiative.

Further, the newest version of the Government Auditing Standards published by the Comptroller General of the United States is being incorporated into the definition of "generally accepted governmental auditing standards" (Section 100.20). This will replace the 2003 version currently referenced. Some school districts are subject to this version in any case due to the amounts of federal funding they receive, and incorporating this version into Part 100 will not only have the obvious advantage of keeping current with professional standards but also ensure that the same requirements apply to all districts.

Other minor technical corrections are included to remedy errors in the version adopted last year.
- 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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes; please see Section 100.20.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days 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: Some of these entities, particularly including charter schools, may be affected by Part 100 if they receive State or federal funding through ISBE (see Section 100.10).
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCEPART 100
REQUIREMENTS FOR ACCOUNTING, BUDGETING,
FINANCIAL REPORTING, AND AUDITING

Section	
100.10	Purpose and Applicability
100.20	Definitions
100.30	General Requirements
100.40	Types of Funds, Basis of Accounting, and Recognition of Transactions
100.50	Intra-Fund and Inter-Fund Transactions
100.60	Capital Assets and Depreciation
100.70	Revolving Funds
100.80	Student Activity Funds
100.90	Submission of Budgets and Deficit Reduction Plans
100.100	Annual Financial Reports
100.110	Annual Audit Requirements
100.120	Provisions Related to Debt
100.TABLE A	Classification of Funds
100.TABLE B	Balance Sheet Accounts
100.TABLE C	Revenue Accounts
100.TABLE D	Expenditure Accounts
100.TABLE E	"Sources and Uses" Accounts; Miscellaneous
100.TABLE F	Expenditure Object Accounts

AUTHORITY: Implementing and authorized by Sections 2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1 of the School Code [105 ILCS 5/2-3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1].

SOURCE: Old Part repealed at 10 Ill. Reg. 20507, effective December 2, 1986; new Part adopted at 31 Ill. Reg. 14874, effective October 19, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 100.20 Definitions

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Basis of accounting" means either a cash basis or an accrual basis. For purposes of this Part, "cash basis" includes a modified cash basis, and "accrual basis" includes a modified accrual basis.

"Capital asset" means any parcel of land, building, improvement to land other than buildings, instrument, machine, apparatus, or set of articles that:

under normal conditions of use, including reasonable care and maintenance, can be expected to serve its principal purpose for longer than 12 months;

does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;

is nonexpendable; that is, if it is damaged or some of its parts are worn out, it is more feasible to repair than replace;

retains its appearance and character through use; and

has a cost equal to or in excess of the capitalization threshold adopted by the school board.

"Capitalization threshold" means a dollar figure above which the cost of an item will be depreciated.

"CFDA" means the Catalog of Federal Domestic Assistance available on the U.S. General Services Administration's website at <http://12.46.245.173/cfda/cfda.html>.

"Class I county school unit" means a county with fewer than 2,000,000 inhabitants.

"Class I school district" means any school district located within a Class I county school unit.

"Class II county school unit" means a county with 2,000,000 or more inhabitants.

"Class IIA school district" means any school district that is located within a Class II county school unit but is not subject to the jurisdiction of the trustees of schools of any township in which the district is located.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Class IIB school district" means any school district that is located within a Class II county school unit and is subject to the jurisdiction of the trustees of schools of any township in which the district is located.

"Construction in progress" means construction work undertaken but not yet completed.

"Depreciable land" means land that is owned by a school board and used for school bus storage or maintenance and on which depreciation is claimed in accordance with the provisions of 23 Ill. Adm. Code 120 (Pupil Transportation Reimbursement).

"Depreciation allowance" means an estimate of the annual cost of using an item that is based on its acquisition cost divided by its assumed or estimated useful life.

"Dimension" means a classification that is used to describe various characteristics of accounts (e.g., expenditures, revenues, and sources and uses of funds).

"Equipment (3-year schedule)" means repairs or modifications to a pupil transportation vehicle, pupil monitoring equipment installed on school buses, including video cameras, and computer equipment used exclusively in the food service program.

"Equipment (5-year schedule)" means vehicles used to transport students, driver education cars, vehicles or transportation equipment used exclusively in the food service program, and equipment necessary for the operation of a special educational facility.

"Equipment (10-year schedule)" means any capitalized equipment not included on the 3-year or 5-year schedule, including, but not limited to, other equipment used in the food service program, other equipment used in the driver education program, two-way transportation vehicle communication systems, pupil transportation equipment not installed in a vehicle, and service vehicles (such as tow trucks) used to service pupil transportation vehicles.

"Expenditures" means transactions involving the disbursement of cash or the establishment of an obligation without creating an asset or canceling a liability.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

"Generally accepted governmental auditing standards" means the "Standards for Audit of Government Organizations, Programs, Activities and Functions" ~~(2007)~~(2003) published by the Comptroller General of the United States. No later amendments to or editions of these standards are incorporated by this Section.

"Non-capitalized equipment" means any item that would be a capital asset except for the fact that its cost is less than the capitalization threshold adopted by the school board.

"Non-depreciable land" means any land owned by a school board that does not qualify as depreciable under this Section.

"Operating Funds" means the Educational, Operations and Maintenance, Transportation, and Working Cash funds.

"Permanent buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as real estate. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

"Petty cash fund" means a fund in which a sum of cash is set aside for the purpose of making change or making immediate payments when the amounts involved are so small that processing through the school board's regular procedure would be uneconomical.

"Revenues" means transactions involving the receipt of cash without creating a liability or canceling an asset.

"Revolving fund" means a fund out of which disbursements can be made quickly, to address emergencies and other timing issues that prevent a district from following its regular procedures for disbursement.

"School board" means the board of education or board of directors of a school district or the governing board or board of control of a cooperative or joint agreement.

"Student activity funds" means funds owned, operated, and managed by organizations, clubs, or associations within the student body under the guidance and direction of one or more staff members for educational, recreational, or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

cultural purposes. (Examples: homeroom, yearbook, class year, choral or band group, class projects, student clubs, student council, student-sponsored bookstore)

"Supplies" means items of a consumable nature not classified as capital assets or non-capitalized equipment.

"Temporary buildings and building improvements" means buildings and additions, either existing or to be constructed, that are properly classified as personal property and are primarily characterized by the absence of a permanent foundation. Included are expenditures for installment or lease payments (exclusive of interest) under capitalized leases.

"Unbalanced budget" means a budget in which the direct revenues of the operating funds are less than the direct expenditures from those funds by an amount that is greater than one-third of the funds' ending fund balances.

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

Section 100.70 Revolving Funds

The requirements of this Section shall apply to revolving funds and petty cash funds established by a school board pursuant to Section 10-20.19(2) of the School Code [105 ILCS 5/10-20.19(2)].

- a) Each resolution shall establish the school board's policy as to the amounts and types of payments that shall be made from the fund, state the amount at which the fund shall be established, designate a custodian of the fund, and require that the fund be maintained in compliance with Section 10-20.19 of the School Code and all other applicable statutes.
- b) In the case of a petty cash fund:
 - 1) The resolution shall also authorize a check in the amount of the fund to be drawn payable to the designated custodian.
 - 2) Each disbursement shall be approved by the signature of a person other than the custodian.
 - 3) Each petty cash voucher shall be pre-numbered and each shall be accounted for as having been used, voided, or unused. Each petty cash

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

voucher shall also provide for the signature of the person to whom cash is paid.

- 4) The custodian shall attach to each petty cash voucher the receipt for the disbursement made and shall note the proper expenditure account code or provide sufficient descriptive information to allow assignment of the correct code.
 - 5) When the larger part of the cash on hand has been disbursed, the custodian shall take the paid petty cash vouchers to the person authorized to prepare and issue checks so that the fund can be replenished.
- c) In the case of any revolving fund other than a petty cash fund:
- 1) The resolution shall also provide that the fund shall be maintained in a bank.
 - 2) The total of all checks written since the last reimbursement plus the bank balance for the checking account shall equal the amount set aside for the revolving fund.
 - 3) No check shall be issued without presentation of pre-approved documentation for the expenditure, such as a signed voucher, a completed and approved travel request, an approved purchase requisition, an order, or an invoice. The record for each check written shall include the expense account code or sufficient descriptive information to allow assignment of the correct code.
 - 4) At regular intervals, the revolving fund shall be reimbursed up to its original amount. The check written for this reimbursement shall be included on the school board's monthly listing of bills, charging the appropriate expenditure accounts and indicating the recipient and explanation for each revolving fund check that was issued.
- d) If a school board has obtained and issued credit cards or procurement cards for the use of board members, the superintendent, or other district employees or officials to pay certain job-related expenses or to make purchases on behalf of the board or district or any student activity funds, or for purposes that would otherwise be

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

addressed through a conventional revolving fund, then the board shall adopt a written credit card policy that at least:

- 1) identifies the allowable types of purchases;
- 2) provides for the issuing bank to block the cards' use at unapproved merchants;
- 3) limits the amount a card-holder can charge in a single purchase or within a given month;
- 4) provides specific guidelines on purchases via telephone, fax, and the Internet;
- 5) indicates the consequences for unauthorized purchases;
- 6) requires card-holders to sign a statement affirming that they are familiar with the board's credit card policy;
- 7) requires review and approval of purchases by someone other than the card-holder or user;
- 8) requires submission of original receipts to document purchases; ~~and~~
- 9) forbids the use of a card to make purchases in a manner contrary to the requirements of Section 10-20.21 of the School Code [105 ILCS 5/10-20.21]; ~~and~~
- 10) indicates how financial or material rewards or rebates are to be accounted for and treated.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 100.TABLE A Classification of Funds

Label	Account Number	Notes; Source
Educational Fund	10	This is effectively the district's general fund. Each transaction not accommodated by another specific fund shall be processed through this fund. [105 ILCS 5/17-2]
Operations & Maintenance Fund	20	This fund is required if a tax is levied for purposes of operations and maintenance. [105 ILCS 5/17-2 and 17-7]
Debt Service Fund or Fund Group	30	This fund or fund group is required if taxes are levied to retire bond principal or to pay bond interest, or if other revenue, <u>including revenue from School Facilities Occupation Tax proceeds</u> , is pledged to pay principal, interest, or service charges on other long-term debt instruments. A separate fund shall be established for each issue, but the funds shall be aggregated for reporting purposes. [105 ILCS 5/Art. 19]
Transportation Fund	40	This fund is required if a district pays for transporting pupils for any purpose. All costs of transportation, other than those authorized by statute to be paid from another fund, shall be paid from this fund. Any funds received for transportation purposes must be deposited into this fund, with amounts due other funds appropriately transferred thereafter.
Municipal Retirement and Social Security Fund	50	This fund is required if a tax is levied to pay for contributions to municipal retirement systems, Social Security, or Medicare. [105 ILCS 5/17-1, 21-110, and 21-110.1]
Capital Projects Fund or Fund Group	60	This fund or fund group is required to account for proceeds resulting from each bond issue, receipts from other long term financing agreements (including impact fee agreements), <u>receipts from School Facilities Occupation Tax proceeds</u> , or construction or maintenance grants used to finance a capital project, capital lease, lease purchase agreement, or if a tax is levied in accordance with Section 17-2.3 of the School Code. A separate fund shall be

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

		established for each project or financing source, but aggregated for reporting purposes.
Working Cash Fund	70	This fund is required if a tax is levied or bonds are issued for working cash purposes. [105 ILCS 5/Art. 20]
Tort Immunity and Judgment Fund	80	This fund is required if taxes are levied or bonds are sold for tort immunity or tort judgment purposes.
Fire Prevention and Safety Fund or Fund Group	90	This fund or fund group is required if a tax is levied or bonds are issued for purposes of fire prevention, safety, energy conservation, or school security. A separate fund must be created for each project or bond issue. [105 ILCS 5/2-3.12 and 17-2.11]
Capital Asset Accounts or Fund Groups	95	This group of accounts records all the district's tangible fixed assets, including land, buildings, machinery, equipment, furniture, and fixtures, regardless of which fund provided the cash at the time of purchase.
Long-Term Debt Accounts or Fund Groups	97	This group of accounts records all the district's outstanding bonds and other long-term debt.
Agency Fund or Fund Group	99	These funds may include revolving funds, petty cash funds, and student activity funds, as needed. [105 ILCS 5/10-20.19; see also Sections 100.70 and 100.80 of this Part]

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 100.TABLE C Revenue Accounts

Label	Account Number	Source; Notes
RECEIPTS/REVENUE FROM LOCAL SOURCES	1000	
AD VALOREM TAXES	1100	
Educational Purposes Levy	1110	105 ILCS 5/17-2 and 17-3.
Operations and Maintenance Purposes Levy	1111	105 ILCS 5/17-5.
Bond and Interest Purposes Levy	1112	105 ILCS 5/17-9.
Transportation Purposes Levy	1113	105 ILCS 5/17-4.
Municipal Retirement Purposes Levy	1114	40 ILCS 5/7-171.
Working Cash Purposes Levy	1115	105 ILCS 5/20-3.
Public Building Commission Rent Levy	1116	50 ILCS 20/18.
Capital Improvement Purposes Levy	1117	105 ILCS 5/17-2 and 17-2.3.
Fire Prevention & Safety Purposes Levy	1118	105 ILCS 5/17-2.11.
Emergency Financial Assistance Levy	1119	105 ILCS 5/1B-8 and 1F-62.
Tort Immunity/Judgment Purposes Levy	1120	745 ILCS 10/9-109.
Leasing Purposes Levy	1130	105 ILCS 5/17-2.2c.
Special Education Purposes levy	1140	105 ILCS 5/17-2.2a.
FICA and Medicare Only Levies	1150	Social Security taxes and the employer's share of Medicare Only payments; 40 ILCS 5/21-110, 110.1.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Area Vocational Construction Purposes Levy	1160	105 ILCS 5/17-2.4.
Summer School Purposes Levy	1170	105 ILCS 5/17-2 and 17-2.1.
Other Tax Levies	1190	Taxes received from other tax levies not specifically identified (describe and itemize).

PAYMENTS IN LIEU OF TAXES	1200	
Mobile Home Privilege Tax	1210	
Payments from Local Housing Authorities	1220	
Corporate Personal Property Replacement Taxes	1230	Amounts received to replace personal property tax revenues lost.
Other Payments in Lieu of Taxes	1290	

TUITION	1300	
Total Regular Tuition	1310	Amounts received for pupils attending the district's regular schools; 105 ILCS 5/10-20.12a.
Regular Tuition from Pupils or Parents (In-State)	1311	
Regular Tuition from Other Districts (In-State)	1312	
Regular Tuition from Other Sources (In-State)	1313	
Regular Tuition from Other Sources (Out-of-State)	1314	
Total Summer School Tuition	1320	Amounts received for pupils attending summer school.
Summer School Tuition from Pupils or Parents (In-State)	1321	

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Summer School Tuition from Other Districts (In-State)	1322	
Summer School Tuition from Other Sources (In-State)	1323	
Summer School Tuition from Other Sources (Out-of-State)	1324	
Total CTE Tuition	1330	Amounts received for pupils attending career and technical education programs.
CTE Tuition from Pupils or Parents (In-State)	1331	
CTE Tuition from Other Districts (In-State)	1332	
CTE Tuition from Other Sources (In-State)	1333	
CTE Tuition from Other Sources (Out-of-State)	1334	
Total Special Education Tuition	1340	Amounts received for pupils attending special education programs.
Special Education Tuition from Pupils or Parents (In-State)	1341	
Special Education Tuition from Other Districts (In-State)	1342	
Special Education Tuition from Other Sources (In-State)	1343	
Special Education Tuition from Other Sources (Out-of-State)	1344	
Total Adult Tuition	1350	Amounts received for pupils attending adult/continuing education programs.
Adult Tuition from Pupils or Parents (In-State)	1351	

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Adult Tuition from Other Districts (In-State)	1352	
Adult Tuition from Other Sources (In-State)	1353	
Adult Tuition from Other Sources (In-State)	1354	
TRANSPORTATION FEES	1400	
Total Regular Transportation Fees	1410	Amounts received for transporting pupils to and from school and school activities (regular school day).
Regular Transportation Fees from Pupils or Parents (In-State)	1411	
Regular Transportation Fees from Other Districts (In-State)	1412	
Regular Transportation Fees from Other Sources (In-State)	1413	
Regular Transportation Fees from Co-curricular Activities (In-State)	1415	
Regular Transportation Fees from Other Sources (Out-of-State)	1416	
Total Summer School Transportation Fees	1420	Amounts received for transporting pupils to and from summer school.
Summer School Transportation Fees from Pupils or Parents (In-State)	1421	
Summer School Transportation Fees from Other LEAs (In-State)	1422	
Summer School Transportation Fees from Other Sources (In-State)	1423	

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Summer School Transportation Fees from Other Sources (Out-of- State)	1424	
Total CTE Transportation Fees	1430	Amounts received for transporting pupils to and from career and technical education classes.
CTE Transportation Fees from Pupils or Parents (In-State)	1431	
CTE Transportation Fees from Other Districts (In- State)	1432	
CTE Transportation Fees from Other Sources (In- State)	1433	
CTE Transportation Fees from Other Sources (Out-of-State)	1434	
Total Special Education Transportation Fees	1440	Amounts received for transporting pupils to and from special education programs.
Special Education Transportation Fees from Pupils or Parents (In- State)	1441	
Special Education Transportation Fees from Other Districts (In-State)	1442	
Special Education Transportation Fees from Other Sources (In-State)	1443	
Special Education Transportation Fees from Other Sources (Out-of- State)	1444	
Total Adult Transportation Fees	1450	Amounts received for transporting pupils to and from adult/continuing education programs.
Adult Transportation Fees from Pupils or Parents (In-State)	1451	

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Adult Transportation Fees from Other Districts (In-State)	1452	
Adult Transportation Fees from Other Sources (In-State)	1453	
Adult Transportation Fees from Other Sources (Out-of-State)	1454	
EARNINGS ON INVESTMENTS	1500	
Interest on Investments	1510	
Gain or Loss on Sale of Investments	1520	Gains or losses realized from the sale of bonds.
FOOD SERVICE	1600	
Sales to Pupils - Lunch	1611	
Sales to Pupils - Breakfast	1612	
Sales to Pupils - A la Carte	1613	
Sales to Pupils - Other	1614	
Sales to Adults	1620	Amounts received from adults for sale of food products and services.
Other Food Service	1690	Amounts received from local sources for other food service activities.
DISTRICT/SCHOOL ACTIVITY INCOME	1700	
Admissions - Athletic	1711	Amounts received from school-sponsored athletic events.
Admissions - Other	1719	Amounts received from admissions to all other school-sponsored events except athletics (describe and itemize).
Fees	1720	Amounts received from pupils for fees such as towel fees, locker fees, and equipment fees (excludes transportation).
Book Store Sales	1730	
Other District/School Activity Revenue	1790	All other revenue from district or school activities not otherwise specified.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TEXTBOOK INCOME	1800	
Rentals - Regular Textbooks	1811	
Rentals - Summer School Textbooks	1812	
Rentals - Adult/Continuing Education Textbooks	1813	
Rentals - Other	1819	Describe and itemize.
Total Textbook Rentals	1810	105 ILCS 5/10-22.25.
Sales - Regular Textbooks	1821	
Sales - Summer School Textbooks	1822	
Sales - Adult/Continuing Education Textbooks	1823	
Sales - Other	1829	
Total Textbook Sales	1820	105 ILCS 5/28-8.
Textbooks Other	1890	Textbook revenues not provided for elsewhere in the 1800 series of accounts.

OTHER LOCAL REVENUES	1900	
Rentals	1910	Amounts received for rental of school property, real or personal.
Contributions and Donations from Private Sources	1920	Amounts received from a philanthropic foundation, private individual, or private organization for which no repayment or special service to the contributor is expected.
Impact Fees from Municipal or County Governments	1930	Amounts received from a city, town, village, or county government from impact fees assessed in accordance with local ordinances.
Services Provided to Other Districts	1940	Amounts received for services other than tuition and transportation services (e.g., data processing, purchasing, maintenance, accounting, cleaning, consulting, guidance).
Refund of Prior Years' Expenditures	1950	A refund of an expenditure charged to a prior fiscal year's budget.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Payments of Surplus Moneys from TIF Districts	1960	Amounts received from distributions from Tax Increment Financing districts.
Drivers' Education Fees	1970	105 ILCS 5/27-23.
Proceeds from Vendors' Contracts	1980	Proceeds received pursuant to contracts between the district and various vendors.
<u>School Facility Occupation Tax Proceeds</u>	<u>1983</u>	<u>Amounts received from distributions of School Facility Occupation Tax proceeds.</u>
Payment from Other Districts	1991	Amounts representing a district's share of special education or career and technical education building costs.
Sale of Vocational Projects	1992	Amounts representing gain from the sale of vocational projects.
Other Local Fees	1993	Amounts assessed or received from local sources for district programs not classified elsewhere (describe and itemize).
Other Local Revenues	1999	Amounts received from local sources not provided for elsewhere in the 1000 series of accounts.

FLOW-THROUGH RECEIPTS/REVENUE FROM ONE DISTRICT TO ANOTHER DISTRICT	2000	
FLOW-THROUGH REVENUE FROM STATE SOURCES	2100	State revenues that can be further subdivided to account for individual grants.
FLOW-THROUGH REVENUE FROM FEDERAL SOURCES	2200	Federal revenues that can be further subdivided to account for individual grants.
OTHER FLOW-THROUGH REVENUE	2300	Other revenues that can be further subdivided to account for individual grants (describe and itemize).

RECEIPTS/REVENUE FROM STATE SOURCES	3000	
General State Aid Section 18-8.05	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Reorganization Incentives - Deficit Fund Balance	3005	105 ILCS 5/18-8.3.
Reorganization Incentives - Attendance	3010	105 ILCS 5/18-8.05i.
Reorganization Incentives - Salary Difference	3015	105 ILCS 5/18-8.2.
Reorganization Incentives - Certified Salary	3020	105 ILCS 5/18-8.5.
Reorganization Incentives - Feasibility Studies	3021	Amounts received pursuant to appropriations for this purpose.
GSA Fast Growth District Grants	3030	105 ILCS 5/18-8.10.
Emergency Financial Assistance Grants	3050	105 ILCS 5/1B-8 and 1F-62.
Tax Equivalent Grants	3055	105 ILCS 5/18-4.4.
GSA Transition Assistance	3095	Amounts received pursuant to appropriations for this purpose.
Other Unrestricted Grants-In-Aid from State Sources	3099	Amounts received pursuant to other appropriations (describe and itemize).
Special Education - Private Facility Tuition	3100	105 ILCS 5/14-7.02.
Special Education - Extraordinary	3105	105 ILCS 5/14-7.02a.
Special Education - Personnel	3110	105 ILCS 5/14-13.01.
Special Education - Orphanage - Individual	3120	105 ILCS 5/14-7.03.
Special Education - Orphanage - Summer	3130	105 ILCS 5/14-7.03.
Special Education - Summer School	3145	105 ILCS 5/18-4.3.
Philip J. Rock Center and School	3155	105 ILCS 5/14-11.02.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education - Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
Career and Technical Education (CTE) - Tech Prep	3200	105 ILCS 5/2-3.115.
CTE - Secondary Program Improvement (CTEI)	3220	105 ILCS 435.
CTE - WECEP	3225	105 ILCS 5/2-3.66a.
CTE - Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE - Instructor Practicum	3240	105 ILCS 5/2-3.68.
CTE - Student Organizations	3270	Amounts received pursuant to appropriations for student organizations.
CTE - Other	3299	Amounts received pursuant to other appropriations (describe and itemize).
Bilingual Education - Downstate - TPI and TBE	3305	105 ILCS 5/14C-12.
Bilingual Education - Downstate – Transitional Bilingual Education	3310	105 ILCS 5/14C-12.
Gifted Education	3350	105 ILCS 5/Art. 14A.
State Free Lunch and Breakfast	3360	105 ILCS 125/2.
School Breakfast Initiative	3365	105 ILCS 125/2.5.
Driver Education	3370	105 ILCS 5/27-24.2.
Adult Education (from ICCB)	3410	Amounts received from the Community College Board; 105 ILCS 405.
Adult Education – Other	3499	Amounts received pursuant to other appropriations (describe and itemize).
Transportation - Regular/Vocational	3500	105 ILCS 5/29-5.
Transportation - Special Education	3510	105 ILCS 5/14-13.01b.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Transportation - ROE Bus Driver Training	3520	105 ILCS 5/3-14.23.
Transportation - Other	3599	Amounts received pursuant to other appropriations (describe and itemize).
Learning Improvement - Change Grants	3610	105 ILCS 5/2-3.25, 2-3.63, and 2-3.64.
National Board Certification	3651	105 ILCS 5/21-27.
Administrators Academy	3655	105 ILCS 5/2-3.53.
Scientific Literacy	3660	105 ILCS 5/2-3.94.
Truants' Alternative and Optional Education	3695	105 ILCS 5/2-3.66.
Regional Safe Schools	3696	105 ILCS 5/13A-8.
Early Childhood - Block Grant	3705	105 ILCS 5/1C-2 and 2-3.71.
Reading Improvement Block Grant	3715	105 ILCS 5/2-3.51.
Reading Improvement Block Grant - Reading Recovery	3720	Amounts received from the 2% set-aside under 105 ILCS 5/2-3.51.
Continued Reading Improvement Block Grant	3725	105 ILCS 5/2-3.51a.
Continued Reading Improvement Block Grant	3726	Amounts received from the 2% set aside under 105 ILCS 5/2-3.51a.
ROE/ISC Operations	3730	Amounts received pursuant to 105 ILCS 5/2-3.63, 3-14.23, and 18-6.
ROE Supervisory Expense	3745	Amounts received pursuant to 105 ILCS 5/18-6.
Chicago Teachers Academy for Math & Science (TAMS)	3765	Amounts received pursuant to an appropriation for TAMS.
Chicago General Education Block Grant	3766	105 ILCS 5/1D-1.
Chicago Educational Services Block Grant	3767	105 ILCS 5/1D-1.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

School Safety and Educational Improvement Block Grant	3775	105 ILCS 5/2-3.51.5.
Technology - Learning Technology Centers	3780	105 ILCS 5/2-3.117.
Illinois Government Intern Program	3804	Funds distributed as a grant to Springfield School District 186 to support administration of this program.
State Charter Schools	3815	105 ILCS 5/Art. 27A.
Extended Learning Opportunities (Summer Bridges)	3825	105 ILCS 5/10-20.9a.
Infrastructure Improvements - Planning/Construction	3920	105 ILCS 230/5-35.
School Infrastructure - Maintenance Projects	3925	105 ILCS 230/5-100.
Regular Orphanage Tuition (18-3)	3950	105 ILCS 5/18-3.
Tax Equivalent Grants	3955	105 ILCS 5/18-4.4.
After-School Programs - Mentoring & Student Support	3960	Amounts received pursuant to appropriation.
Advanced Placement Classes	3961	Amounts received pursuant to appropriations.
Arts Education	3962	Amounts received pursuant to appropriations.
Grants to Local Governments, Community Organizations, Not-for-Profit Organizations, and Educational Facilities	3963	Amounts received pursuant to appropriations.
ISBE Special Purpose Trust Fund	3970	105 ILCS 5/2-3.127a.
Class Size Reduction Pilot Project	3981	105 ILCS 5/2-3.136.
<u>The "Grow Your Own" Teacher Education Initiative</u>	<u>3983</u>	<u>110 ILCS 48.</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Children's Mental Health Partnership	3990	105 ILCS 405/49-15.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
State "On-behalf" Payments	3998	Reserved for on-behalf payments by the State.
Emergency Financial Assistance Grant	3999	105 ILCS 5/1B-8.
Temporary Relocation Expense Grant	3999	105 ILCS 5/2-3.77.
Other Restricted Revenue from State Sources	3999	Amounts received pursuant to other appropriations (describe and itemize).

RECEIPTS/REVENUE FROM FEDERAL SOURCES	4000	
Federal Impact Aid	4001	ESEA Title VIII - Impact Aid (CFDA 84.041).
Other Unrestricted Grants-In-Aid Received Directly from the Federal Government	4009	Amounts received pursuant to other unrestricted appropriations; describe and itemize.
Total Unrestricted Grants Received Directly from the Federal Government	4010	
Head Start	4045	Community Opportunities, Accountability, Training, and Educational Services Act of 1998, Title I (CFDA 93.600).
Construction (Impact Aid)	4050	ESEA, Title VIII (Impact Aid – Facilities Maintenance) (CFDA 84.040).
Magnet	4060	ESEA, Title V, Part C (Magnet Schools Assistance) (CFDA 84.165).
Other Restricted Grants-In-Aid Received Directly from the Federal Government	4090	Amounts received pursuant to other restricted appropriations; describe and itemize.
Total Restricted Grants Received Directly from the Federal Government	4095	

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TOTAL GRANTS RECEIVED DIRECTLY FROM THE FEDERAL GOVERNMENT	4099	Amounts received pursuant to other appropriations.
Title V - Innovation and Flexibility Formula	4100	NCLB, Title V, Part A - State Grants For Innovative Programs (CFDA 84.298).
Title V - SEA Projects	4105	NCLB, Title V, Part A - State Grants For Innovative Programs (CFDA 84.298).
Title V - Rural and Low-Income Schools (REI)	4107	NCLB, Title VI, Part B - Rural Education (CFDA 84.358).
Title V - Other	4199	Amounts received pursuant to other appropriations (describe and itemize).
Breakfast Start-up	4200	Child Nutrition Act - School Breakfast Program for Start-Up (CFDA 10.553).
National School Lunch Program	4210	Child Nutrition Act - National School Lunch Program (CFDA 10.555).
Special Milk Program	4215	Child Nutrition Act - Special Milk Program for Children (CFDA 10.556).
School Breakfast Program	4220	Child Nutrition Act - School Breakfast Program (CFDA 10.553).
Summer Food Service Admin/Program	4225	Child Nutrition Act - Summer Food Service Program for Children (CFDA 10.559).
Child Care Commodity/SFS 13 - Adult Day Care	4226	Child Nutrition Act - Child Care and Adult Food Service Program (CFDA 10.558).
SAE Nutrition Ed. Loan/TNT	4227	Child Nutrition Act of 1966 (42 USC 1771 et seq.) (CFDA 10.574).
Child Nutrition Commodity/Salvage	4250	Child Nutrition Act of 1966 (CFDA 10.550).
Cash in Lieu of Commodities	4255	Amounts received in lieu of commodities in the food service program.
Food Service - Other	4299	Amounts received pursuant to other appropriations from the U.S. Department of Agriculture for nutrition programs (describe and itemize).
Title I - Low Income	4300	No Child Left Behind Act of 2001 (NCLB; 20 USC 6301 et seq.), Title I, Part A - Improving Academic Achievement of the Disadvantaged (CFDA 84.010).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Title I - Low Income - Neglected, Private	4305	NCLB, Title I, Part D - Neglected and Delinquent (CFDA 84.013).
Title I - Low Income - Delinquent, Private	4306	NCLB, Title I, Part D - Neglected and Delinquent (CFDA 84.013).
Title I - Neglected and Delinquent Juvenile and Adult Corrections (formerly only juvenile)	4315	NCLB, Title I, Part D - Neglected and Delinquent (CFDA 84.013).
Title I - Comprehensive School Reform	4332	NCLB, Title I, Part F - Comprehensive School Reform (CFDA 84.332).
Title I - Reading First	4334	NCLB, Title I, Part B-1 - Reading First (CFDA 84.357).
Title I - Even Start	4335	NCLB, Title I, Part B-3 - Even Start (CFDA 84.213).
Title I - Reading First SEA Funds	4337	NCLB, Title I, Part B-1 - Reading First SEA Funds (CFDA 84.357).
Title I - Migrant Education	4340	NCLB, Title I, Part C - Education of Migrant Children (CFDA 84.011).
Title I - Other	4399	Amounts received pursuant to other appropriations under Title I of NCLB (describe and itemize).
Title IV - Safe and Drug-Free Schools - Formula	4400	NCLB, Title IV, Part A - Safe and Drug Free Schools (CFDA 84.186).
Title IV - Safe & Drug-Free Schools - State-Level Program	4415	NCLB, Title IV, Part A - Safe and Drug Free Schools (CFDA 84.186).
Title IV - 21 st Century	4421	NCLB, Title IV, Part B - 21 st Century Community Learning Centers (CFDA 84.287).
Title IV - Other (Describe & Itemize)	4499	Amounts received pursuant to other appropriations under Title IV of NCLB (describe and itemize).
Federal Special Education Preschool Flow-Through	4600	IDEA, Part B - Preschool (CFDA 84.173).
Federal Special Education Preschool Discretionary	4605	IDEA, Part B - Preschool (CFDA 84.173).
Federal Special Education - IDEA Flow-Through/Low Incident	4620	IDEA, Part B (CFDA 84.027).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Federal Special Education - IDEA Room and Board	4625	IDEA, Part B (CFDA 84.027).
Federal Special Education - IDEA Discretionary	4630	IDEA, Part B (CFDA 84.027).
Federal Special Education - IDEA - Part D - Improvement	4631	IDEA, Part D - State Program Improvement Grants for Children with Disabilities (CFDA 84.323).
Federal Special Education – IDEA Title VI C - Deaf/Blind	4635	IDEA, Part D - Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities (CFDA 84.326).
Federal Special Education - IDEA - Other	4699	Amounts received pursuant to other appropriations under IDEA (describe and itemize).
CTE - Perkins Title III E - Tech Prep	4770	
CTE - Other	4799	Amounts received pursuant to other appropriations from federal sources (describe and itemize).
Federal - Adult Education	4810	Adult Education State Grant Program (CFDA 84.002).
Advanced Placement Fee/International Baccalaureate	4904	ESEA, Title I, Part G – Advanced Placement Program (CFDA 84.330).
Emergency Immigrant Assistance	4905	NCLB, Title III - English Language Acquisition Grants - Immigrant Assistance Grants (CFDA 84.365).
Title III - English Language Acquisition	4909	NCLB, Title III - English Language Acquisition Grants (CFDA 84.365).
Learn & Serve America	4910	National and Community Service Act of 1990 - Learn & Serve America (CFDA 94.004).
Refugee Children School Impact Grants	4915	Refugee Education Assistance Act of 1980, Refugee and Entrant Assistance Discretionary Grants (CFDA 93.576).
McKinney Education for Homeless Children	4920	NCLB, Title X - Education for Homeless Children (CFDA 84.196).
Title II - Teacher Quality	4932	NCLB, Title II, Part A, and ESEA, Title II, Part C, Subpart 1, Chapter B (CFDA 84.350).
Title II - Teacher Quality	4935	ESEA, Title II, Part A - Improving Teacher Quality State Grants (CFDA 84.367).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Title II - Math and Science Initiative	4936	ESEA, Title II, Part B – Math and Science Partnerships (CFDA 84.366).
Federal Charter Schools	4960	NCLB, Title V, Part B - Public Charter Schools.
Title II - Technology - Enhancing Education Formula Grants	4971	ESEA, Title II, Part D, Subparts 1 and 2, as amended – Education Technology State Grants (CFDA 84.318).
Title II - Technology - Enhancing Education Competitive Grants	4972	ESEA, Title II, Part D, Subparts 1 and 2 – Education Technology State Grants (CFDA 84.318).
<u>Safe Routes to School</u>	<u>4980</u>	<u>Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)</u>
Medicaid Matching Funds - Administrative Outreach	4991	Social Security Act, Title XIX - Medicaid Matching - Administrative Outreach (CFDA 93.778).
Medicaid Matching Funds - Fee-for-Service Program	4992	Social Security Act, Title XIX - Medicaid Matching - Fee for Service Programs (CFDA 93.778).
Hurricane Emergency Relief	4995	Hurricane Emergency Relief Act.
Other Restricted Grants Received from Federal Government through State	4998	Amounts received pursuant to other federal appropriations (describe and itemize).

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 100.TABLE E "Sources and Uses" Accounts; Miscellaneous

Label	Account Number	Description
SOURCES OF FUNDS	7000	
Transfers from Various Funds	7100	
Abolishment or Abatement of Working Cash Fund	7110	The transfer to the Educational Fund when the Working Cash Fund is abolished or abated. [105 ILCS 5/20-8, 20-9]
Permanent Transfer of Working Cash Fund Interest	7120	The permanent transfer of interest from the Working Cash Fund. [105 ILCS 5/20-5]
Permanent Transfer Among Funds	7130	The permanent transfer among funds. [105 ILCS 5/17-2A]
Permanent Transfer of Interest	7140	The permanent transfer of interest. [105 ILCS 5/10-22.44]
Transfer from Capital Projects to O & M Fund	7150	The transfer of bond proceeds remaining in the Debt Service Fund to the Operations and Maintenance Fund. [105 ILCS 5/10-22.14]
Transfer of Excess FP & S Tax & Interest Proceeds	7160	The transfer of tax proceeds remaining in the Fire Prevention and Safety Fund. [105 ILCS 5/17-2.11]
Transfer of Excess FP & S Bond & Interest Proceeds	7170	The transfer of bond proceeds remaining in the Fire Prevention and Safety Fund. [105 ILCS 5/17-2.11]
Proceeds from the Sale of Bonds	7200	
Principal on Bonds Sold	7210	Amounts received from the sale of bonds representing principal.
Premiums on Bonds Sold	7220	Amounts received from the sale of bonds representing a premium.
Accrued Interest on Bonds Sold	7230	Amounts received from the sale of bonds representing accrued interest.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Sale or Compensation for Loss of Fixed Assets	7300	
Sale of Equipment	7310	Amounts received for the sale of equipment or other personal property (but not land or buildings).
Sale of Buildings or Grounds	7320	Amounts received for the sale of land or buildings.
Compensation for Loss of Fixed Assets	7330	Amounts received as compensation for the loss of capital assets.

Transfers from Other Funds to Pay Principal on Capital Leases	7400	
Taxes Pledged to Pay Principal on Capital Leases	7410	Amounts received from transfers of taxes pledged to pay principal on capital leases.
Grants & Reimbursements Pledged to Pay Principal on Capital Leases	7420	Amounts received from transfers of grants and reimbursements pledged to pay principal on capital leases.
Other Revenues Pledged to Pay Principal on Capital Leases	7430	Amounts received from other revenues pledged to pay principal on capital leases.
Fund Balance Transfers Pledged to Repay Debt	7440	Amounts received from transfers of other fund balances pledged to pay principal on capital leases.

Transfers from Other Funds to Pay Interest on Capital Leases	7500	
Taxes Pledged to Pay Interest on Capital Leases	7510	Amounts received from taxes pledged to pay interest on capital leases.
Grants & Reimbursements Pledged to Pay Interest on Capital Leases	7520	Amounts received from grants and reimbursements pledged to pay interest on capital leases.
Other Revenues Pledged to Pay Interest on Capital Leases	7530	Amounts received from transfers from other revenues pledged to pay interest on capital leases.
Fund Balance Transfers Pledged to Pay Interest on Capital Leases	7540	Amounts received from fund balance transfers pledged to pay interest on capital leases.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Transfers from Other Funds to Pay Principal on Revenue Bonds	7600	
Taxes Pledged to Pay Principal on Revenue Bonds	7610	Taxes pledged to pay principal on revenue bonds.
Grants & Reimbursements Pledged to Pay Principal on Revenue Bonds	7620	Grants and reimbursements pledged to pay principal on revenue bonds.
Other Revenues Pledged to Pay Principal on Revenue Bonds	7630	Other revenues pledged to pay principal on revenue bonds.
Fund Balance Transfers Pledged to Pay Principal on Revenue Bonds	7640	Fund balance transfers pledged to pay principal on revenue bonds.

Transfers from Other Funds to Pay Interest on Revenue Bonds	7700	
Taxes Pledged to Pay Interest on Revenue Bonds	7710	Taxes pledged to pay interest on revenue bonds.
Grants & Reimbursements Pledged to Pay Interest on Revenue Bonds	7720	Grants and reimbursements pledged to pay interest on revenue bonds.
Other Revenues Pledged to Pay Interest on Revenue Bonds	7730	Other revenues pledged to pay interest on revenue bonds.
Fund Balance Transfers Pledged to Pay Interest on Revenue Bonds	7740	Fund balance transfers pledged to pay interest on revenue bonds.

Transfers from Other Funds for Capital Projects	7800	
Taxes Transferred to Pay for Capital Projects	7810	Taxes transferred to pay for capital projects.
Grants & Reimbursements Transferred for Capital Projects	7820	Grants and reimbursements pledged to pay for capital projects.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Other Revenues Transferred for Capital Projects	7830	Other revenues pledged to pay for capital projects.
Fund Balance Transfers for Capital Projects	7840	Fund balance transfers pledged to pay for capital projects.

ISBE Loan Proceeds	7900	
Charter School Revolving Loan	7903	Charter School Revolving Loan Program.
Technology Loan Program	7910	Technology Loan Program.
Transportation Start-up Loan	7920	Transportation Start-up Loan.
Temporary Emergency Relocation Loan	7930	Temporary Emergency Relocation Loan.
Emergency Financial Assistance Loan	7940	Emergency Financial Assistance Loan from ISBE or the Illinois Finance Authority.
Other ISBE Loan	7950	Other loan from ISBE.
Other Sources of Funds Not Classified Elsewhere	7990	Describe and itemize.

USES OF FUNDS	8000	
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Transfers to Various Funds	8100	Permanent transfers made from one fund to another fund, as authorized in the School Code and approved by the school board. These transfers are made with no expectation of repayment.
Abolishment or Abatement of Working Cash Fund	8110	The transfer to the Educational Fund when the Working Cash Fund is abolished or abated. [105 ILCS 5/20-8, 20-9]
Permanent Transfer of Working Cash Fund Interest	8120	The permanent transfer of interest to the Educational, the Operations and Maintenance, and the Transportation Funds from the Working Cash Fund. [105 ILCS 5/20-5]
Permanent Transfer Among Funds	8130	The permanent transfer to the Operations and Maintenance Fund of monies in restricted amounts by districts meeting certain conditions. [105 ILCS 5/17-2A]
Permanent Transfer of Interest	8140	Permanent transfer of interest. [105 ILCS 5/10-22.44]

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Transfer from Capital Projects to O & M Fund	8150	The transfer of bond proceeds remaining in the Capital Projects Site and Construction/Capital Improvements Fund to the Operations and Maintenance Fund after the purposes for which the bonds have been issued have been accomplished and paid in full. [105 ILCS 5/10-22.14]
Transfer of Excess FP & S Tax & Interest Proceeds	8160	The transfer of tax proceeds remaining in the Fire Prevention and Safety Fund to the Operations and Maintenance Fund after the purposes for which the taxes were levied have been accomplished and paid in full. [105 ILCS 5/17-2.11]
Transfer of Excess FP & S Bond & Interest Proceeds	8170	The transfer of bond proceeds remaining in the Fire Prevention and Safety Fund to the Debt Service Bond and Interest Fund after the purposes for which the bonds were levied have been accomplished and paid in full. [105 ILCS 5/10-22.14]

Transfers to Debt Service Fund to Pay Principal on Capital Leases	8400	Permanent transfers made to the Debt Service Fund to make principal payments on capital leases.
Taxes Pledged to Pay Principal on Capital Leases	8410	Permanent transfer of tax receipts to the Debt Service Fund to make principal payments on capital leases.
Grants & Reimbursements Pledged to Pay Principal on Capital Leases	8420	Permanent transfer of grants or reimbursements to the Debt Service Fund to make principal payments on capital leases.
Other Revenues Pledged to Pay Principal on Capital Leases	8430	Permanent transfer of other revenues to the Debt Service Fund to make principal payments on capital leases.
Fund Balance Transfers Pledged to Pay Principal on Capital Leases	8440	Permanent transfer of fund balances to the Debt Service Fund to make principal payments on capital leases.

Transfers to Debt Service Fund to Pay Interest on Capital Leases	8500	Permanent transfers made to the Debt Service Fund to make interest payments on capital leases.
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Taxes Pledged to Pay Interest on Capital Leases	8510	Permanent transfer of tax receipts to the Debt Service Fund to make interest payments on capital leases.
Grants & Reimbursements Pledged to Pay Interest on Capital Leases	8520	Permanent transfer of grants or reimbursements to the Debt Service Fund to make interest payments on capital leases.
Other Revenues Pledged to Pay Interest on Capital Leases	8530	Permanent transfer of other revenues to the Debt Service Fund to make interest payments on capital leases.
Fund Balance Transfers Pledged to Pay Interest on Capital Leases	8540	Permanent transfer of fund balances to the Debt Service Fund to make interest payments on capital leases.
Transfers to Debt Service Fund to Pay Principal on Revenue Bonds	8600	Permanent transfers made to the Debt Service Fund to make principal payments on revenue bonds.
Taxes Pledged to Pay Principal on Revenue Bonds	8610	Permanent transfer of tax receipts to the Debt Service Fund to make principal payments on revenue bonds.
Grants & Reimbursements Pledged to Pay Principal on Revenue Bonds	8620	Permanent transfer of grants or reimbursements to the Debt Service Fund to make principal payments on revenue bonds.
Other Revenues Pledged to Pay Principal on Revenue Bonds	8630	Permanent transfer of other revenues to the Debt Service Fund to make principal payments on revenue bonds.
Fund Balance Transfers Pledged to Pay Principal on Revenue Bonds	8640	Permanent transfer of fund balances to the Debt Service Fund to make principal payments on revenue bonds.
Transfers to Debt Service Fund to Pay Interest on Revenue Bonds	8700	Permanent transfers made to the Debt Service Fund to make interest payments on revenue bonds.
Taxes Pledged to Pay Interest on Revenue Bonds	8710	Permanent transfer of tax receipts to the Debt Service Fund to make interest payments on revenue bonds.
Grants & Reimbursements Pledged to Pay Interest on Revenue Bonds	8720	Permanent transfer of grants or reimbursements to the Debt Service Fund to make interest payments on revenue bonds.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Other Revenues Pledged to Pay Interest on Revenue Bonds	8730	Permanent transfer of other revenues to the Debt Service Fund to make interest payments on revenue bonds.
Fund Balance Transfers Pledged to Pay Interest on Revenue Bonds	8740	Permanent transfer of fund balances to the Debt Service Fund to make interest payments on revenue bonds.
Transfers to Capital Projects Fund for Capital Projects	8800	Permanent transfers made to the Capital Projects Fund to pay for capital projects.
Taxes Transferred to Pay for Capital Projects	8810	Permanent transfer of tax receipts to the Capital Projects Fund to pay for capital projects.
Grants & Reimbursements Pledged to Pay for Capital Projects	8820	Permanent transfer of grants or reimbursements to the Capital Projects Fund to pay for capital projects.
Other Revenues Pledged to Pay for Capital Projects	8830	Permanent transfer of other revenue to the Capital Projects Fund to pay for capital projects.
Fund Balance Transfers Pledged to Pay for Capital Projects	8840	Permanent transfer of fund balances to the Capital Projects Fund to pay for capital projects.
Transfers to Debt Service Fund to Pay Principal on ISBE Loans	8910	Permanent transfers made to the Debt Service Fund to pay ISBE for various loans.
Technology Loan Program	8911	Permanent transfers made to the Debt Service Fund to pay ISBE for technology loans.
Transportation Start-up Loan	8912	Permanent transfers made to the Debt Service Fund to pay ISBE for transportation start-up loans.
Temporary Emergency Relocation Loan	8913	Permanent transfers made to the Debt Service Fund to pay ISBE for emergency relocation loans.
Emergency Financial Assistance Loan	8914	Permanent transfers made to the Debt Service Fund to pay ISBE for emergency financial assistance loans.
Other ISBE Loan	8915	Permanent transfers made to the Debt Service Fund to pay ISBE for other ISBE loans.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Other Uses of Funds Not Classified Elsewhere	8990	Other miscellaneous financing uses that cannot be classified elsewhere in the 8000 series of accounts. Describe and itemize.
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OTHER ECONOMIC RESOURCES	9000	
QZAB Tax Credits	9100	
E-rate Transactions	9200	
Donated Food Commodities	9300	
State Textbook Loan Program	9400	
Other Miscellaneous Accounts	9900	

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services
- 2) Code of Citation: 89 Ill. Adm. Code 431
- 3) Section Number: 431.90 Adopted Action: Amended
- 4) Statutory Authority: 20 ILCS 505/5 and 20 ILCS 520/1-15
- 5) Effective Date of Amendment: May 1, 2008
- 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 of Proposal Published in Illinois Register: July 13, 2007; 31 Ill Reg. 9708
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Recommendations made by JCAR resulted in edits that deleted 'parents' as being among the persons permitted to receive personal information without consent. In Section 431.90(a)(5)(B), which describes persons for whom personal information would be redacted from the case record, "other individuals" was clarified to read "other individuals such as members of the household in a child's previous living arrangements". All other changes were non substantive grammatical changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: The amendments to 89 Ill. Admin. Code 431, Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services, describe the rights of foster parents, adoptive parents and caregivers to review specific information in a child's case record. Personal information about the child's parents, siblings, other relatives and previous caregivers are redacted prior to the caregiver's review of the case record.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Phone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431

CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section

431.15	Purpose
431.20	Definitions
431.30	Maintenance of Records
431.40	Required Consents Prior to Disclosure of Personal Information
431.50	Client Access to Records Which Contain Personal Information
431.60	Subject Access to Records of Child Abuse and Neglect Investigations
431.70	Denial of Requests to Access Information
431.80	Disclosure of Records of Child Abuse and Neglect Investigations
431.85	Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90	Disclosure of Personal Information Without Consent
431.100	Disclosure of Information of a Mental Health Nature
431.110	Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)
431.120	Removal of Records Prohibited
431.130	Impoundment of Records by the Office of the Inspector General (Repealed)
431.140	Applicability of This Part

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407, effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 677, effective January 15, 1999; amended at 27 Ill. Reg. 1130, effective January 15, 2003; amended at 28 Ill. Reg. 317, effective December 31, 2003; amended at 32 Ill. Reg. 7088, effective May 1, 2008.

Section 431.90 Disclosure of Personal Information Without Consent

- a) **Persons Who May Receive Personal Information Without Consent**

The Department shall disclose personal information to the following persons or category of persons without the consent of the individual in accordance with the provisions of the Children and Family Services Act [20 ILCS 505], Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], the AIDS Confidentiality Act [410 ILCS 305], or the Abused and Neglected Child Reporting Act [325 ILCS 5], as applicable to the type of information being requested:

 - 1) **Law Enforcement Officers**
 - A) Department child welfare staff, with approval of the immediate supervisor, shall release personal information to State's Attorneys, the Attorney General, municipal and sheriff's police (in Illinois or other jurisdictions), and the Department of State Police, when releasing the information is consistent with the best interests of the child or when the information is relevant to a pending investigation.
 - B) If personal information is requested by law enforcement officers other than listed in subsection (a)(1)(A), or if the information requested is not consistent with the best interests of the child served by the Department, the information may be released only by the Director of the Department or his designee.
 - 2) **Persons Who Have Subpoenas or Other Court Orders**
 - A) The Department shall disclose personal information when ordered to do so by a court order. The Department shall make a good faith effort to notify the person whose records are the subject of the order that the order exists and the nature of the proceedings, unless specifically ordered by the court to not contact the subjects. The Department shall notify the court or the person obtaining the court

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

order of the confidential nature of the information and its policies regarding personal information. In addition, the Department may take any appropriate legal actions to limit or quash the court order.

- B) In the event a subpoena has been issued by a court, the Department shall make a good faith effort to contact the subject of the order as explained in subsection (a)(2)(A). If a subpoena is issued by a Clerk of the Court without any judicial involvement, the Department shall notify the person who had the subpoena issued of its policies regarding personal information and shall make a good faith effort to promptly notify the person whose information is the subject of the subpoena. The Department shall not release the information for 14 days following the receipt of the subpoena unless the person consents to the release of the records or an earlier, reasonable return date is provided in the subpoena. After 14 days have passed from the receipt of the subpoena, the Department shall release the information if releasing it is consistent with the best interests of the child.
- C) When a person served by the Department is engaged in litigation against the Department, the Department shall release personal information concerning that individual or his children that is subject to discovery under the laws of the State of Illinois.
- D) DCFS shall provide records to a court, other than juvenile court, party to a lawsuit or a party's attorney only after the Regional Counsel has reviewed the subpoena, request or order from the court and redacted confidential mental health, drug treatment and Human Immunodeficiency Virus (HIV)/Acquired Immunodeficiency Syndrome (AIDS) information and other records strictly protected by statute. The Department shall request that a protective order be entered if the court orders the release of confidential information.
- 3) Legislators
Only the Director of the Department shall authorize the release of the contents of case records to the Illinois legislature or its committees or commissions. Individual legislators shall not have access to case records unless they are acting under the authority given them by the law.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 4) **Professionals or Other Service Providers**
Persons receiving services from the Department or its contractual agencies are to be informed that personal information (other than mental health information) may be shared without their consent with other service providers when it is necessary for the proper provision of services or the establishment of paternity or support for a dependent minor.
- A) With the exception of mental health records, as provided for in Section 431.100, personal information may be released by Department employees acting within their official capacity to professionals who are providing services to persons served by the Department. These professionals may include psychiatrists, psychologists, physicians, social workers, homemakers, contractors with the Department, social service agencies, foster parents, child care facilities and others providing services to persons served by the Department when such information is necessary for the proper delivery of services to the persons served by the Department.
- B) The Department, in releasing personal information, will limit the information released to that which is necessary to properly provide the service. The persons receiving the information shall be notified by the Department that the information is confidential and that the information is not to be further released except as is necessary for the proper delivery of service.
- C) Release of mental health materials must be made in conformity with the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].
- D) Department employees may release personal information needed to establish paternity or support for a dependent child or relative.
- 5) Prospective Adoptive Parents, Foster Parents and Other Caregivers
- A) Prospective adoptive parents, foster parents and caregivers in other licensed child care facilities may review documents and reports in the child's case record that support the information the caseworker

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

provided at the time of the child's placement, or information that has been received or generated regarding the child since placement.

- B) The information that will be available to caregivers for review will be limited to that which relates directly to a child in that person's care, specifically education records, health and insurance records, history of placements and reasons for changes (excluding identifying information about former caregivers), the child's portion of the client service plan including visitation arrangements and all amendments and revisions relating to the child, and any known social or behavioral information including but not limited to criminal background of the child, fire setting, perpetration of sexual abuse, destructive behavior and substance abuse. Personal information about the child's parents, siblings, relatives, previous caregivers or other individuals such as members of the household in a child's previous living arrangement shall be removed or redacted from the case record prior to the caregiver's review.
- C) The caregiver's review of the case record shall occur in the presence of casework staff. Once a caregiver has requested a review of a child's file, the Department or agency shall provide the opportunity to do so timely, without undue delay.
- D) The supervisor shall examine the redacted record for accuracy and approve its review by the prospective adoptive parents, parents, foster parents or caregivers in other licensed facilities prior to the time the records are examined by the caregiver.

- 65) Court Appointed Special Advocates
Court appointed special advocates may attend the child's portion of administrative case reviews involving children for whom they are appointed as advocates and may review documents directly related to delivery of child welfare services that are in the best interests of the minor. However, court appointed special advocates are not allowed access to mental health or drug or alcohol assessment and treatment records, confidential medical records, or records of child abuse or neglect reports and investigations and may attend the parent's portion of the administrative case review only with the permission of the parents or their

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

authorized representative.

- 76) **Research Purposes**
The release of personal information for research purposes to any source outside the agency shall only be allowed within the discretion of the Director of the Department or designee upon express written consent. The researcher shall ensure, in writing, the confidentiality of identifying information. The researcher shall not release any identifying information without the express written permission of the Director.
- 87) **DCFS-Office of the Inspector General**
Personal information shall be released to the DCFS-Office of the Inspector General when the records are pertinent to an investigation authorized under Section 35.5 of the Children and Family Services Act [20 ILCS 505/35.5] and involves allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws.
- 98) **DCFS and Purchase of Service Agency (POS) Staff**
Department and POS staff shall have access to child abuse and neglect and other case record information in the furtherance of their responsibilities under the Abused and Neglected Child Reporting Act, the Child Care Act, the Children and Family Services Act, the Juvenile Court Act and any other Act that governs child welfare. Any sharing of information between divisions of the Department or between the Department and purchase of service providers, or between purchase of service providers as necessary for case management is a transfer and not a disclosure of information.
- 109) **Extended Family**
An extended family member interviewed for relevant information during the course of an investigation by the Child Protective Service Unit may request and receive the following information about the findings and actions taken by the Child Protective Service Unit to ensure the safety of the child or children who were the subjects of the investigation:
- A) name of the child who was the subject of the abuse or neglect report;
 - B) whether the report was indicated or unfounded;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- C) whether the Department took protective custody;
- D) whether a Department case has been opened for the family or children;
- E) what Department services are being provided the family or children; and
- F) whether a safety plan has been established.

1140) State's Attorneys

State's Attorneys shall have access to child abuse or neglect and/or case record information when necessary for the discharge of their official duties during the investigation and prosecution of the abuse or neglect of a child or termination of parental rights pursuant to the Criminal Code [720 ILCS 5] or another penal statute, the Juvenile Court Act of 1987 [705 ILCS 405], the Child Care Act of 1969 [225 ILCS 5] or ANCRA [325 ILCS 5].

1244) Protection and Advocacy for Mentally Ill Persons

Personal information, with the exception of mental health information, may be released to the agency designated by the Governor for administering the protection and advocacy system for mentally ill persons, in accordance with the provisions of the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45].

1342) Others Not Cited Above

Personal information may be released for the purposes and to persons other than those listed in this Section upon the written authorization of the Director when such authorization is not prohibited by State or federal law or regulation or rule.

b) Law Enforcement Agencies Data System (LEADS) Information in Child Protection Records

- 1) In accordance with Section 2605-315 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-315], the Department of Children and Family Services shall have access to LEADS information and underlying *criminal history record information as defined in the Illinois Uniform Conviction*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Act when necessary for the Department to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969 and the Children and Family Services Act. [20 ILCS 2605/2605-315]

- 2) LEADS information included in the child protection investigation file may be forwarded to the child welfare worker as part of the investigative file. Child protection investigators and child welfare workers shall share underlying public documents on a "need to know" basis with other persons providing services when it is relevant to child protection or service decisions to be made on behalf of the child or family. (See Section 35.1 of the Child and Family Services Act of 1969 [20 ILCS 505/35.1].)
- c) Responses to Requests for Information
- 1) Written Requests
 - A) The Department shall accept written requests for the disclosure of personal information without the consent of the concerned individuals only when the requestor has provided a notary public's attestation as to his or her identity and has included the names of the individuals about whom the information is requested. Information shall only be released in compliance with this Part.
 - B) The Department will provide a written response to each written request via certified mail deliverable only to the requestor.
 - 2) Telephone Requests
 - A) The Department shall accept telephone requests for child abuse and neglect information only when the request comes from Department staff investigating a report of child abuse or neglect, law enforcement officials investigating a report of child abuse or neglect or determining whether a child should be taken into temporary child protective custody, physicians examining a child and the information is needed to determine whether a child is abused or neglected or to determine whether a child should be taken into temporary protective custody, and out-of-state agencies involved in a child abuse or neglect report.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- B) The Department shall accept telephone requests for other personal information without the consent of the concerned individuals only if the requesting person or agency is authorized by this Part to receive the information which they are requesting.
 - C) The Department shall not provide information to unknown requestors at the time of the initial inquiry. Instead, Department staff shall obtain the requestor's name, type of business, an official business phone number through which his identity and authority to receive the information can be verified, and the phone number at his current location. The Department shall verify the requestor's identity and authority to receive the information by checking an official telephone listing or checking with a third party at the business office.
- 3) In-Person Requests
- A) The Department shall accept in-person requests for the disclosure of personal information without the consent of the concerned individuals only when the requestors produce positive identification and proof of their legal authority to receive the requested information.
 - B) The Department will recognize only those guardians, custodians, court appointed special advocates or guardians ad litem who produce a court order appointing them to their positions. The Department will recognize only those attorneys or personal representatives who produce a written consent to release the requested information. The consent must be signed by the concerned individual and it must be notarized.

(Source: Amended at 32 Ill. Reg. 7088, effective May 1, 2008)

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1620.300	New Section
1620.330	Amend
1620.360	Amend
1620.510	Amend
1620.610	Amend
1620.700	Amend
1620.830	New Section
- 4) Statutory Authority: Sections 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15]
- 5) Effective Date of Adopted Amendments: July 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the proposed rulemaking appeared in the Illinois Register: May 11, 2007; 31 Ill. Reg. 6754.
- 10) Has JCAR issued a Statement of Objection to these amendments? The Joint Committee on Administrative Rules did not issue a Statement of Objection to the rulemaking.
- 11) Differences between proposal and final version: Section 1620.300(a) was modified to clarify that the policies and procedures manual will be reviewed by the EEC for compliance with law and may be redacted if information may compromise the integrity of investigations. Section 1620.300(b) was modified to indicate that waivers of the policy manual provisions apply to the requirement that the request for documents or physical objects be made in writing. Section 1620.300(c) was modified to extend the time for an EIG to act upon a complaint received from 15 business days to 30 calendar days, to extend the time for an EIG to notify the EEC of the opening of an investigation,

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

to remove the requirement that an EIG notify law enforcement within five days of discovering a felony, to permit a waiver of the written notice requirement for EIGs who function wholly within a single office or agency, to permit documents or objects that are in dispute to be sealed and seized until the EEC determines the legality of the request, to clarify that subjects of an investigation have the right to have an attorney present during any interview, to clarify the responsibility of law enforcement's handling of firearms during an interview, to clarify that the EEC will review claims of rule violation for purposes of considering whether to appoint a Special Executive Inspector General, to clarify an interviewee's right to have an interview recorded if the interviewee is a subject of an investigation, to clarify the requirement of closing summaries in investigation files, and to extend the length of time an EIG has to notify the EEC of the closing of an investigation. A number of minor changes were also made that reflect renumbering of sections, typographical errors, and preferred choices of words or phrases in response to recommendations by JCAR staff.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? All changes agreed upon by the agency and the Joint Committee on Administrative Rules have been made as indicated in the agreements issued by the Joint Committee.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: The adopted rules govern the investigations conducted by Executive Inspectors General, provide for a party to respond to a motion, clarify duties with respect to revolving door petitions, further define exceptions to the Gift Ban, and require notification to the EEC when an ethics officer has been replaced.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Chad Fornoff, Executive Director
Executive Ethics Commission
601 Stratton Building
Springfield IL 62706

217/558-1393

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section	
1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section	
1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial
1620.140	Copies of Public Records - Fees

SUBPART C: RULEMAKING

Section	
1620.200	Rulemaking Procedures

SUBPART D: INVESTIGATIONS

<u>1620.300</u>	<u>Conduct of Investigations</u>	|
1620.310	State Officer or Employee Case Initiation Form	
1620.320	Case Initiation Form - Contents	
1620.330	Opening an Investigation File	
1620.340	Referral to the Appropriate Executive Inspector General	
1620.350	Investigations	
1620.360	Investigations Not Concluded Within Six Months	

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: HEARINGS

Section	
1620.420	Attorney of Record
1620.430	Filing Requirements
1620.440	Petition for Leave to File a Complaint
1620.450	Petition - Required Provisions
1620.460	Service
1620.470	Objections
1620.480	Sufficiency of the Petition
1620.490	Discovery
1620.500	Subpoenas
1620.510	Motions
1620.520	Hearings
1620.530	Decision of the Commission

SUBPART F: WAIVER

1620.610	Waiver of Revolving Door Prohibition
1620.620	Waiver of Revolving Door Prohibition - Commission Procedure
1620.630	Finality of Decision
1620.640	Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
1620.650	Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee - Commission Procedure

SUBPART G: GIFT BAN

1620.700	Gift Ban
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SUBPART H: MISCELLANEOUS FILINGS

1620.800	Personnel Policies
1620.810	Quarterly Reports
1620.820	Ex Parte Communications
<u>1620.830</u>	<u>Designation of Ethics Officer</u>

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008.

SUBPART D: INVESTIGATIONS

Section 1620.300 Conduct of Investigations**a) Policy and Procedures Manual**

- 1) All investigations by an Executive Inspector General or his or her employees (collectively known as EIG) shall be conducted in accordance with procedures contained within this Part and within a policy and procedures manual developed by the EIG and approved by the Executive Ethics Commission. Approval shall be based on compliance with the Act, this Part and other applicable law. A policy and procedures manual should give direction to EIG employees that supplement the requirements of the Act and this Part.**
- 2) The policy and procedures manual described in subsection (c) shall be submitted for approval to the Executive Ethics Commission within 90 days after July 1, 2008. Any future amendments to the policy and procedures manual shall be subject to the Commission's approval. An updated policy and procedures manual for each EIG shall be posted on the EEC website. Portions of the policy and procedures manual that may compromise the integrity of investigations or confidential investigative techniques may be redacted by the EEC after consultation with the appropriate EIG.**

b) Waiver of Policy and Procedures Manual Provisions

- 1) Waiver by the Commission
Upon written petition by an Executive Inspector General and a finding that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, the Commission may grant a waiver of**

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the subsection (c)(6) requirement that requests for documents or physical objects be in writing.

- 2) Temporary Waiver by the Chair
The Chair of the Commission, or his or her designee, may likewise grant a waiver of the subsection (c)(6) requirement that requests for documents or physical objects be made in writing in response to an oral or written request by an EIG if the Chair or his or her designee finds that the waiver is, in the particular context, necessary to avoid compromising the integrity of an investigation, and provided that, within 72 hours after the waiver, the Executive Inspector General files a written request to the Commission. A waiver granted by the Chair pursuant to this subsection (b)(2) may be withdrawn by the Chair at any time if he or she no longer reasonably believes that the waiver is necessary to avoid compromising the integrity of an investigation.

- c) The policy and procedures manual shall include, but not be limited to, the following:
 - 1) An EIG may conduct investigations only in response to information reported to the EIG and not upon his or her own prerogative.
 - 2) An EIG shall accept case initiation forms from State of Illinois employees and the general public in accordance with Section 1620.320.
 - 3) An EIG shall not investigate allegations of violations of State or federal law or this Part made against an EIG (including his or her employees). An EIG shall not investigate allegations of violations of State or federal law or of this Part if an EIG (including his or her employees) could be reasonably deemed to be a wrongdoer or suspect. Instead, in such cases, the EIG shall promptly refer all such allegations to the EEC for consideration of appointment of a Special Executive Inspector General.
 - 4) Within 30 calendar days after receipt of a case initiation form as described in Section 1620.320, the EIG shall do one of 5 things:
 - A) Determine that no investigation is appropriate; or

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- B) Open an investigation file pursuant to Section 1620.330 and commence an investigation; or
 - C) Refer the case initiation form to the appropriate EIG, the Executive Ethics Commission or other appropriate body as described in Section 1620.340 and take no further action; or
 - D) Suspend the investigation pending review of the outcome of other proceedings; or
 - E) Refer the investigation to the Executive Ethics Commission for consideration of appointment of a Special Executive Inspector General.
- 5) Each EIG shall disclose the opening of all investigation files, as described in Section 1620.330, in writing to the Executive Ethics Commission. The disclosure shall identify the affected office, agency or agencies, the date the investigation was opened, and the investigation's unique tracking number. Reports on all investigations opened in a calendar month shall be submitted to the Commission on or before the 15th day of the following month.
- 6) All EIG requests for production of or viewing of documents or physical objects under office or agency control shall be made in writing; provided, however, that the Commission may exempt any EIG who functions wholly within a single office or agency from the application of this requirement upon joint petition by the EIG and the affected office or agency. A written request for documents or physical objects shall state that the recipient of the request, should he or she believe that the release of the subject matter of the request might violate existing rights or protections under State or federal law, has the right to seek a determination from the Commission relative to such rights or protections, if desired. An EIG may take reasonable steps to seal or otherwise insure the integrity of the requested documents or physical objects pending the Commission's determination. If security concerns demand the removal of sealed documents or physical objects, the EIG shall issue a subpoena before removal. The Commission shall consider the applicability of the right or protection asserted and issue a determination within five business days; provided, however that where delay for such a period could place an investigation in jeopardy, an EIG

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

may request expedited consideration. The recipient and Commission shall maintain confidentiality about the request so as to minimize any risk of compromising the investigation. The recipient may assert any existing rights or protections under State or federal law with respect to the request, and such assertions made in good faith do not constitute failure to cooperate in an investigation.

- 7) An EIG desiring to interview any State officer or employee who is the subject of an EIG investigation and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline shall notify the interviewee whether the underlying investigation is criminal or administrative in nature. If the underlying investigation is criminal in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative or coworker uninvolved in the investigation. If the underlying investigation is administrative in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation. In both criminal and administrative investigations, the interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it. All forms presented to interviewees shall be pre-approved by the Commission. If, at any point, an interview subject requests the presence of a person authorized by this subsection (c)(7), or an attorney, the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (c) is not admissible in any proceeding before the Executive Ethics Commission.
- 8) No EIG shall infringe upon the right of employees or officers to seek advice from their agency ethics officer on the interpretation and implementation of the Act, or to seek advice from private legal counsel.
- 9) Conduct of Interview
- A) Interviews shall be conducted in a businesslike manner. The investigator shall avoid any personality clashes, acts of undue familiarity, abuse, or use of profanity. The investigator shall treat

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- all persons interviewed with respect and not unduly embarrass, inconvenience, intimidate or degrade the interviewee.
- B) Any armed State employee present shall not use his or her firearms in any manner that might intimidate, unless he or she, or anyone else present in the room, is physically threatened.
- C) Interviewees enjoy all rights in the course of an interview protected by the Constitution of the United States and federal and State law.
- D) The duty to cooperate in investigations as provided at 5 ILCS 430/20-70 does not include restriction on those rights.
- E) In the event that the subject of an interview believes that the investigator has operated in violation of this Part, or in violation of applicable law, he or she may file a written objection with the Commission, setting forth with specificity the nature of the alleged violation. Within 30 days after receiving the objection, the Commission shall issue a written finding either sustaining or overruling the objection, shall appoint a Special Executive Inspector General to discover more facts (by interviewing witnesses, etc.), or shall refer the issue to an appropriate law enforcement authority. If the Commission sustains the objection, it shall issue a copy of its finding to the EIG to whom the investigator reports, as well as make public a copy of its finding. Subjects of the complaint process described in this subsection (c)(9)(E) are entitled to due process of law.
- 10) State employees who are subjects of EIG interviews and whom the EIG, based on the information available at the time of the interview, reasonably believes likely faces discipline, shall be presented a form that outlines their rights during the interview. The form shall also clearly indicate that the interviewee has the right to refuse to consent to have the interview recorded and the right to stop the recording of the interview at any time and that refusing to consent to have the interview recorded or to stop the recording at any time shall not constitute failure to cooperate in the investigation or otherwise subject the interviewee to any discipline. The form shall also indicate that the interviewee may request at any time that the interview be recorded. If the interviewee requests at any time that the

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

interview be recorded, the interviewer shall honor this request, stop the interview and immediately provide the employee a request to record form. Upon execution of a request to record form, the interview and all future interviews of the subject shall be recorded by mechanical, digital or other means. All forms and recordings shall be preserved, unedited, in the investigation file. Nothing in this subsection (c)(10) shall be construed to require the recording of interviews other than pursuant to an appropriately executed request of the interviewee. The interviewee shall sign the form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it.

- 11) Upon completion of investigations, the EIG or his or her designee shall write a final report summarizing the background of the investigation, the allegations, investigative steps taken and conclusions drawn. The final report shall include a recommendation regarding appropriate action. An investigation is deemed completed for purposes of this Part when all processes of internal review of the investigation and of the final report have terminated.
 - 12) Each EIG shall report the closure of investigation files in writing to the Executive Ethics Commission. The disclosure shall identify the affected office, agency or agencies, the date the investigation was closed, and the investigation's unique tracking number. Reports on all investigations closed in a calendar month shall be submitted to the Commission on or before the 15th day of the following month. Other witnesses entitled to written notification of the completion of an investigation, including employees covered by certain collective bargaining agreements, shall be notified of the closing of the investigation in accordance with those agreements.
 - 13) The policy and procedures manual may contain additional policies or procedures not inconsistent with this Part, subject to Commission approval as outlined in subsection (a)(2).
- d) Any person may complain to the Commission in writing concerning an EIG's alleged violation of the Act or this Part. Upon receipt of a complaint, the Commission may notify the EIG and require him or her to provide information related to the investigation in order to determine whether any conduct has occurred that would require the Commission to appoint a Special Executive

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Inspector General pursuant to 5 ILCS 430/20-21. Under such circumstances, the Commission deems the EIG's disclosure of such information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Added at 32 Ill. Reg. 7099, effective July 1, 2008)

Section 1620.330 Opening an Investigation File

- a) Upon deciding to open an investigation file in accordance with Section 1620.300(c)(4)(B)~~receipt of a completed case initiation form~~, the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number, if, upon information received and not upon his or her own prerogative, the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction. Investigations that have been closed and are reopened, involving the same alleged wrongdoing by at least one of the same persons who was the subject of the original complaint, shall be identified by the same tracking number as the initial investigation. All time limits stated in this Part shall be applied from the date of the original complaint.
- b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter.

(Source: Amended at 32 Ill. Reg. 7099, effective July 1, 2008)

Section 1620.360 Investigations Not Concluded Within Six Months

- a) Should an Executive Inspector General not complete the final report as described in Section 1620.300(c)(12) within 6 months after opening an investigation file as described in Section 1620.300(c)(4)(B)~~investigation not be concluded within six months after opening an investigation file~~, the Executive Inspector General shall, on the 15th~~fifteenth~~ day of the following month, submit a report to the Commission. The report shall indicate the investigation's unique tracking number, the date the investigation began, a description of the nature of the alleged misconduct and reasons for the delay in concluding the investigation. If an

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

ultimate jurisdictional authority is a subject of the investigation reported under this Section, the EIG shall inform the Commission separately of this fact.

- b) The Executive Inspector General shall continue to report each investigation not concluded within ~~6~~ months on the ~~15th~~ ~~fifteenth~~ day of each month in accordance with subsection (a) until the investigation has been concluded. Each monthly report shall contain a personal verification by the EIG stating: "I have read this report and after thorough examination I believe that this report contains a complete and accurate listing of all investigations required by 2 Ill. Adm. 1620.360(a)."
- c) Should the Commission find that the information provided in the reports from the Executive Inspector General is insufficient to determine whether a Special Executive Inspector General should be appointed in accordance with Section 20-21 of the Act [5 ILCS 430/20-21], the Commission may request additional information from the Executive Inspector General or may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file. Under such circumstances, the Commission deems the EIG's disclosure of the additional information to the Commission to be "necessary" as provided at 5 ILCS 430/20-95(d).

(Source: Amended at 32 Ill. Reg. 7099, effective July 1, 2008)

SUBPART E: HEARINGS

Section 1620.510 Motions

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on facts that are not in the record shall be supported by affidavit.
- b) The motion shall point out specifically the defect complained of or other grounds for relief and shall specify the requested relief. The moving party shall file a proposed order with each motion.
- c) The Chair or, if an administrative law judge has been appointed, the administrative law judge may determine all motions except motions that are

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

potentially dispositive of the case. Motions that are potentially dispositive of the case must be determined by the Commission.

- d) All written motions that are potentially dispositive of the case shall be filed with the Commission and served on the other party at least one week prior to the scheduled hearing. Potentially dispositive motions filed less than one week prior to a scheduled hearing may, in the Commission's discretion, be considered after the scheduled hearing. The scheduled hearing may be continued while the Commission considers the potentially dispositive motion if, in the opinion of the Chair or the administrative law judge, continuing the scheduled hearing is in the best interests of judicial economy.
- e) The Commission may consider potentially dispositive motions with or without oral argument by the parties and may direct the Chair or administrative law judge to conduct a hearing on the motion and present proposed findings of fact and conclusions of law to the Commission.
- f) Dispositive motions may not exceed 15 pages in length and non-dispositive motions may not exceed 5 pages in length without first obtaining leave of the Commission.
- g) Responses to any motion by a non-moving party shall be permitted solely at the discretion of the Commission, the Chair or, if an administrative law judge has been appointed, the administrative law judge, who may also determine the deadline and format for the response.

(Source: Amended at 32 Ill. Reg. 7099, effective July 1, 2008)

SUBPART F: WAIVER

Section 1620.610 Waiver of Revolving Door Prohibition

An officer or employee or the spouse or immediate family member living with such person may request the Commission to waive the revolving door prohibition (see 5 ILCS 430/5-45). The requestor shall file with the Commission a petition and ~~two~~ supporting statements.

- a) The petition shall be verified and describe in detail:

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) the officer or employee's involvement in the decision to award any State contract to the source, and/or the officer or employee's involvement in any regulatory or licensing decision that directly applied to the source;
 - 2) the dates of the officer's or employee's involvement in these decisions;
 - 3) the date that the requestor and the source first began discussing or negotiating a relationship; and
 - 4) any other information that the requestor or Commission deems relevant.
- b) The requestor shall also submit ~~2~~^{two} statements in support of the petition.
- 1) One statement shall be from the ethics officer of the State agency that employed the officer or employee at the time that the officer or employee had involvement with the source. If the ethics officer is the petitioner or otherwise has a conflict with this duty, the Commission may accept a statement from another appropriate agency officer or employee. The statement shall be verified and state that the ethics officer has read the requestor's petition, has made diligent inquiries into the underlying facts and circumstances surrounding the petition, believes the statements made in the petition are true and complete, and that the ethics officer knows of no reason why the Commission should not grant the requestor's petition. If the ethics officer is unable to make such attestation, he or she shall submit a written statement to the Commission setting forth the reasons why the attestation cannot be made.
 - 2) The second statement shall be from the source. The statement shall be verified and state that the source, through its authorized representative, has read the requestor's petition, that the statements made in the petition are true and complete, and that the source knows of no reason why the Commission should not grant the requestor's petition.

(Source: Amended at 32 Ill. Reg. 7099, effective July 1, 2008)

SUBPART G: GIFT BAN

Section 1620.700 Gift Ban

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

For purposes of further defining exceptions to the Gift Ban [5 ILCS 430/10-15], the Commission defines the following terms:

- a) "Educational materials and missions" are those materials and missions that:
- 1) have a close connection to the recipient officer's or employee's State employment or the mission of the agency or office;
 - 2) predominately benefit the public and not the employee or officer; and
 - 3) are approved by the agency's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the agency's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance. The following items may be accepted without ethics officer approval:
 - A) Single copies of academic or professional publications or software in the employee's or officer's area of responsibility or field of study.
 - B) Waiver of conference registration fees for officers or employees serving as conference speakers, committee members or invitees of the conference host.
- b) Travel Expenses
- 1) "Travel expenses for a meeting to discuss State business" are those expenses that:
 - A1) have a close connection to the recipient officer's or employee's State employment;
 - B2) predominately benefit the public and not the employee or officer;
 - C3) are for travel in a style and manner in character with the conduct of State business; and

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- D4) are approved by the agency's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel shall be reported to the agency's ethics officer as soon as practicable and contain a detailed explanation of why approval could not be obtained in advance.
- 2) For site visits, "travel expenses for a meeting to discuss State business" are those expenses that:
- A) are related to site visits necessary as part of a purchasing or product review process, satisfy subsections (b)(1)(A) and (C), and are disclosed in a monthly summary report to the agency ethics officer; or
- B) for purposes of satisfying the requirement of prior ethics officer approval, are travel, meals or lodging paid for by a prohibited source related to fundraising activities conducted by State university development officers or employees; are disclosed in a monthly summary report to the university ethics officer; and are reimbursable, whenever practicable, to the recipient officer's or employee's agency and not directly to the recipient officer or employee.

(Source: Amended at 32 Ill. Reg. 7099, effective July 1, 2008)

SUBPART H: MISCELLANEOUS FILINGS

Section 1620.830 Designation of Ethics Officer

Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an ethics officer for the officer or State agency [5 ILCS 430/20-23].

- a) The designation of the ethics officer shall be in writing and shall be forwarded to the Executive Ethics Commission and to the appropriate Executive Inspector General.
- b) The Executive Ethics Commission and the appropriate Executive Inspector General shall be notified in writing within 10 business days after the replacement of any ethics officer.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 32 Ill. Reg. 7099, effective July 1, 2008)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pharmacy Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Number: 1330.91 Adopted Action: Amendment
- 4) Statutory Authority: Pharmacy Practice Act [225 ILCS 85]
- 5) Effective Date of Amendment: April 16, 2008
- 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) Date Notice of Proposal Published in Illinois Register: November 26, 2007; 31 Ill. Reg. 15399.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between Proposal and Final Version: In Section 1330.91(d)(1)(C), language was added that clarified that this rulemaking applies only to emergency contraception (EC) for women under the age of 18, as the FDA has already approved EC to be dispensed over-the-counter for women 18 and over. Other non substantive clarifications have also been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendment: This amendment is the result of an agreement based upon a legal settlement with the Department regarding the dispensing of contraceptives to patients. Per the settlement, the Department has put forth a specific

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

dispensing protocol. This amendment also takes into consideration Public Act 95 - 689, which was signed into law on October 29, 2007.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330

PHARMACY PRACTICE ACT ~~OF 1987~~

Section	
1330.5	Definitions
1330.10	Application for Certificate of Registration as a Pharmacy Technician
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
1330.60	Endorsement
1330.65	Patient Counseling
1330.70	Definitions (Renumbered)
1330.75	Security Requirements
1330.76	Reporting Theft or Loss of Controlled Substances
1330.80	Violations
1330.90	Divisions of Pharmacy Licenses
1330.91	Division I Pharmacies
1330.92	Division II Pharmacies
1330.93	Division III Pharmacies
1330.94	Division IV Pharmacies
1330.95	Division V Pharmacies
1330.96	Nonresident Pharmacies
1330.97	Division VI Pharmacies
1330.98	Automated Dispensing and Storage Systems
1330.99	Parenteral Product Standards
1330.100	Application for a Pharmacy License
1330.110	Granting Variances
1330.120	Renewals
1330.130	Restoration
1330.140	Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act [225 ILCS 85] and authorized by

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. 14131, effective November 18, 1999; amended at 24 Ill. Reg. 8548, effective June 9, 2000; amended at 26 Ill. Reg. 18338, effective December 13, 2002; amended at 27 Ill. Reg. 19389, effective December 11, 2003; emergency amendment at 29 Ill. Reg. 5586, effective April 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13639, effective August 25, 2005; amended at 30 Ill. Reg. 14267, effective August 21, 2006; amended at 30 Ill. Reg. 16930, effective October 12, 2006; emergency amendment at 31 Ill. Reg. 16045, effective November 19, 2007, for a maximum of 150 days; amended at 32 Ill. Reg. 3262, effective February 21, 2008; amended at 32 Ill. Reg. 7116, effective April 16, 2008.

Section 1330.91 Division I Pharmacies

- a) Retail pharmacies which engage in general community pharmacy practice and are open to, or offer pharmacy service to, the general public shall, in addition to any other requirements of the Act and this Part, comply with Section 1330.91. A retail pharmacy which, in addition to offering pharmacy services to the general public, provides pharmacy services to an institution or facility listed in Sections 1330.92(a) need not register as a Division II pharmacy if the sales do not exceed 49% of total sales, but the pharmacy shall comply with requirements of Sections 1330.92(b), (c) and (d).
- b) Recordkeeping Requirements for Filling Prescriptions
 - 1) Every prescription filled or refilled shall contain the name, initials or other unique identifier of the Illinois licensed pharmacist who fills or refills the prescription. Additionally, the label affixed to the drug container must

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

indicate the name, initials or other unique identifier of the Illinois licensed pharmacist who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one year from the date of the original issuance of the prescription by the prescriber.

- 2) Whenever a prescription is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the prescription shall contain the names, initials or other unique identifier of both the supervising pharmacist and the registered pharmacy technician who fills or refills the prescription.
- 3) Refilling a Prescription
 - A) Each refilling of a prescription shall be entered on the prescription or on another appropriate, uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:
 - i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
 - v) The total number of refills for the prescription.
 - B) If the pharmacist doesn't otherwise indicate in a uniformly maintained record, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.
- 4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the uniformly maintained record and record the date the copy is issued, to whom issued and his/her name, initials or unique identifier. Copies of prescriptions shall be marked "For Information Purposes Only" and require a new prescription from the prescriber.

- 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system that meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1998), and which contain no further amendments or editions, and shall include the capability to:
 - A) Retrieve the original prescription order information for those prescription orders currently authorized for refilling;

 - B) Retrieve the current prescription orders, including, at a minimum, name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill and the total number of refills dispensed to date;

 - C) Supply documentation of refill information entered by the pharmacist using the system by way of a hard copy printout of each day's refill data that has been verified for correctness. This printout must include for each prescription filled at least the following information:
 - i) The name and dosage form of the drug;

 - ii) The date of each refilling;

 - iii) The quantity dispensed;

 - iv) The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- v) The patient's name;
- vi) The prescriber's name; and
- vii) The prescription number for the prescription.

In lieu of the printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in the dispensing shall sign a statement each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- 7) All refill data shall be maintained by the pharmacy on the premises for 5 years, in accordance with Section 18 of the Act. The pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to the Division, upon request, within 48 hours.
- c) Transfer of Prescription Information
- 1) A prescription may be transferred between pharmacies for the purpose of original fill or refill dispensing provided that:
 - A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of such copy and the name of the transferor pharmacist issuing the transferred prescription order; and
 - B) The transferee pharmacist, upon receiving the prescription directly from another pharmacist, records the following:
 - i) The name, address and original prescription number of the pharmacy from which the prescription was transferred;
 - ii) All information constituting a prescription order including

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

the following: name of the drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and

- C) The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
 - 2) A prescription for Schedule III, IV and V drugs may be transferred only from the original pharmacy and only one time for the purpose of refill dispensing and may not be transferred further. However, a pharmacist who is electronically sharing real-time on line computerized systems may transfer up to the maximum refills permitted by law and the prescriber's authorization in accordance with CFR 1306.26(a).
 - 3) Computerized systems must satisfy all information requirements of this subsection (c), including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of this subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.
- d) Staffing of the Pharmacy
- 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) The schedule during which the practice of pharmacy is carried on in the pharmacy shall be conspicuously displayed.
 - B) Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all capital letters:
PHARMACIST NOT ON DUTY; STATE LAW PROHIBITS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.

- C) No prescription may be dispensed when a pharmacist is not physically present in the establishment, or remotely supervising activities of pharmacy registrants, as permitted in this Part, and on duty. Notwithstanding any other provision of this Part, any registrant may dispense over the counter emergency contraception to persons 18 years of age or older without the supervision of a pharmacist.
- 2) The pharmacy must provide pharmaceutical services, as defined in Section 3 of the Act, to the public a minimum of 40 hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is physically present in the establishment and available for consultation.
- e) Pharmacist-in-Charge
- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist shall be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of the pharmacist-in-charge shall include:
- A) Supervision of all activities of all employees as they relate to the practice of pharmacy;
- B) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed as set forth in Section 1330.75; and
- C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.
- 2) The operations of the pharmacy and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 3) Within 10 days after the change of a pharmacist-in-charge, the Division shall be so notified in writing by the departing pharmacist-in-charge.
- 4) In addition to notifying the Division within 10 days, the departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:
 - A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and
 - B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.
- 5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of 5 years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department of Financial and Professional Regulation-Division of Professional Regulation, at its principal office, within 10 days after the change in the pharmacist-in-charge.
- 6) Failure on the part of a registrant to provide the information required in subsections (e)(4) and (5) shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.
- 7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Division, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:
 - A) Provide such information as may be necessary; and/or
 - B) Explain the relevance or completeness during an oral interview; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- C) Appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section.
- f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons or medical devices except for:
- 1) Medical devices that can be properly sanitized prior to reuse, resale or rereuse; and
 - 2) Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (USP)/National Formulary or by the United States Pharmacopoeial Convention, Inc.
- g) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.
- h) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.
- i) Pharmacies shall develop and implement a procedure to be utilized in the event of a drug recall that can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition.
- j) Duty of ~~Retail~~Division I Pharmacy to Dispense Contraceptives
- 1) Upon receipt of a valid, lawful prescription for a contraceptive, a retail pharmacy servicing the general public must dispense the contraceptive, or a suitable alternative permitted by the prescriber, to the patient or the patient's agent without delay, consistent with the normal timeframe for filling any other prescription, subject to the remaining provisions of this subsection (j). If the contraceptive, or a suitable alternative, is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. However, if the contraceptive, or a suitable alternative, is not in stock and the patient prefers, the prescription must be transferred to a local pharmacy of the patient's choice under the pharmacy's standard procedures for transferring prescriptions for contraceptive drugs, including the procedures of any entity that is affiliated with, owns, or franchises the pharmacy. Under any circumstances an unfilled prescription for contraceptive drugs must be returned to the patient if the patient so directs.

- 2) Each retail pharmacy serving the general public shall use its best efforts to maintain adequate stock of emergency contraception to the extent it continues to sell contraception (nothing in this subsection (j)(2) prohibits a pharmacy from deciding not to sell contraception). Whenever emergency contraception is out-of-stock at a particular pharmacy and a prescription for emergency contraception is presented, the pharmacist or another pharmacy registrant shall attempt to assist the patient, at the patient's choice and request, in making arrangements to have the emergency contraception prescription filled at another pharmacy under the pharmacy's standard procedures for transferring prescriptions for contraceptive drugs, including the procedures of any entity that is affiliated with, owns or franchises the pharmacy.
- 3) Dispensing Protocol - In the event that a licensed pharmacist who objects to dispensing emergency contraception (an "objecting pharmacist") is presented with a prescription for emergency contraception, the retail pharmacy serving the general public shall use the following dispensing protocol:
 - A) All other pharmacists, if any, then present at the location where the objecting pharmacist works (the "dispensing pharmacy") shall first be asked to dispense the emergency contraception (any pharmacist that does not object to dispensing these medications is referred to as a "non-objecting pharmacist").
 - B) If there is an objecting pharmacist and no non-objecting pharmacist is then available at the dispensing pharmacy, any pharmacy (the "remote pharmacy") or other non-objecting pharmacist shall provide "remote medication order processing"

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

(RMOP) to the dispensing pharmacy. RMOP includes any and all services that a licensed pharmacist may provide, as well as authorizing a non-pharmacist registrant at the dispensing pharmacy, to dispense the emergency contraception to the patient under the remote supervision of a non-objecting pharmacist. For purposes of this subsection (j) and the Pharmacy Practice Act, a registered pharmacy technician is authorized to engage in RMOP involving emergency contraception.

- i) All remote pharmacies and other non-objecting pharmacists providing RMOP shall be licensed by the State of Illinois.
- ii) There shall be a secure, HIPAA-compliant, electronic communication system that shall include, but not necessarily be limited to, telephone and/or facsimile connections that allows communication between the remote pharmacy or other non-objecting pharmacist and the dispensing pharmacy. Any electronic communication system allowing the remote pharmacy or other non-objecting pharmacist providing RMOP to access a patient's emergency contraception prescription information and the National Drug Code number for the emergency contraception being dispensed shall constitute and be considered a sufficient communication system that is compliant with this subsection (j) and the Pharmacy Practice Act for purposes of RMOP involving emergency contraception. RMOP shall not be considered, or be subject to the requirements applicable to, telepharmacy as defined in the Pharmacy Practice Act or this Part.
- iii) Nothing in this subsection (j) shall otherwise relieve the pharmacist-in-charge of each participating remote pharmacy and dispensing pharmacy, or other non-objecting pharmacist, of compliance with the Pharmacy Practice Act and this Part, provided that compliance with the protocols in this Section shall be considered by the Department to be in compliance.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

iv) Recordkeeping Requirements - A policy and procedure manual (which may be maintained in electronic form) shall be maintained by each participating dispensing and remote pharmacy that is accessible to each non-objecting pharmacist pertaining to the pharmacy's or pharmacist's (as applicable) operations with respect to RMOP. These RMOP policies and procedures need not be contained in a stand-alone manual applicable solely to RMOP, but rather may be incorporated as part of any existing pharmacy policy and procedure manual that any pharmacy or pharmacist performing RMOP can access. The manual shall:

- Be accessible to each participating dispensing and remote pharmacy's staff, or other non-objecting pharmacists, who are involved in RMOP and dispensing;
- Be available for inspection by the Department;
- Outline the responsibilities of the dispensing pharmacy staff and the remote pharmacy staff, or other non-objecting pharmacists, who are involved in RMOP;
- Include a process to identify the name, address, telephone number, and license number of each pharmacist involved in RMOP;
- Be reviewed by the owner or operator of the pharmacies on a regular basis; and
- Include policies and procedures for:

Protecting the confidentiality and integrity of patient information;

Ensuring that pharmacists at the remote pharmacy, or other non-objecting pharmacist, performing prospective

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

drug utilization review have access to appropriate drug information resources;

Ensuring that staff at the dispensing pharmacy understand how to contact a pharmacist who can perform RMOP;

Maintaining records to identify the name, initials, or identification code of each pharmacist who performs any RMOP function for a medication order; and

Complying with federal and State laws and regulations.

- v) Every pharmacist providing RMOP service at a remote pharmacy or otherwise shall ensure that the following information is recorded on the order, in the computer system, or on another appropriate, unalterable, uniformly maintained and readily retrievable record for every drug order or prescription for emergency contraception processed by the remote pharmacy or other non-objecting pharmacist on behalf of a dispensing pharmacy:
- The name, initials or other unique identifier of the non-objecting pharmacist who verifies the drug order or prescription;
 - The name of the patient;
 - The dose, dosage form, route of administration and dosing frequency of the drug;
 - The date and time of verification; and
 - The name of the prescribing/ordering physician.
- vi) The pharmacists-in-charge of the dispensing pharmacies shall maintain and have access to the following records for a minimum of 5 years:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- Records of emergency contraception medication orders processed;
- Records of the electronic communication system maintenance, if any.

vii) Staffing of the Remote Pharmacies

- The responsibilities of the pharmacist-in-charge at each participating remote pharmacy, or other non-objecting pharmacist, providing RMOP shall include (except to the extent otherwise set forth in this subsection (j) as to objecting pharmacists):

Supervision of all the activities of all employees as they relate to the practice of pharmacy.

Establishment and supervision of the recordkeeping system for all the documents, electronic communication and all the transfers of information between the dispensing and remote pharmacies or other non-objecting pharmacists participating in RMOP.

The operation of the pharmacy and maintenance of security provisions for the records and the electronic communication system of the pharmacy or other location from which a non-objecting pharmacist engages in RMOP. The owner of the pharmacy shall be equally responsible.

- Within 30 days after the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge or by the owner of the pharmacy.
- All pharmacies participating in RMOP shall be licensed in Illinois.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- Only licensed pharmacists shall conduct the drug utilization evaluation or review and validation of any order processed.
- 4) A retail pharmacy that serves the general public is responsible for ensuring either that there is a non-objecting pharmacist scheduled at all times the pharmacy is open, or that there is a licensed pharmacist available to perform RMOP for emergency contraception at all times the pharmacy is open and no non-objecting pharmacist is available at the pharmacy.
- 5) For the purposes of this subsection (j), the term "contraceptive" shall refer to all FDA-approved drugs or devices that prevent pregnancy.
- 6)3) Nothing in this subsection (j) shall interfere with a pharmacist's screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, or clinical abuse or misuse, pursuant to 225 ILCS 85/3(q).
- k) Notice of rights regarding the dispensing of contraceptives.
- 1) Each Division I pharmacy must prominently display the notice described in subsection (k)(2) of this Section and include information regarding how to file a complaint with the Division. The notice must be on 8.5 inch by 11 inch paper and otherwise conform with the format prescribed by subsection (k)(2). The notice must be clearly visible from the area at which the pharmacy intakes prescriptions. The Department's website shall provide a template for approved format of the notice and that template shall include required information regarding how to file a complaint with the Division, in accordance with the Department's administrative hearing rules located at 68 Ill. Adm. Code 1110. The licensee shall be accorded all process provided for in 68 Ill. Adm. Code 1110.
- 2) Form and text of notice:
- IF YOU USE CONTRACEPTIVES KNOW YOUR RIGHTS.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

If this pharmacy dispenses prescription contraceptives, then you have the following rights under Illinois law:

The pharmacy must dispense your prescribed contraceptives without delay, consistent with the normal timeframe for filling any other prescription.

When your contraceptive is out of stock, you have the following options: the pharmacy must cooperate with your doctor to determine a suitable alternative, order the contraceptive, or transfer the prescription to another pharmacy of your choice.

You can instruct the pharmacy to return the prescription slip to you at any time prior to dispensing.

You may file a complaint with the Department of Financial and Professional Regulation-Division of Professional Regulation through the Department's website <http://www.idfpr.com>.

(Source: Amended at 32 Ill. Reg. 7116, effective April 16, 2008)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Number: 500.203 Adopted Action: Amendment
- 4) Statutory Authority: Public Act 95-0264; 35 ILCS 505/14
- 5) Effective Date of Amendment: April 21, 2008
- 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 of Proposal Published in Illinois Register: 32 Ill. Reg. 125; January 4, 2008
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made were prepublication ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking implements the provisions of Public Act 95-0264, which imposes minimal reporting requirements under the Motor Fuel Tax Law and the Environmental Impact Fee Law for persons who produce specified amounts of biodiesel fuel or biodiesel fuel blends for self-use and not for resale. Public Act 95-0264 also exempts such persons, deemed "private biodiesel fuel producers," from all licensing requirements under the Motor Fuel Tax Law. Effective July 1, 2007, if a

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

private biodiesel fuel producer's total gallonage is less than 5,000 gallons per year, he may report and pay his motor fuel taxes once a year. If his total gallonage is 5,000 gallons or more per year, he must report and pay his motor fuel taxes on a monthly basis. In addition, such producers are exempt from all bonding and licensure requirements imposed under the Motor Fuel Tax Law. The rulemaking also amends the newly renumbered subsection (d) of the regulation to require that, effective for returns due on and after July 1, 2008, schedule support data must be submitted on either 3 ½ inch diskette, CDs in the Joliet format, or mainframe cartridges that are IBM or IBM compatible. This subsection is also amended to require that, effective for returns due on and after July 1, 2008, Schedule M must be filed on magnetic media.

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

Jerilynn G. Troxell
Deputy General Counsel, Sales and Excise Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)
500.103	Basis and Rate of Tax Payable by Receivers (Recodified)
500.105	Monthly Returns (Recodified)
500.110	Report of Loss of Motor Fuel (Recodified)
500.115	Daily Gallonage Record (Recodified)
500.120	Licenses Are Not Transferable (Recodified)
500.125	Changes of Corporate Officers (Recodified)
500.130	Blenders' Permits Are Not Transferable (Recodified)
500.135	Vehicles of Distributors Transporting Petroleum Products (Recodified)
500.140	Other Vehicles (Recodified)
500.145	Cost of Collection – Determination (Recodified)
500.150	Cost of Collection – Books and Records (Repealed)
500.155	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers (Recodified)
500.160	Claims for Refund – Original Invoices (Recodified)
500.165	Definition of Loss (Recodified)
500.170	Sales of Special Fuel – Variation in Usage (Recodified)
500.175	Special Motor Fuel Permits and Decals (Recodified)
500.180	Estimated Claims Not Acceptable (Recodified)
500.185	Claimants Owning Motor Vehicles (Recodified)
500.190	Detailed Answers (Recodified)
500.195	Revocation of License, Etc. – Notice – Hearing (Recodified)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235	Claims for Refund – Invoices
500.240	Sales of Special Fuel – Variation in Usage (Repealed)
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. – Notice – Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285	Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.295	Cost of Collection – Determination (Repealed)
500.297	Protest Procedures for Certain Penalties
500.298	Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits
500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
500.335	Quarterly Payment and Reporting
500.340	Credits and Refunds
500.345	Records Requirements
500.350	Revocation
500.355	Protest Procedures
500.360	Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

500.400	General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section

500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section

500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference
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AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 2505-20 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-20].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3921, effective February 13, 2004; amended at 32 Ill. Reg. 7134, effective April 21, 2008.

SUBPART B: MOTOR FUEL TAX

Section 500.203 Monthly Returns

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month.
- b) *If a distributor's only activities with respect to motor fuel are either:*
 - 1) *production of alcohol in quantities of less than 10,000 proof gallons per year or*
 - 2) *blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced;*

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- c) Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use.
- 1) Beginning July 1, 2007, notwithstanding any other reporting provisions of the Law, if a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and the fee imposed under Section 310 of the Environmental Impact Fee Law on an annual basis. The returns and payment of tax for a given year are due by January 20 of the following year.
 - 2) If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month.
 - 3) Except for persons required to be licensed under Section 13a.4 of the Law, a person who is subject to the provisions of this subsection (c) is exempt from all bonding and licensure requirements otherwise imposed by the Law. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of the Law.
 - 4) For purposes of this subsection (c):

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act [35 ILCS 105/3-42].

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act [35 ILCS 105/3-41].

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act [35 ILCS 105/3-43].

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

the conversion of any biomass materials into biodiesel fuel that is produced exclusively for personal use and not for sale; or

the blending of biodiesel fuel, resulting in biodiesel blends that is produced exclusively for personal use and not for sale (Section 2d of the Law).

- de) Magnetic Schedule Support Data. Beginning October 1, 1994, data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3½" diskette, 5¼" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. For returns due on and after July 1, 2008, schedule support data must be submitted on either 3½" diskette, CDs in the Joliet format, or mainframe cartridges that are IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, and LD. For returns due on and after July 1, 2008, Schedule M must also be filed on magnetic media. Schedules not required to be filed in this manner are Schedules F, ~~M~~ and J and, until returns due on and after July 1, 2008, Schedule M. Amended schedules must still be filed on Department forms or approved computer-generated forms. ~~The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type. Persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining the basis for their exemption. All exceptions expire one year from the date they are granted.~~
- ed) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

other purpose. The discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law.

- fe) A person whose license to act as a supplier, distributor, or receiver of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended at 32 Ill. Reg. 7134, effective April 21, 2008)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
375.10	Amendment
375.30	Amendment
375.40	Amendment
375.70	Amendment
375.110	Amendment
- 4) Statutory Authority: 105 ILCS 10/3 and 5/2-3.13a
- 5) Effective Date of Amendments: April 17, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 4, 2008; 32 Ill. Reg. 143
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 375.30(a), the word "parent(s)" was changed to "parents".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking responds to P.A. 95-232, which added provisions to the School Code governing school districts' collection, use, release, and destruction of students' biometric information (defined as including items such as

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

fingerprints, hand geometry, retinal scans, and the like). Districts that intend to collect these kinds of information must adopt policies requiring:

- written consent by parents (or students who have reached the age of 18);
- prohibition on the disclosure of the information except with consent or under a court order;
- discontinuation of use of the information when the student leaves the school district or upon request by the parent (or student); and
- very prompt destruction of the records after their use is discontinued.

Of particular interest is the 30-day timeframe established for the destruction of these records, which does not correspond to the 60-day advance notice school districts are required to provide to their respective local records commissions under the Local Records Act. In order to give effect to the new provisions of the School Code added by P.A. 95-232, it is necessary to interpret the recent legislation as exempting records of this type from the Local Records Act. Similarly, in order to respect the requirement for destruction of the records within 30 days after their use is discontinued, the rules were drafted to preclude the transfer of this type of information along with students' other records.

The other revisions included are being made to conform to current style considerations and wording requirements.

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

Darren Reisberg
General Counsel
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-5270

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Cost for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. 7143, effective April 17, 2008.

Section 375.10 Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; [and](#)

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

[The completed home language survey form \(see 23 Ill. Adm. Code](#)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

228.15);

Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.30 Notification

- a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's ~~parents~~parent(s) of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.
- b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability.
- c) This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- d) ~~The~~Such notification shall consist of:
 - 1) The types of information contained in the permanent and temporary records;
 - 2) The right to inspect and copy permanent and temporary records, the

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying such records;

- 3) The right to control access and release of school student records and the right to request a copy of information released;
 - 4) The rights and procedures for challenging the contents of the school student record;
 - 5) The persons, agencies or organizations having access to student records without parental consent;
 - 6) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;
 - 7) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
 - 8) A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record ~~that~~ ~~the~~ ~~which~~ ~~such~~ individual may obtain through the exercise of any right secured under the Act or this Part;
 - 9) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and
 - 10) Any policies of the school relating to school student records ~~that~~ ~~which~~ are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.
- e) *The principal of each school or the person with like responsibilities or his or her*

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.40 Maintenance

- a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:
 - 1) In compliance with the request of a parent or eligible student that such categorization occur; and
 - 2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 of the Act or by court order* [105 ILCS 10/4(f)].
- b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.
- c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, ~~parent~~-name of parent, name of records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

applicable.

- d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.
- e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).
- f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the Department's request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.70 Release of Information

- a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. This ~~Such~~ service

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

shall be deemed conclusive, and ten calendar days after ~~this~~ service, if the parents make no objection, the records may be transferred to the requesting school. Biometric information collected pursuant to a district's policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.

- b) The school shall grant access to information contained in school student records to persons authorized or required by ~~State~~ or federal law to gain such access, provided that:
- 1) ~~The~~ person making the request shall provide the school with appropriate identification and a copy of the statute authorizing such access; and
 - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, ~~this~~ prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.
- d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom ~~the~~ records may be released, the reason for the release, and the specific records to be released. At the time ~~such~~ consent is requested or obtained, the school shall inform the parents of the following rights:
- 1) To inspect and copy ~~the~~ records;
 - 2) To challenge the contents of ~~the~~ records; and
 - 3) To limit any ~~such~~ consent to designated records or designated portions of information within the records.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

Section 375.110 Enforcement

- a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.
- b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Superintendent of the Educational Service Region and then to the State Superintendent of Education as specified in [Sections 3-10 and 2-3.8 of the School Code \[105 ILCS 5/3-10 and 2-3.8\]](#)~~Ill. Rev. Stat. 1985, ch. 122, pars. 3-10 and 2-3.8.~~

(Source: Amended at 32 Ill. Reg. 7143, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.80	Amendment
310.220	Amendment
310.410	Amendment
310.APPENDIX A TABLE B	Amendment
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE O	Amendment
310.APPENDIX A TABLE V	Amendment
310.APPENDIX A TABLE W	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.80 and 310.220 to reflect the pre-arbitration grievance resolution between CMS and the American Federation of State, County, and Municipal Employees (AFSCME) that was signed March 27, 2008. The resolution contains the pay provision that shall be applied on a statewide basis for any employee represented by AFSCME who is on step 8 and promoted.

CMS is amending Sections 310.410 and 310.Appendix A Table O to reflect the Memorandum of Understanding (MOU) between CMS and AFSCME that was signed March 30, 2008. The MOU assigns the Waterways Construction Supervisor I title to the RC-028 bargaining unit and the pay grade RC-028-16 effective November 30, 2007. No position within the title was excluded from the bargaining unit representation by the Illinois Labor Relations Board so the title is no longer assigned to the merit compensation MC-05 salary range. For emergency, provisional or temporary appointments to a position allocated to the classification, a merit compensation MS salary range assignment will be filed in future proposed amendments.

CMS is amending Sections 310.410 and 310.Appendix A Table V to reflect the MOU between CMS and AFSCME that was signed April 10, 2008. The MOU assigns the Corrections Leisure Activity Specialist IV title to the CU-500 bargaining unit and the pay grade CU-500-20 effective July 9, 2007. No position within the title was excluded from the bargaining unit representation by the Illinois Labor Relations Board so the title is no longer assigned to the merit compensation MC-07 salary range. For emergency,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

provisional or temporary appointments to a position allocated to the classification, a merit compensation MS salary range assignment will be filed in future proposed amendments.

CMS is amending Section 310.Appendix A Table B to reflect the Memorandum of Agreement (MOA) and Side Letter between CMS and the Laborers' International Union of North America Illinois - State Employees Association (ISEA) Local 2002 and the Southern and Central Illinois Laborers' District Council that was signed March 18, 2008. The MOA assigns the Assistant Automotive Shop Supervisor and Automotive Shop Supervisor titles to the VR-706 bargaining unit and pay grades effective December 1, 2007. The MOA contains the pay grade rates. Those effective January 1, 2008 are 3% above the rates effective December 1, 2007. No position within either title was excluded from the bargaining unit representation by the Illinois Labor Relations Board but the Assistant Automotive Shop Supervisor and Automotive Shop Supervisor titles retain their assignment to MS-17 and MS-24, respectively, for emergency, provisional or temporary appointments to any positions allocated to the classifications.

CMS is amending Section 310.Appendix A Table L to reflect the Agreement between CMS and the International Brotherhood of Boiler Makers – Iron Shipbuilders, Blacksmiths, Forgers, and Helpers that was signed December 6, 2004. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On April 9, 2008, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2008 in the southern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula.

CMS is amending Section 310.Appendix A Table W to reflect the MOU between CMS and AFSCME that was signed April 10, 2008. The MOU assigns the Human Resources Representative title to the RC-062 bargaining unit and the pay grade RC-062-17 effective February 4, 2008. Some positions within the title were excluded from the bargaining unit representation by the Illinois Labor Relations Board so the title remains assigned to the merit compensation broad-banded salary range.

- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: April 17, 2008
- 7) A Complete Description of the Subjects and Issues Involved: In the table of contents, the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

heading for Section 310.Appendix A Table B is changed to reflect the additional supervisor titles represented by the bargaining unit.

In Section 310.80 subsection (d) (1), the pay treatment of promotion is separated from reallocation and updated for AFSCME employees. The sub-subsections are renumbered.

In Section 310.220, a new subsection is added to reflect the pay treatment of promotion for AFSCME employees. The subsections are renumbered.

In Section 310.410, the Waterways Construction Supervisor I and Corrections Leisure Activity Specialist IV titles are removed from the title table that is effective January 1, 2008.

In Section 310.Appendix A Table B, the heading for the Section is changed to reflect the additional supervisor titles represented by the bargaining unit. The Assistant Automotive Shop Supervisor title, its title code 01565, bargaining unit VR-706 and Pay Plan Code B and the Automotive Shop Supervisor title, its title code 03749, bargaining unit VR-706 and Pay Plan Code B are added to the title table. The Meat and Poultry Inspector Supervisor title is corrected in the title table. The rate table effective July 1, 2007 has the Meat and Poultry Inspector Supervisor title added. The rate table effective December 1, 2007 is added for the Assistant Automotive Shop Supervisor and Automotive Shop Supervisor titles. The rate table effective January 1, 2008 has the Meat and Poultry Inspector Supervisor title and the Assistant Automotive Shop Supervisor and Automotive Shop Supervisor titles and rates added.

In Section 310.Appendix A Table L, the monthly base salary for the Boiler Safety Specialist title in the southern region is deleted with its January 1, 2006 effective date. The \$5,428.80 monthly base salary for the Boiler Safety Specialist title in the southern region effective January 1, 2008 is added.

In Section 310.Appendix A Table O, the Waterways Construction Supervisor I title, its title code 49061, bargaining unit RC-028 and pay grade 16 are added to the title table.

In Section 310.Appendix A Table V, the Corrections Leisure Activity Specialist IV title, its title code 09814 and pay grade 20 for the Pay Plan Codes Q and S are added to the rate tables effective July 1, 2007 and January 1, 2008.

In Section 310.Appendix A Table W, the Human Resources Representative title, its title code 19692, bargaining unit RC-062 and pay grade 17 are added to the title table.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: April 17, 2008
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
310.40	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.45	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.47	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.110	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.130	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.220	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.230	Repeal	32 Ill. Reg. 4417, April 4, 2008
310.260	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.280	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.290	Repeal	32 Ill. Reg. 4417, April 4, 2008
310.295	Repeal	32 Ill. Reg. 4417, April 4, 2008
310.410	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.415	New Section	32 Ill. Reg. 4417, April 4, 2008
310.450	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.495	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.500	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.APPENDIX A TABLE AA	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.APPENDIX B	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.APPENDIX C	Repeal	32 Ill. Reg. 4417, April 4, 2008
310.APPENDIX D	Amendment	32 Ill. Reg. 4417, April 4, 2008
310.APPENDIX G	Amendment	32 Ill. Reg. 4417, April 4, 2008

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 14) Information and questions regarding these preemptory amendments shall be directed to:

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008.

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades - Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase –
 - 1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.
 - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
 - 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:

- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.
- 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.
- c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.
- d) Other Pay Increases –
 - 1) Promotion
 - A) Standard Procedures –
 - i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.
 - ii) From Step 8 – Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

equal to at least the dollar difference between step 7 and step 8 in the former pay grade. To compute this, add the dollar difference between step 7 and step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.

B) Exception – Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

2) and-Reallocation –

A) Standard Procedures -

- i) From Other Than Step 8 - Normally, upon ~~promotion or~~ reallocation, an employee shall be advanced to the lowest step in the targeted pay~~new~~ grade that represents at least a full step increase in the former pay grade.
- ii) From Step 8 - When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade~~new range~~ that results in an increase equal to at least 3%. To compute this, add 3% to the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the ~~targeted pay grade~~ new range that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.

- B) Exception - Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.

- 32) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees.
- 43) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions.
- 54) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.

- e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one Step for the bargaining unit employees. The effective dates for the 4% and 3% adjustment increases effective December 2, 2005 and January 1, 2007, respectively, are as stated.

(Source: Peremptory amendment at 32 Ill. Re g. 7154, effective April 17, 2008)

SUBPART B: SCHEDULE OF RATES

Section 310.220 Negotiated Rate

- a) The rate of pay for a class in any specific area or agency, or in a specific area for an agency, as established and approved by the Director of Central Management Services after having conducted negotiations for this purpose, or as certified as being correct and reported to the Director of Central Management Services by the Director of the Illinois Department of Labor for designated classifications.
- b) An employee occupying a position in a class normally subject to contract, but whose position is excluded from the bargaining unit, shall receive the contract rate and other compensation items specified by the contract, unless the Director of Central Management Services has established another specific provision. Subsection (b) is suspended for non-union positions and employees. Effective January 1, 2008, the non-union positions and employees are assigned to the Merit Compensation System (Subpart C) and to rates within the Merit Compensation System Salary Schedule (Appendix D).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- c) As provided in certain collective bargaining agreements, an employee may be paid at an appropriate higher rate when assigned to perform the duties of a higher level position. Eligibility for and the amount of this pay will be as provided in the contract.
- d) Effective March 27, 2008, when an employee represented by the American Federation of State, County, and Municipal Employees (AFSCME) is promoted from Step 8, the employee shall be paid as provided in Section 310.80(d)(1)(A)(2).
- e) The negotiated rates of pay for classifications in specified operating agencies, in specified agency facilities or with specified duties shall be as indicated in Appendix A of this Part.

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

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

Effective until and including December 31, 2007

Title	Title Code	Salary Plan
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07
Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07
Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Radiologic Technologist Chief	37505	MC-03
Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
State Mine Inspector-At-Large	42240	MC-11
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

Effective January 1, 2008

Title	Title Code	Salary Plan
Corrections Leisure Activities Specialist IV	09814	MC-07
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Executive II	13852	MC-07
Executive Secretary III	14033	MC-02
Human Services Casework Manager	19788	MC-07
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Police Lieutenant	32977	MC-09
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Statistical Research Supervisor	42745	MC-07
Telecommunications Supervisor	45305	MC-07
Waterways Construction Supervisor I	49061	MC-05

Title	Title Code	Salary Range
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-12
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-20
Activity Therapist	00157	MS-12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Activity Therapist Supervisor	00163	MS-24
Actuary III	00203	MS-36
Administrative Assistant I	00501	MS-18
Administrative Assistant II	00502	MS-22
Agricultural Marketing Representative	00810	MS-20
Animal and Animal Products Investigator Trainee	01075	MS-09
Appraisal Specialist Trainee	01255	MS-09
Arson Investigations Trainee	01485	MS-12
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assistant Automotive Shop Supervisor	01565	MS-17
Automotive Mechanic	03700	MS-12
Automotive Shop Supervisor	03749	MS-24
Boat Safety Inspection Supervisor	04850	MS-22
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building Services Worker	05616	MS-03
Building/Grounds Laborer	05598	MS-08
Business Manager	05815	MS-20
Child Protection Advanced Specialist	07161	MS-21
Child Protection Specialist	07163	MS-19
Clerical Trainee	08050	MS-01
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Conservation Education Representative	09300	MS-09
Corrections Leisure Activities Specialist III	09813	MS-22
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter Supervisor	09903	MS-26
Data Processing Assistant	11420	MS-04
Data Processing Technician	11440	MS-06
Deck Hand	11500	MS-14
Disability Claims Analyst	12540	MS-22
Economic Development Representative Trainee	12939	MS-10
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Electrical Engineer	13180	MS-30
Employment Security Field Office Supervisor	13600	MS-22
Engineering Technician IV	13734	MS-24
Equine Investigator	13840	MS-09
Executive I	13851	MS-20
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Facility Fire Chief	14433	MS-13
Fingerprint Technician Trainee	15209	MS-05
Fire Certification Specialist	15285	MS-16
Fire Protection Specialist I	15351	MS-14
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Governmental Career Trainee	17325	MS-09
Guard II	17682	MS-08
Guard Supervisor	17685	MS-11
Guardianship Supervisor	17720	MS-24
Highway Construction Supervisor I	18525	MS-24
Highway Construction Supervisor II	18526	MS-28
Highway Maintainer	18369	MS-10
Historical Library Chief of Acquisitions	18987	MS-22
Historical Research Specialist	19008	MS-23
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Mediator	19771	MS-20
Human Services Caseworker	19785	MS-14
Information Services Intern	21160	MS-12
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Inhalation Therapy Supervisor	21260	MS-07
Insurance Analyst I	21561	MS-06
Insurance Company Claims Examiner I	21601	MS-16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Internal Auditor I	21721	MS-20
Internal Auditor Trainee	21726	MS-09
International Marketing Representative I	21761	MS-20
Janitor I	21951	MS-12
KidCare Supervisor	22003	MS-24
Laborer (Maintenance)	23080	MS-14
Laundry Manager I	23191	MS-11
Liability Claims Adjuster Trainee	23375	MS-09
Librarian II	23402	MS-20
Licensed Practical Nurse II	23552	MS-08
Lottery Regional Coordinator	24504	MS-24
Maintenance Worker	25500	MS-15
Management Operations Analyst I	25541	MS-22
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Manpower Planner III	25593	MS-23
Manuscripts Manager	25610	MS-22
Meat and Poultry Inspector	26070	MS-10
Mental Health Administrator Trainee	26817	MS-12
Mental Health Program Administrator	26908	MS-40
Methods and Procedures Advisor III	27133	MS-24
Mine Rescue Station Assistant	28150	MS-07
Natural Resource Technician I	28851	MS-07
Office Administrator IV	29994	MS-13
Office Administrator V	29995	MS-17
Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Pension and Death Benefits Technician I	30961	MS-10
Pharmacist Technician	32008	MS-04
Physician Assistant	32210	MS-27

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Plumbing Consultant	32910	MS-28
Police Officer Trainee	32985	MS-06
Polygraph Examiner Trainee	33005	MS-12
Private Secretary I	34201	MS-13
Private Secretary II	34202	MS-18
Products and Standards Inspector Trainee	34605	MS-09
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-15
Public Aid Family Support Specialist II	35842	MS-20
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Program Specialist III	36613	MS-24
Public Service Trainee	37025	MS-01
Radiologic Technologist Chief	37505	MS-17
Real Estate Professions Examiner	37760	MS-27
Registered Nurse - Advanced Practice	38135	MS-27
Rehabilitation Workshop Supervisor III	38196	MS-20
Reimbursement Officer II	38200	MS-20
Reproduction Service Supervisor I	38201	MS-13
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician III	38205	MS-08
Research Fellow, Option B	38211	MS-19
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-12
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Seed Analyst Trainee	39953	MS-07
Sign Shop Foreman	41000	MS-22
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Social Worker Intern	41430	MS-15
Staff Development Specialist I	41771	MS-20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Staff Development Technician II	41782	MS-17
State Mine Inspector-At-Large	42240	MS-31
Statistical Research Specialist III	42743	MS-22
Storekeeper II	43052	MS-10
Storekeeper III	43053	MS-11
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Technical Advisor I	45251	MS-20
Technical Advisor II	45252	MS-24
Technical Advisor III	45253	MS-29
Telecommunications Systems Technician Trainee	45314	MS-05
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Emissions Compliance Supervisor	47583	MS-20
Veterans Nursing Assistant - Certified	47750	MS-05
Waterways Construction Supervisor II	49062	MS-24

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
<u>Assistant Automotive Shop Supervisor</u>	<u>01565</u>	<u>VR-706</u>	<u>B</u>
<u>Automotive Shop Supervisor</u>	<u>03749</u>	<u>VR-706</u>	<u>B</u>
Meat and Poultry Inspector <u>SupervisorSupervisors</u>	26073	VR-706	B

Effective July 1, 2007

S T E P S

<u>Title</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Meat and Poultry Inspector Supervisor</u>	3664	3823	3977	4127	4286	4528	4619	4665

Effective December 1, 2007S T E P S

<u>Title</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Assistant Automotive Shop Supervisor</u>	<u>3467</u>	<u>3570</u>	<u>3673</u>	<u>3776</u>	<u>3879</u>	<u>3982</u>	<u>4085</u>	<u>4188</u>
<u>Automotive Shop Supervisor</u>	<u>4269</u>	<u>4403</u>	<u>4537</u>	<u>4671</u>	<u>4805</u>	<u>4939</u>	<u>5073</u>	<u>5207</u>

Effective January 1, 2008

S T E P S

<u>Title</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>Assistant Automotive Shop Supervisor</u>	<u>3571</u>	<u>3677</u>	<u>3783</u>	<u>3889</u>	<u>3995</u>	<u>4101</u>	<u>4208</u>	<u>4314</u>
<u>Automotive Shop Supervisor</u>	<u>4397</u>	<u>4535</u>	<u>4673</u>	<u>4811</u>	<u>4949</u>	<u>5087</u>	<u>5225</u>	<u>5363</u>
<u>Meat and Poultry Inspector Supervisor</u>	3774	3938	4096	4251	4415	4664	4758	4805

(Source: Preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
Boiler Safety Specialist	04910	Northern	July 1, 2007	7139.22
Boiler Safety Specialist	04910	Central	April 1, 2006	5423.58
Boiler Safety Specialist	04910	Central	January 1, 2007	5604.54
Boiler Safety Specialist	04910	Southern	January 1, 2006	5021.64
Boiler Safety Specialist	04910	Southern	September 2, 2006	5157.36
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2008</u>	<u>5428.80</u>

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Administrative Assistant I	00501	RC-028	17
Administrative Assistant II	00502	RC-028	19
Apparel/Dry Goods Specialist III	01233	RC-028	12.5
Assistant Reimbursement Officer	02424	RC-028	08
Capital Development Board Media Technician	06525	RC-028	14
Child Development Aide	07184	RC-028	10
Clinical Laboratory Associate	08200	RC-028	07
Clinical Laboratory Technician I	08215	RC-028	10
Clinical Laboratory Technician II	08216	RC-028	12
Compliance Officer	08919	RC-028	14
Construction Supervisor I	09561	RC-028	13
Construction Supervisor II	09562	RC-028	16
Crime Scene Investigator	09980	RC-028	21
Data Processing Administrative Specialist	11415	RC-028	14
Data Processing Specialist	11430	RC-028	12
Data Processing Technician	11440	RC-028	09
Data Processing Technician Trainee	11443	RC-028	06
Dental Assistant	11650	RC-028	09
Dental Hygienist	11700	RC-028	13
Electroencephalograph Technician	13300	RC-028	08
Environmental Equipment Operator I	13761	RC-028	12
Environmental Equipment Operator II	13762	RC-028	14
Environmental Protection Technician I	13831	RC-028	08
Environmental Protection Technician II	13832	RC-028	10
Health Information Associate	18045	RC-028	10
Health Information Technician	18047	RC-028	12
Hearing & Speech Technician I	18261	RC-028	06
Hearing & Speech Technician II	18262	RC-028	09
Housekeeper II	19602	RC-028	03.5
Inhalation Therapist	21259	RC-028	08
Inhalation Therapy Supervisor	21260	RC-028	11
Intermittent Unemployment Insurance Technician (Hourly)	21690	RC-028	06H

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Assistant	22995	RC-028	04
Laboratory Associate I	22997	RC-028	10
Laboratory Associate II	22998	RC-028	12
Legal Research Assistant	23350	RC-028	13
Licensed Practical Nurse I	23551	RC-028	10.5
Licensed Practical Nurse II	23552	RC-028	11.5
Lock and Dam Tender	24290	RC-028	10
Lottery Commodities Distributor II	24402	RC-028	12
Natural Resource Technician I	28851	RC-028	10
Natural Resource Technician II	28852	RC-028	13
Office Administrative Specialist	29990	RC-028	12
Office Administrator IV	29994	RC-028	14
Office Administrator V	29995	RC-028	15
Office Specialist	30080	RC-028	11
Pharmacist Lead Technician	32007	RC-028	09
Pharmacist Technician	32008	RC-028	07
Public Aid Eligibility Assistant	35825	RC-028	08
Radiologic Technologist	37500	RC-028	11
Radiologic Technologist Program Coordinator	37507	RC-028	12
Ranger	37725	RC-028	13
Rehabilitation Counselor Aide I	38155	RC-028	09
Rehabilitation Counselor Aide II	38156	RC-028	11
Senior Ranger	40090	RC-028	14
Site Interpreter	41090	RC-028	10
Site Technician I	41131	RC-028	10
Site Technician II	41132	RC-028	12
Social Service Community Planner	41295	RC-028	11
State Police Crime Information Evaluator	41801	RC-028	11
State Police Evidence Technician I	41901	RC-028	12
State Police Evidence Technician II	41902	RC-028	13
Statistical Research Technician	42748	RC-028	11
Veterans Service Officer	47800	RC-028	14
Vocational Instructor	48200	RC-028	12
<u>Waterways Construction Supervisor I</u>	<u>49061</u>	<u>RC-028</u>	<u>16</u>

Effective July 1, 2007
Bargaining Unit: RC-028

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
03.5	B	2164	2215	2269	2321	2381	2441	2501	2559	2622	2735	2844
03.5	Q	2248	2301	2358	2413	2474	2539	2600	2659	2726	2843	2957
03.5	S	2307	2362	2417	2472	2536	2599	2660	2718	2787	2904	3020
04	B	2164	2215	2269	2321	2385	2448	2503	2574	2630	2743	2853
04	Q	2248	2301	2358	2413	2478	2543	2602	2675	2735	2851	2965
04	S	2307	2362	2417	2472	2539	2603	2664	2736	2793	2912	3028
06	B	2281	2336	2393	2451	2516	2583	2656	2723	2799	2917	3034
06	Q	2370	2427	2486	2545	2616	2686	2762	2834	2910	3034	3155
06	S	2429	2488	2545	2605	2676	2746	2823	2894	2971	3097	3221
06H	B	14.04	14.38	14.73	15.08	15.48	15.90	16.34	16.76	17.22	17.95	18.67
06H	Q	14.58	14.94	15.30	15.66	16.10	16.53	17.00	17.44	17.91	18.67	19.42
06H	S	14.95	15.31	15.66	16.03	16.47	16.90	17.37	17.81	18.28	19.06	19.82
07	B	2344	2399	2459	2516	2586	2663	2738	2812	2890	3022	3143
07	Q	2433	2494	2553	2616	2689	2770	2847	2925	3007	3147	3273
07	S	2495	2552	2614	2676	2750	2828	2907	2986	3066	3209	3337
08	B	2406	2466	2526	2586	2669	2748	2834	2912	2994	3136	3261
08	Q	2501	2562	2625	2689	2777	2856	2949	3027	3119	3266	3397
08	S	2561	2621	2684	2750	2835	2917	3010	3092	3182	3329	3462
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
09.5	B	2540	2603	2667	2735	2818	2914	3005	3106	3196	3350	3484
09.5	Q	2641	2707	2775	2843	2931	3030	3129	3236	3329	3494	3634

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

09.5	S	2703	2767	2834	2904	2992	3094	3191	3299	3393	3562	3704
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
10.5	B	2642	2708	2775	2846	2949	3046	3151	3254	3360	3564	3707
10.5	Q	2747	2816	2887	2959	3070	3174	3282	3392	3505	3722	3871
10.5	S	2809	2877	2947	3020	3133	3235	3344	3457	3571	3788	3940
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
11.5	B	2715	2783	2854	2926	3026	3121	3228	3337	3451	3640	3786
11.5	Q	2824	2895	2968	3044	3151	3251	3362	3479	3604	3800	3952
11.5	S	2881	2952	3026	3103	3213	3315	3429	3548	3673	3874	4029
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116
12.5	B	2820	2891	2966	3042	3154	3264	3388	3504	3618	3817	3970
12.5	Q	2933	3008	3086	3168	3286	3403	3534	3659	3778	3989	4149
12.5	S	2994	3069	3149	3230	3349	3467	3604	3727	3847	4060	4222
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654

Effective January 1, 2008**Bargaining Unit: RC-028**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
03.5	B	2229	2281	2337	2391	2452	2514	2576	2636	2701	2817	2929
03.5	Q	2315	2370	2429	2485	2548	2615	2678	2739	2808	2928	3046
03.5	S	2376	2433	2490	2546	2612	2677	2740	2800	2871	2991	3111
04	B	2229	2281	2337	2391	2457	2521	2578	2651	2709	2825	2939
04	Q	2315	2370	2429	2485	2552	2619	2680	2755	2817	2937	3054
04	S	2376	2433	2490	2546	2615	2681	2744	2818	2877	2999	3119

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

06	B	2349	2406	2465	2525	2591	2660	2736	2805	2883	3005	3125
06	Q	2441	2500	2561	2621	2694	2767	2845	2919	2997	3125	3250
06	S	2502	2563	2621	2683	2756	2828	2908	2981	3060	3190	3318
06H	B	14.46	14.81	15.17	15.54	15.94	16.37	16.84	17.26	17.74	18.49	19.23
06H	Q	15.02	15.38	15.76	16.13	16.58	17.03	17.51	17.96	18.44	19.23	20.00
06H	S	15.40	15.77	16.13	16.51	16.96	17.40	17.90	18.34	18.83	19.63	20.42
07	B	2414	2471	2533	2591	2664	2743	2820	2896	2977	3113	3237
07	Q	2506	2569	2630	2694	2770	2853	2932	3013	3097	3241	3371
07	S	2570	2629	2692	2756	2833	2913	2994	3076	3158	3305	3437
08	B	2478	2540	2602	2664	2749	2830	2919	2999	3084	3230	3359
08	Q	2576	2639	2704	2770	2860	2942	3037	3118	3213	3364	3499
08	S	2638	2700	2765	2833	2920	3005	3100	3185	3277	3429	3566
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
09.5	B	2616	2681	2747	2817	2903	3001	3095	3199	3292	3451	3589
09.5	Q	2720	2788	2858	2928	3019	3121	3223	3333	3429	3599	3743
09.5	S	2784	2850	2919	2991	3082	3187	3287	3398	3495	3669	3815
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
10.5	B	2721	2789	2858	2931	3037	3137	3246	3352	3461	3671	3818
10.5	Q	2829	2900	2974	3048	3162	3269	3380	3494	3610	3834	3987
10.5	S	2893	2963	3035	3111	3227	3332	3444	3561	3678	3902	4058

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
11.5	B	2796	2866	2940	3014	3117	3215	3325	3437	3555	3749	3900
11.5	Q	2909	2982	3057	3135	3246	3349	3463	3583	3712	3914	4071
11.5	S	2967	3041	3117	3196	3309	3414	3532	3654	3783	3990	4150
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12.5	B	2905	2978	3055	3133	3249	3362	3490	3609	3727	3932	4089
12.5	Q	3021	3098	3179	3263	3385	3505	3640	3769	3891	4109	4273
12.5	S	3084	3161	3243	3327	3449	3571	3712	3839	3962	4182	4349
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)****Effective July 1, 2007
Bargaining Unit: CU-500**

Title	Title Code	Pay Plan Code	S T E P S										
			1c	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4182	4305	4433	4563	4786	5008	5243	5466	5689	6030	6271
Correctional Casework Supervisor	09655	S	4251	4371	4501	4633	4859	5081	5314	5537	5758	6102	6346
Correctional Lieutenant	09673	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Correctional Lieutenant	09673	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008
Corrections Clerk III	09773	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections Clerk III	09773	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104
Corrections Food Service Supervisor III	09795	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Food Service Supervisor III	09795	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Corrections Identification Supervisor	09800	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Identification Supervisor	09800	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
Corrections Industry Supervisor	09807	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Industry Supervisor	09807	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Supervisor Corrections Laundry Manager II	09809	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Laundry Manager II	09809	S	3648	3751	3854	3968	4150	4333	4510	4690	4872	5156	5362
<u>Corrections</u> <u>Leisure</u> <u>Activity</u> <u>Specialist IV</u>	<u>09814</u>	<u>Q</u>	<u>4182</u>	<u>4305</u>	<u>4433</u>	<u>4563</u>	<u>4786</u>	<u>5008</u>	<u>5243</u>	<u>5466</u>	<u>5689</u>	<u>6030</u>	<u>6271</u>
<u>Corrections</u> <u>Leisure</u> <u>Activity</u> <u>Specialist IV</u>	<u>09814</u>	<u>S</u>	<u>4251</u>	<u>4371</u>	<u>4501</u>	<u>4633</u>	<u>859</u>	<u>5081</u>	<u>5314</u>	<u>5537</u>	<u>5758</u>	<u>6102</u>	<u>6346</u>
Corrections Maintenance Supervisor	09822	Q	3426	3522	3620	3723	3887	4061	4230	4398	4576	4836	5029
Corrections Maintenance Supervisor	09822	S	3491	3586	3686	3789	3956	4129	4297	4467	4645	4908	5104
Corrections Residence Counselor II	09838	Q	3581	3682	3787	3896	4080	4265	4441	4621	4805	5087	5290
Corrections Supply Supervisor III	09863	Q	3763	3870	3985	4101	4298	4495	4695	4885	5080	5377	5592
Corrections Supply Supervisor III	09863	S	3831	3941	4056	4173	4367	4565	4765	4955	5147	5448	5666
Property and Supply Clerk III	34793	Q	2564	2623	2687	2751	2837	2921	3012	3094	3184	3330	3463
Storekeeper III	43053	Q	3031	3111	3191	3274	3396	3528	3665	3793	3935	4154	4320
Youth Supervisor IV	49914	Q	3962	4078	4199	4322	4539	4747	4967	5172	5387	5706	5934
Youth Supervisor IV	49914	S	4031	4146	4267	4391	4605	4816	5036	5241	5455	5777	6008

Effective January 1, 2008
Bargaining Unit: CU-500

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Title	Title Code	Pay Plan Code	S T E P S										
			1c	1b	1a	1	2	3	4	5	6	7	8
Correctional Casework Supervisor	09655	Q	4307	4434	4566	4700	4930	5158	5400	5630	5860	6211	6459
Correctional Casework Supervisor	09655	S	4379	4502	4636	4772	5005	5233	5473	5703	5931	6285	6536
Correctional Lieutenant	09673	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112
Correctional Lieutenant	09673	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188
Corrections Clerk III	09773	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180
Corrections Clerk III	09773	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257
Corrections Food Service Supervisor III	09795	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Food Service Supervisor III	09795	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Identification Supervisor	09800	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Identification Supervisor	09800	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
Corrections Industry Supervisor	09807	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760
Corrections Industry Supervisor	09807	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836
Corrections Laundry Manager II	09809	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449
Corrections Laundry Manager II	09809	S	3757	3864	3970	4087	4275	4463	4645	4831	5018	5311	5523
<u>Corrections Leisure Activity</u>	<u>09814</u>	<u>Q</u>	<u>4307</u>	<u>4434</u>	<u>4566</u>	<u>4700</u>	<u>4930</u>	<u>5158</u>	<u>5400</u>	<u>5630</u>	<u>5860</u>	<u>6211</u>	<u>6459</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Specialist IV</u>														
<u>Corrections</u>														
<u>Leisure</u>														
<u>Activity</u>														
<u>Specialist IV</u>	<u>09814</u>	<u>S</u>	<u>4379</u>	<u>4502</u>	<u>4636</u>	<u>4772</u>	<u>5005</u>	<u>5233</u>	<u>5473</u>	<u>5703</u>	<u>5931</u>	<u>6285</u>	<u>6536</u>	
Corrections														
Maintenance														
Supervisor	09822	Q	3529	3628	3729	3835	4004	4183	4357	4530	4713	4981	5180	
Corrections														
Maintenance														
Supervisor	09822	S	3596	3694	3797	3903	4075	4253	4426	4601	4784	5055	5257	
Corrections														
Residence														
Counselor II	09838	Q	3688	3792	3901	4013	4202	4393	4574	4760	4949	5240	5449	
Corrections														
Supply														
Supervisor	09863	Q	3876	3986	4105	4224	4427	4630	4836	5032	5232	5538	5760	
Corrections														
Supply														
Supervisor	09863	S	3946	4059	4178	4298	4498	4702	4908	5104	5301	5611	5836	
Property and														
Supply Clerk														
III	34793	Q	2641	2702	2768	2834	2922	3009	3102	3187	3280	3430	3567	
Storekeeper III	43053	Q	3122	3204	3287	3372	3498	3634	3775	3907	4053	4279	4450	
Youth														
Supervisor														
IV	49914	Q	4081	4200	4325	4452	4675	4889	5116	5327	5549	5877	6112	
Youth														
Supervisor														
IV	49914	S	4152	4270	4395	4523	4743	4960	5187	5398	5619	5950	6188	

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Accountant	00130	RC-062	14
Accountant Advanced	00133	RC-062	16
Accountant Supervisor	00135	RC-062	18
Accounting and Fiscal Administration Career Trainee	00140	RC-062	12
Activity Therapist	00157	RC-062	15
Activity Therapist Coordinator	00160	RC-062	17
Actuarial Assistant	00187	RC-062	16
Actuarial Examiner	00195	RC-062	16
Actuarial Examiner Trainee	00196	RC-062	13
Actuarial Senior Examiner	00197	RC-062	19
Actuary I	00201	RC-062	20
Actuary II	00202	RC-062	24
Agricultural Market News Assistant	00804	RC-062	12
Agricultural Marketing Generalist	00805	RC-062	14
Agricultural Marketing Reporter	00807	RC-062	18
Agricultural Marketing Representative	00810	RC-062	18
Agriculture Land and Water Resource Specialist I	00831	RC-062	14
Agriculture Land and Water Resource Specialist II	00832	RC-062	17
Agriculture Land and Water Resource Specialist III	00833	RC-062	20
Aircraft Pilot I	00955	RC-062	19
Aircraft Pilot II	00956	RC-062	22
Aircraft Pilot II – Dual Rating	00957	RC-062	23
Appraisal Specialist I	01251	RC-062	14
Appraisal Specialist II	01252	RC-062	16
Appraisal Specialist III	01253	RC-062	18
Arts Council Associate	01523	RC-062	12
Arts Council Program Coordinator	01526	RC-062	18
Arts Council Program Representative	01527	RC-062	15
Assignment Coordinator	01530	RC-062	20
Bank Examiner I	04131	RC-062	16
Bank Examiner II	04132	RC-062	19
Bank Examiner III	04133	RC-062	22
Behavioral Analyst Associate	04355	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Behavioral Analyst I	04351	RC-062	17
Behavioral Analyst II	04352	RC-062	19
Business Administrative Specialist	05810	RC-062	16
Business Manager	05815	RC-062	18
Buyer	05900	RC-062	18
Capital Development Board Account Technician	06515	RC-062	11
Capital Development Board Art in Architecture Technician	06533	RC-062	12
Capital Development Board Construction Support Analyst	06520	RC-062	11
Capital Development Board Project Technician	06530	RC-062	12
Chemist I	06941	RC-062	16
Chemist II	06942	RC-062	19
Chemist III	06943	RC-062	21
Child Protection Advanced Specialist	07161	RC-062	19
Child Protection Associate Specialist	07162	RC-062	16
Child Protection Specialist	07163	RC-062	18
Child Welfare Associate Specialist	07216	RC-062	16
Child Welfare Staff Development Coordinator I	07201	RC-062	17
Child Welfare Staff Development Coordinator II	07202	RC-062	19
Child Welfare Staff Development Coordinator III	07203	RC-062	20
Child Welfare Staff Development Coordinator IV	07204	RC-062	22
Children and Family Service Intern – Option I	07241	RC-062	12
Children and Family Service Intern – Option II	07242	RC-062	15
Clinical Laboratory Technologist I	08220	RC-062	18
Clinical Laboratory Technologist II	08221	RC-062	19
Clinical Laboratory Technologist Trainee	08229	RC-062	14
Communications Systems Specialist	08860	RC-062	23
Community Management Specialist I	08891	RC-062	15
Community Management Specialist II	08892	RC-062	17
Community Management Specialist III	08893	RC-062	19
Community Planner I	08901	RC-062	15
Community Planner II	08902	RC-062	17
Community Planner III	08903	RC-062	19
Conservation Education Representative	09300	RC-062	12
Conservation Grant Administrator I	09311	RC-062	18
Conservation Grant Administrator II	09312	RC-062	20
Conservation Grant Administrator III	09313	RC-062	22
Construction Program Assistant	09525	RC-062	12
Correctional Counselor I	09661	RC-062	15
Correctional Counselor II	09662	RC-062	17

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Correctional Counselor III	09663	RC-062	19
Corrections Apprehension Specialist	09750	RC-062	19
Corrections Industries Marketing Representative	09803	RC-062	17
Corrections Leisure Activities Specialist I	09811	RC-062	15
Corrections Leisure Activities Specialist II	09812	RC-062	17
Corrections Leisure Activities Specialist III	09813	RC-062	19
Corrections Parole Agent	09842	RC-062	17
Corrections Senior Parole Agent	09844	RC-062	19
Criminal Intelligence Analyst I	10161	RC-062	18
Criminal Intelligence Analyst II	10162	RC-062	20
Criminal Intelligence Analyst Specialist	10165	RC-062	22
Criminal Justice Specialist I	10231	RC-062	16
Criminal Justice Specialist II	10232	RC-062	20
Criminal Justice Specialist Trainee	10236	RC-062	13
Curator of the Lincoln Collection	10750	RC-062	16
Day Care Licensing Representative I	11471	RC-062	16
Developmental Disabilities Council Program Planner I	12361	RC-062	12
Developmental Disabilities Council Program Planner II	12362	RC-062	16
Developmental Disabilities Council Program Planner III	12363	RC-062	18
Dietitian	12510	RC-062	15
Disability Appeals Officer	12530	RC-062	22
Disability Claims Adjudicator I	12537	RC-062	16
Disability Claims Adjudicator II	12538	RC-062	18
Disability Claims Adjudicator Trainee	12539	RC-062	13
Disability Claims Analyst	12540	RC-062	21
Disability Claims Specialist	12558	RC-062	19
Disaster Services Planner	12585	RC-062	19
Document Examiner	12640	RC-062	22
Economic Development Representative I	12931	RC-062	17
Economic Development Representative II	12932	RC-062	19
Educator – Provisional	13105	RC-062	12
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22
Forensic Scientist Trainee	15897	RC-062	15
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
<u>Human Resources Representative</u>	<u>19692</u>	<u>RC-062</u>	<u>17</u>
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17
Industrial and Community Development Representative II	21052	RC-062	19
Industrial Services Consultant I	21121	RC-062	14
Industrial Services Consultant II	21122	RC-062	16
Industrial Services Consultant Trainee	21125	RC-062	11
Industrial Services Hygienist	21127	RC-062	19
Industrial Services Hygienist Technician	21130	RC-062	16
Industrial Services Hygienist Trainee	21133	RC-062	12
Information Technology/Communication Systems Specialist I	21216	RC-062	19
Information Technology/Communication Systems Specialist II	21217	RC-062	24
Instrument Designer	21500	RC-062	18
Insurance Analyst III	21563	RC-062	14
Insurance Analyst IV	21564	RC-062	16
Insurance Company Claims Examiner II	21602	RC-062	19
Insurance Company Field Staff Examiner	21608	RC-062	16
Insurance Company Financial Examiner Trainee	21610	RC-062	13
Insurance Performance Examiner I	21671	RC-062	14
Insurance Performance Examiner II	21672	RC-062	17
Insurance Performance Examiner III	21673	RC-062	20
Intermittent Unemployment Insurance Representative	21689	RC-062	12H
Internal Auditor I	21721	RC-062	17
Labor Conciliator	22750	RC-062	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Laboratory Equipment Specialist	22990	RC-062	18
Laboratory Quality Specialist I	23021	RC-062	19
Laboratory Quality Specialist II	23022	RC-062	21
Laboratory Research Specialist I	23027	RC-062	19
Laboratory Research Specialist II	23028	RC-062	21
Land Acquisition Agent I	23091	RC-062	15
Land Acquisition Agent II	23092	RC-062	18
Land Acquisition Agent III	23093	RC-062	21
Land Reclamation Specialist I	23131	RC-062	14
Land Reclamation Specialist II	23132	RC-062	17
Liability Claims Adjuster I	23371	RC-062	14
Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15
Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician II	30962	RC-062	16
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Appeals Advisor	35750	RC-062	18
Public Aid Family Support Specialist I	35841	RC-062	17
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
Public Health Program Specialist Trainee	36615	RC-062	12
Public Information Coordinator	36750	RC-062	18
Public Information Officer I	37001	RC-062	12
Public Information Officer II	37002	RC-062	14
Public Information Officer III	37003	RC-062	19
Public Information Officer IV	37004	RC-062	21

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL, CA or NJ)	38369	RC-062	27
Revenue Audit Supervisor (CA or NJ)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL, CA or NJ)	38371	RC-062	19
Revenue Auditor I (CA or NJ)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL, CA or NJ)	38372	RC-062	22
Revenue Auditor II (CA or NJ)	38372	RC-062	24
Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL, CA or NJ)	38373	RC-062	24
Revenue Auditor III (CA or NJ)	38373	RC-062	26

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL, CA or NJ)	38375	RC-062	13
Revenue Auditor Trainee (CA or NJ)	38375	RC-062	15
Revenue Collection Officer I	38401	RC-062	15
Revenue Collection Officer II	38402	RC-062	17
Revenue Collection Officer III	38403	RC-062	19
Revenue Collection Officer Trainee	38405	RC-062	12
Revenue Computer Audit Specialist (IL)	38425	RC-062	23
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	38425	RC-062	25
Revenue Computer Audit Specialist (CA or NJ)	38425	RC-062	27
Revenue Senior Special Agent	38557	RC-062	23
Revenue Special Agent	38558	RC-062	19
Revenue Special Agent Trainee	38565	RC-062	14
Revenue Tax Specialist I	38571	RC-062	12
Revenue Tax Specialist II (IL)	38572	RC-062	14
Revenue Tax Specialist II (states other than IL, CA or NJ)	38572	RC-062	17
Revenue Tax Specialist II (CA or NJ)	38572	RC-062	19
Revenue Tax Specialist III	38573	RC-062	17
Revenue Tax Specialist Trainee	38575	RC-062	10
Site Assistant Superintendent I	41071	RC-062	15
Site Assistant Superintendent II	41072	RC-062	17
Site Interpretive Coordinator	41093	RC-062	13
Site Services Specialist I	41117	RC-062	15
Site Services Specialist II	41118	RC-062	17
Social Service Consultant I	41301	RC-062	18
Social Service Consultant II	41302	RC-062	19
Social Service Program Planner I	41311	RC-062	15
Social Service Program Planner II	41312	RC-062	17
Social Service Program Planner III	41313	RC-062	20
Social Service Program Planner IV	41314	RC-062	22
Social Services Career Trainee	41320	RC-062	12
Social Worker I	41411	RC-062	16
Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20
Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: For the Revenue Audit Supervisor, Revenue Auditor I, II and III and Revenue Auditor Trainee position classification titles only – The pay grade assigned to the employee is based on the location of the position and the residence held by the employee. In the same position classification, the employee holding a position and residence outside the boundaries of the State of Illinois is assigned to a different pay grade than the pay grade

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

Effective July 1, 2007
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	S T E P S										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	2480	2541	2604	2669	2751	2840	2927	3021	3111	3257	3387
09	Q	2580	2642	2708	2777	2862	2955	3046	3145	3239	3394	3530
09	S	2639	2704	2768	2835	2922	3015	3109	3208	3302	3459	3597
10	B	2561	2622	2688	2754	2855	2940	3037	3133	3230	3395	3531
10	Q	2663	2726	2794	2866	2969	3060	3163	3263	3365	3544	3686
10	S	2720	2787	2854	2925	3029	3122	3225	3325	3432	3611	3755
11	B	2651	2717	2787	2856	2953	3049	3158	3263	3364	3542	3684
11	Q	2758	2826	2897	2971	3077	3178	3291	3401	3509	3699	3847
11	S	2819	2887	2957	3030	3138	3238	3353	3465	3576	3764	3915
12	B	2755	2824	2895	2971	3080	3182	3300	3408	3534	3723	3872
12	Q	2868	2938	3013	3093	3207	3314	3441	3558	3687	3888	4044
12	S	2927	2998	3075	3153	3269	3377	3507	3625	3756	3958	4116

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

12H	B	16.95	17.38	17.82	18.28	18.95	19.58	20.31	20.97	21.75	22.91	23.83
12H	Q	17.65	18.08	18.54	19.03	19.74	20.39	21.18	21.90	22.69	23.93	24.89
12H	S	18.01	18.45	18.92	19.40	20.12	20.78	21.58	22.31	23.11	24.36	25.33
13	B	2856	2928	3003	3083	3196	3318	3442	3568	3702	3907	4063
13	Q	2971	3048	3127	3211	3329	3460	3595	3726	3863	4083	4246
13	S	3030	3110	3190	3272	3393	3526	3663	3792	3934	4153	4319
14	B	2973	3049	3132	3215	3337	3467	3618	3751	3893	4120	4285
14	Q	3095	3178	3262	3350	3479	3620	3778	3920	4070	4306	4478
14	S	3155	3238	3324	3414	3548	3686	3847	3988	4140	4374	4549
14H	B	18.30	18.76	19.27	19.78	20.54	21.34	22.26	23.08	23.96	25.35	26.37
14H	Q	19.05	19.56	20.07	20.62	21.41	22.28	23.25	24.12	25.05	26.50	27.56
14H	S	19.42	19.93	20.46	21.01	21.83	22.68	23.67	24.54	25.48	26.92	27.99
15	B	3087	3168	3254	3342	3490	3634	3776	3930	4076	4321	4494
15	Q	3216	3301	3392	3487	3641	3792	3945	4110	4260	4514	4695
15	S	3278	3362	3457	3552	3709	3858	4016	4178	4328	4585	4768
16	B	3224	3311	3401	3499	3655	3817	3976	4143	4307	4562	4744
16	Q	3358	3452	3550	3652	3817	3989	4156	4327	4501	4769	4960
16	S	3425	3520	3617	3721	3886	4060	4228	4397	4572	4835	5028
17	B	3367	3462	3562	3666	3835	4012	4182	4351	4528	4797	4989
17	Q	3513	3614	3719	3825	4009	4192	4368	4546	4731	5013	5214
17	S	3578	3681	3786	3894	4079	4264	4440	4616	4800	5085	5288
18	B	3539	3641	3746	3857	4044	4233	4425	4605	4790	5076	5279
18	Q	3695	3801	3914	4031	4230	4424	4626	4815	5006	5306	5518
18	S	3761	3867	3984	4098	4297	4494	4694	4884	5078	5374	5589
19	B	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	J	3724	3833	3946	4066	4273	4475	4683	4880	5083	5392	5608
19	Q	3889	4006	4126	4249	4466	4674	4896	5100	5314	5634	5859
19	S	3959	4077	4197	4320	4537	4746	4965	5171	5385	5704	5932

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20	B	3934	4052	4173	4296	4513	4723	4948	5163	5377	5703	5931
20	Q	4113	4235	4360	4490	4716	4938	5172	5394	5619	5962	6200
20	S	4180	4304	4430	4561	4785	5006	5241	5464	5688	6029	6270
21	B	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	U	4152	4278	4405	4536	4770	5000	5233	5472	5700	6055	6297
21	Q	4340	4471	4602	4741	4986	5223	5470	5719	5958	6328	6581
21	S	4409	4540	4672	4812	5053	5294	5540	5789	6026	6398	6654
22	B	4388	4521	4658	4796	5046	5292	5542	5799	6040	6416	6673
22	Q	4587	4725	4867	5011	5274	5533	5792	6059	6314	6704	6972
22	S	4657	4794	4937	5083	5341	5602	5859	6130	6385	6776	7047
23	B	4658	4796	4939	5086	5356	5631	5899	6171	6439	6843	7117
23	Q	4867	5011	5162	5319	5600	5887	6164	6449	6729	7150	7436
23	S	4937	5083	5233	5388	5668	5955	6234	6518	6797	7219	7508
24	B	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	J	4955	5104	5256	5414	5702	6001	6288	6579	6876	7307	7599
24	Q	5178	5332	5494	5660	5961	6271	6572	6874	7185	7637	7942
24	S	5248	5402	5563	5729	6028	6339	6641	6945	7256	7706	8014
25	B	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	J	5282	5439	5603	5771	6086	6408	6727	7047	7367	7840	8154
25	Q	5519	5685	5853	6029	6361	6694	7031	7366	7700	8193	8521
25	S	5592	5753	5927	6101	6431	6763	7099	7434	7767	8263	8594
26	B	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
26	U	5582	5748	5923	6158	6495	6839	7186	7521	7860	8367	8702
27	B	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	J	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
27	U	5900	6076	6259	6573	6931	7297	7668	8026	8386	8929	9286
29	U	6497	6691	6893	7239	7632	8035	8445	8838	9235	9832	10225

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Effective January 1, 2008**Bargaining Unit: RC-062**

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	2554	2617	2682	2749	2834	2925	3015	3112	3204	3355	3489
09	Q	2657	2721	2789	2860	2948	3044	3137	3239	3336	3496	3636
09	S	2718	2785	2851	2920	3010	3105	3202	3304	3401	3563	3705
10	B	2638	2701	2769	2837	2941	3028	3128	3227	3327	3497	3637
10	Q	2743	2808	2878	2952	3058	3152	3258	3361	3466	3650	3797
10	S	2802	2871	2940	3013	3120	3216	3322	3425	3535	3719	3868
11	B	2731	2799	2871	2942	3042	3140	3253	3361	3465	3648	3795
11	Q	2841	2911	2984	3060	3169	3273	3390	3503	3614	3810	3962
11	S	2904	2974	3046	3121	3232	3335	3454	3569	3683	3877	4032
12	B	2838	2909	2982	3060	3172	3277	3399	3510	3640	3835	3988
12	Q	2954	3026	3103	3186	3303	3413	3544	3665	3798	4005	4165
12	S	3015	3088	3167	3248	3367	3478	3612	3734	3869	4077	4239
12H	B	17.46	17.90	18.35	18.83	19.52	20.17	20.92	21.60	22.40	23.60	24.54
12H	Q	18.18	18.62	19.10	19.61	20.33	21.00	21.81	22.55	23.37	24.65	25.63
12H	S	18.55	19.00	19.49	19.99	20.72	21.40	22.23	22.98	23.81	25.09	26.09
13	B	2942	3016	3093	3175	3292	3418	3545	3675	3813	4024	4185
13	Q	3060	3139	3221	3307	3429	3564	3703	3838	3979	4205	4373
13	S	3121	3203	3286	3370	3495	3632	3773	3906	4052	4278	4449
14	B	3062	3140	3226	3311	3437	3571	3727	3864	4010	4244	4414
14	Q	3188	3273	3360	3451	3583	3729	3891	4038	4192	4435	4612
14	S	3250	3335	3424	3516	3654	3797	3962	4108	4264	4505	4685
14H	B	18.84	19.32	19.85	20.38	21.15	21.98	22.94	23.78	24.68	26.12	27.16
14H	Q	19.62	20.14	20.68	21.24	22.05	22.95	23.94	24.85	25.80	27.29	28.38
14H	S	20.00	20.52	21.07	21.64	22.49	23.37	24.38	25.28	26.24	27.72	28.83

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

15	B	3180	3263	3352	3442	3595	3743	3889	4048	4198	4451	4629
15	Q	3312	3400	3494	3592	3750	3906	4063	4233	4388	4649	4836
15	S	3376	3463	3561	3659	3820	3974	4136	4303	4458	4723	4911
16	B	3321	3410	3503	3604	3765	3932	4095	4267	4436	4699	4886
16	Q	3459	3556	3657	3762	3932	4109	4281	4457	4636	4912	5109
16	S	3528	3626	3726	3833	4003	4182	4355	4529	4709	4980	5179
17	B	3468	3566	3669	3776	3950	4132	4307	4482	4664	4941	5139
17	Q	3618	3722	3831	3940	4129	4318	4499	4682	4873	5163	5370
17	S	3685	3791	3900	4011	4201	4392	4573	4754	4944	5238	5447
18	B	3645	3750	3858	3973	4165	4360	4558	4743	4934	5228	5437
18	Q	3806	3915	4031	4152	4357	4557	4765	4959	5156	5465	5684
18	S	3874	3983	4104	4221	4426	4629	4835	5031	5230	5535	5757
19	B	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	J	3836	3948	4064	4188	4401	4609	4823	5026	5235	5554	5776
19	Q	4006	4126	4250	4376	4600	4814	5043	5253	5473	5803	6035
19	S	4078	4199	4323	4450	4673	4888	5114	5326	5547	5875	6110
20	B	4052	4174	4298	4425	4648	4865	5096	5318	5538	5874	6109
20	Q	4236	4362	4491	4625	4857	5086	5327	5556	5788	6141	6386
20	S	4305	4433	4563	4698	4929	5156	5398	5628	5859	6210	6458
21	B	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	U	4277	4406	4537	4672	4913	5150	5390	5636	5871	6237	6486
21	Q	4470	4605	4740	4883	5136	5380	5634	5891	6137	6518	6778
21	S	4541	4676	4812	4956	5205	5453	5706	5963	6207	6590	6854
22	B	4520	4657	4798	4940	5197	5451	5708	5973	6221	6608	6873
22	Q	4725	4867	5013	5161	5432	5699	5966	6241	6503	6905	7181
22	S	4797	4938	5085	5235	5501	5770	6035	6314	6577	6979	7258
23	B	4798	4940	5087	5239	5517	5800	6076	6356	6632	7048	7331
23	Q	5013	5161	5317	5479	5768	6064	6349	6642	6931	7365	7659

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23	S	5085	5235	5390	5550	5838	6134	6421	6714	7001	7436	7733
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	J	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	J	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
26	U	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963
27	B	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	J	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
27	U	6077	6258	6447	6770	7139	7516	7898	8267	8638	9197	9565
29	U	6692	6892	7100	7456	7861	8276	8698	9103	9512	10127	10532

(Source: Peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Medical Assistance Program
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.328 Peremptory Action: New Section
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute, Which Requires this Peremptory Rulemaking: This rulemaking is promulgated to conform with the April 15, 2008, Memorandum Opinion and Order issued by the Circuit Court of Cook County, Chancery Division in the case of *Caro v. Blagojevich*, Case No. 07 CH 34353.
- 5) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 6) Effective Date: April 21, 2008
- 7) Complete Description of the Subjects and Issues Involved: This peremptory rulemaking affects eligibility for medical assistance for programs implemented pursuant to Section 5/2-2(b) of the Illinois Public Aid Code. In accordance with the Court Order, this peremptory rulemaking supplements eligibility standards for medical assistance by requiring compliance with various employment and work activity requirements.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: April 21, 2008
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This rulemaking is in compliance with Section 5-50 of the Illinois Administrative Procedures Act.
- 12) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.32	Amendment	31 Ill. Reg. 15424; November 26, 2007
120.33	Amendment	31 Ill. Reg. 15424; November 26, 2007
120.60	Amendment	31 Ill. Reg. 16629; December 21, 2007
120.384	Amendment	31 Ill. Reg. 16629; December 21, 2007

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

120.381	Amendment	32 Ill. Reg. 1530; February 8, 2008
120.510	Amendment	32 Ill. Reg. 1530; February 8, 2008

- 13) Statement of Statewide Policy Objectives: This rulemaking does not create or expand State mandate.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

The full text of this Preemptory Amendment begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance With Employment and Work Activity Requirements
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
- 120.395 Payment Levels for MANG (Repealed)
- 120.399 Redetermination of Eligibility
- 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
 - 120.510 Health Benefits for Workers with Disabilities
 - 120.520 SeniorCare (Repealed)
 - 120.530 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
 - 120.540 Illinois Healthy Women Program
 - 120.550 Asylum Applicants and Torture Victims
-
- 120.TABLE A Value of a Life Estate and Remainder Interest
 - 120.TABLE B Life Expectancy

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

SOURCE: Filed effective December 30, 1977; preemptory 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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; 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; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.328 Compliance With Employment and Work Activity Requirements

So long as required by either the April 15, 2008 Memorandum Opinion and Order issued by the Circuit Court of Cook County, Chancery Division in the case of Caro v. Blogojevich, Case No. 07 CH 34353 or other applicable authority, to be eligible for medical assistance for any program implemented pursuant to Section 5-2(2)(b) of the Illinois Public Aid Code, an individual must comply with the requirements set forth in Sections 4-1.8 through 4-1.10 [305 ILCS 5/4-1.8 through 305 ILCS 5/4-1.10] of the Illinois Public Aid Code, published by West Group, 610 Opperman Drive, Eagan, Minnesota, 55123, as of 2008, not including any subsequent amendments or editions.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PEREMPTORY AMENDMENT

(Source: Added by peremptory rulemaking at 32 Ill. Reg. 7212, effective April 21, 2008)

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 April 15, 2008 through April 21, 2008 and have been scheduled for review by the Committee at its May 20, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
5/28/08	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	2/22/08 32 Ill. Reg. 2687	5/20/08
5/29/08	<u>Department of Transportation</u> , Parts and Accessories Necessary for Safe Operations (92 Ill. Adm. Code 393)	2/15/08 32 Ill. Reg. 2535	5/20/08
5/31/08	<u>State Fire Marshal</u> , Fire Truck Revolving Loan Program (41 Ill. Adm. Code 290)	2/22/08 32 Ill. Reg. 2722	5/20/08
5/31/08	<u>State Fire Marshal</u> , Ambulance Revolving Loan Program (41 Ill. Adm. Code 292)	2/22/08 32 Ill. Reg. 2727	5/20/08
5/31/08	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	2/22/08 32 Ill. Reg. 2662	5/20/08
5/31/08	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	2/22/08 32 Ill. Reg. 2699	5/20/08
6/1/08	<u>State Board of Education</u> , The "Grow Your Own" Teacher Education Initiative (23 Ill. Adm. Code 60)	2/8/08 32 Ill. Reg. 1777	5/20/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/1/08	<u>State Board of Education</u> , School Technology Program (23 Ill. Adm. Code 575)	2/8/08 32 Ill. Reg. 1789	5/20/08
6/4/08	<u>Department of Commerce and Economic Opportunity</u> , Economic Development for a Growing Economy Program (EDGE) (14 Ill. Adm. Code 527)	2/29/08 32 Ill. Reg. 2865	5/20/08
6/4/08	<u>Department of Commerce and Economic Opportunity</u> , Illinois Small Business Development Program (14 Ill. Adm. Code 570)	2/29/08 32 Ill. Reg. 2874	5/20/08
6/4/08	<u>Department of Healthcare and Family Services</u> , Hospital Services (89 Ill. Adm. Code 148)	1/11/08 32 Ill. Reg 303	5/20/08
6/4/08	<u>Department of Healthcare and Family Services</u> , Hospital Reimbursement Changes (89 Ill. Adm. Code 152)	1/11/08 32 Ill. Reg. 305	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , General Provisions (23 Ill. Adm. Code 2700)	2/8/08 32 Ill. Reg. 1794	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , Federal Family Education Loan Program (FFELP) (23 Ill. Adm. Code 2720)	2/8/08 32 Ill. Reg. 1815	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)	2/8/08 32 Ill. Reg. 1830	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	2/8/08 32 Ill. Reg. 1838	5/20/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/4/08	<u>Illinois Student Assistance Commission</u> , Higher Education License Plate (HELP) Grant Program (23 Ill. Adm. Code 2737)	2/8/08 32 Ill. Reg. 1845	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , State Scholar Program (23 Ill. Adm. Code 2760)	2/8/08 32 Ill. Reg. 1850	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)	2/8/08 32 Ill. Reg. 1858	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill. Adm. Code 2771)	2/8/08 32 Ill. Reg. 1866	5/20/08
6/4/08	<u>Illinois Student Assistance Commission</u> , Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)	2/8/08 32 Ill. Reg. 1873	5/20/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

- 1) Heading of Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Action:
120.32 Objection/Prohibition
120.33 Objection/Prohibition
- 4) Notice of Proposal published in Illinois Register: November 26, 2007; 31 Ill. Reg. 15424
- 5) Date JCAR issued Statement of Objection and Prohibition: February 26, 2008
- 6) Summary of Action taken by the Agency: HFS maintains that it has statutory authority under 305 ILCS 5/5-2(2)(b) and has sufficient resources to pay for the expansion within its FY08 budget and refused to modify or withdraw the rulemaking.
- 7) JCAR Action: At its meeting on February 26, 2008, JCAR objected to and prohibited filing of the rulemaking because it expanded medical assistance to persons other than those formerly receiving medical coverage under a federal SCHIP waiver for caretaker relatives of children covered by SCHIP. As the budgetary impact on the State was likely to be significant, an expansion of that magnitude should not be initiated without a specific legislative determination that adequate financial resources are available. The General Assembly neither included expanded FamilyCare in the FY08 budget, nor passed specific statutory authority for such an expansion, and noted that entering into an expansion without the assurance of available funding and specific statutory authority was not in the public interest. At its meeting on April 15, 2008, JCAR voted to publish a Notice of Failure to Remedy because the Department's response does not remedy JCAR's Objection.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill Adm. Code 148
- 3) Section Number: 148.130 Proposed Action:
Accept the Objection
- 4) Date Originally Published in the Illinois Register: January 11, 2008; 32 Ill. Reg. 518
- 5) JCAR Statement of Objection Published in the Illinois Register: February 29, 2008; 32 Ill. Reg. 3116
- 6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules considered the above-cited emergency rulemaking and issued an objection to the Department of Healthcare and Family Services' rulemaking titled Hospital Services (89 Ill. Adm. Code 148) that was published on January 11, 2008 at 32 Ill. Reg. 518. JCAR objected because the Department filed an improper public notice. Fiscal impacts presented in the notice and the emergency rule are inconsistent.

The objection raised by the JCAR related to the public notices published during the week of Nov. 26-30, 2007, has been researched, and the Department offers the following response:

It is noted that the notices published in compliance with 42 CFR 447.205 did in fact contain the FY2008 fiscal impact of \$2M when the statute requires that an annual amount be published. The Department subsequently published a similar notice in the *Illinois Register* (January 11, 2008) that stated the full annual impact of the rule.

As such, the Department believes the publication in the *Illinois Register* acts as a correction and that the Department has met the standards required by 42 CFR 447.205.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill Adm. Code 152
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
152.150	Accepts the Objection
152.200	Accepts the Objection
- 4) Date Originally Published in the Illinois Register: January 11, 2008; 32 Ill. Reg. 529
- 5) JCAR Statement of Objection Published in the Illinois Register: February 29, 2008; 32 Ill. Reg. 3117
- 6) Summary of Action Taken by the Agency: The Joint Committee on Administrative Rules considered the above-cited emergency rulemaking and issued an objection to the Department of Healthcare and Family Services' rulemaking titled Hospital Reimbursement Changes (89 Ill. Adm. Code 152) that was published on January 11, 2008 at 32 Ill. Reg. 529. JCAR objected because the Department filed an improper public notice. Fiscal impacts presented in the notice and the emergency rules are inconsistent.

The Objection issued by the members of JCAR related to the public notices published during the week of Nov. 26-30, 2007, has been researched, and the Department offers the following response:

It is noted that the notices published in compliance with *42 CFR 447.205* did in fact contain the FY2008 fiscal impact of \$10M when the statute requires that an annual amount be published. The Department subsequently published a similar notice in the *Illinois Register* (January 11, 2008) that stated the full annual impact of the rule.

As such, the Department believes the publication in the *Illinois Register* acts as a correction and that the Department has met the standards required by *42 CFR 447.205*.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
211. 1740	New
211. 1920	Amend
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: June 8, 2007;
31 Ill. Reg. 7683
- 5) Reason for the Withdrawal: The Board on January 10, 2008, granted the Illinois Environmental Protection Agency's motion to proceed in this docket Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19) with an amended proposal. Because the Board is holding hearings in this docket on language that is substantively different from the language it proposed for first notice in June 2007, the Board is withdrawing the amendments currently at first notice and will proceed with its consideration of the amended proposal.

POLLUTION CONTROL BOARD

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
217.386	New
217.388	New
217.390	New
217.392	New
217.394	New
217.396	New
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: June 8, 2007;
31 Ill. Reg. 7702
- 5) Reason for the Withdrawal: The Board on January 10, 2008, granted the Illinois Environmental Protection Agency's motion to proceed in this docket Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19) with an amended proposal. Because the Board is holding hearings in this docket on language that is substantively different from the language it proposed for first notice in June 2007, the Board is withdrawing the amendments currently at first notice and will proceed with its consideration of the amended proposal.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the First Quarter of 2008. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications – Interest	Composite Returns
Alternative Apportionment	Credits – Education Expense
Apportionment – Other Rulings	Interest Income
Bingo, Pull Tabs And Charitable Games	Residency/Nonresidency
Combined Unitary Return	Voluntary Disclosure
Compensation	

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ADDITION MODIFICATIONS – INTEREST

IT 08-0003-GIL 01/15/2008 Exempt interest of a minor child reported by the parent on federal Form 8814 must be added to the adjusted gross income of the parent.

ALTERNATIVE APPORTIONMENT

IT 08-0005-GIL 01/29/2008 Petition for alternative apportionment was not granted because petitioner appeared to have misunderstood the statutory method for apportioning income flowed through from a partnership.

IT 08-0009-GIL 03/18/2008 A petition for permission to use an alternative apportionment method cannot be granted based on an assertion of distortion that is not supported by any evidence.

APPORTIONMENT – OTHER RULINGS

IT 08-0002-GIL 01/09/2008 Explanation of basic apportionment factor for mining companies.

BINGO, PULL TABS AND CHARITABLE GAMES

IT 08-0001-GIL 01/07/2008 Definition of “bingo equipment” under current law.

COMBINED UNITARY RETURN

IT 08-0006-GIL 02/19/2008 Partnerships may not join in the filing of a combined return.

COMPENSATION

IT 08-0011-GIL 03/21/2008 Under the reciprocal agreement between Illinois and Iowa,

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

a resident of Iowa is not subject to tax on employee compensation earned in Illinois, including taxable fringe benefits and reimbursements of employee expenses treated as wages for federal income tax purposes.

COMPOSITE RETURNS

IT 08-0007-GIL 03/03/2008 Nonresident individuals are not required to seek prior permission from the Department to join in a composite return unless they have Illinois-sourced income that will not be reported on a composite return and that will require them to file their own Illinois returns.

CREDITS – EDUCATION EXPENSE

IT 08-0010-GIL 03/21/2008 The education expense credit is not allowed for expenses incurred at a school located in Iowa.

INTEREST INCOME

IT 08-0008-GIL 03/12/2008 Explanation of Illinois income tax treatment of federally tax-exempt bond interest.

RESIDENCY/NONRESIDENCY

IT 08-0004-GIL 01/23/2008 A trust that became irrevocable while the grantor was an Illinois resident is itself an Illinois resident subject to tax on its income regardless of geographic source.

VOLUNTARY DISCLOSURE

IT 08-0012-GIL 03/24/2008 Voluntary disclosure of a liability by a qualifying taxpayer is grounds for a shortened statute of limitations for assessment of tax under UPIA Section 3-10(c).

PROCLAMATIONS

2008-152
Mine Safety Day

WHEREAS, over 50 percent of all electricity used in the United States comes from coal, and Illinois' coal supply is among the most abundant on the planet. Currently, Illinois coal companies produce 33 million tons of coal annually; and

WHEREAS, since the beginning of this administration, Illinois has invested \$101.7 million in coal development projects, including more than \$68 million in grants to Illinois coal operators who upgrade their facilities to make their product more competitive, as well as more than \$21 million for advanced research through the Illinois Clean Coal Institute. Additionally, in 2003 I signed a law adding \$300 million in revenue bonds to the Coal Revival Program, which provides tax and financing incentives to large clean coal fueled projects; and

WHEREAS, with the coal industry being an integral part of our State's economy and workforce, we must constantly remind ourselves of the dangers of mining, and the need to take every necessary precaution to ensure the safety of all mine workers. Unfortunately, tragic accidents do sometimes occur, such as the Virginia mine disaster that killed 12 miners in January 2006; and

WHEREAS, following this tragedy, I signed critical mine safety legislation into law, providing Illinois miners and rescuers additional safety measures in the event of an emergency; and

WHEREAS, April 15 of this year marks the fifth consecutive year Illinois coal mines have gone without a fatality – a feat never before achieved in this State. This impressive milestone is a testament to the success of recent increases in safety measures, and greater awareness and caution among mine workers; and

WHEREAS, the State of Illinois salutes the Department of Natural Resources for all their hard work in contributing to the safety of miners over the past five years, and all the miners themselves for their attention to critical safety measures and precautions:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 15, 2008 as **MINE SAFETY DAY** in Illinois in recognition of five consecutive years of safe and fatality-free mining in this state.

Issued by the Governor April 14, 2008

Filed by the Secretary of State April 18, 2008

PROCLAMATIONS

2008-153**Pfc. Shane Penley**

WHEREAS, on Sunday, April 6, Army Pfc. Shane Penley from Sauk Village, Illinois was killed at age 19 while on guard duty at a patrol base in Iraq; and

WHEREAS, Pfc. Penley volunteered for the Army after graduating from Bloom Trail High School in 2007 and was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division at Fort Campbell, Kentucky, where he arrived in October after entering the Army about four months earlier; and

WHEREAS, Pfc. Penley was a member of First Baptist Church in Hammond, Indiana and had dreams of becoming a police officer after his military services; and

WHEREAS, a funeral will be held on Thursday, April 17 for Pfc. Penley, who is survived by his mother and father, Dena and David Penley:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on April 15, 2008 until sunset on April 17, 2008 in honor and remembrance of Pfc. Penley, whose selfless service and sacrifice is an inspiration.

Issued by the Governor April 14, 2008

Filed by the Secretary of State April 18, 2008

2008-154**Teen Appreciation Week**

WHEREAS, teenagers in this state and across the country play a variety of important roles in families and communities; and

WHEREAS, throughout the teenage years, a person undergoes transitional stages in human development between childhood and adulthood; and

WHEREAS, during these transitions, teenagers need and deserve the community's understanding, guidance, and support; and

WHEREAS, the creativity, energy, and passion of adolescents often help to refresh our culture and constructively challenge our ideas in a way that benefits our society; and

PROCLAMATIONS

WHEREAS, negative publicity about teenagers often overshadows community awareness of their overwhelming accomplishments and positive contributions to the life of our community and society:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 10 – 16, 2008 as **TEEN APPRECIATION WEEK** in Illinois, and encourage all citizens to join in recognizing the great impact teenagers have on our communities.

Issued by the Governor April 15, 2008

Filed by the Secretary of State April 18, 2008

2008-155**National Parent Care Day**

WHEREAS, millions of Americans are ill prepared to address their own, or a loved one's, challenges with aging. Not only is addressing the challenges a problem for many people, but simply having the necessary conversations with those they love is often too difficult; and

WHEREAS, in order to give children and caregivers a national day to honor their parents as well as parents everywhere, Dan Taylor, author of "The Parent Care Solution," established National Parent Care Day on May 22, 2007; and

WHEREAS, "The Parent Care Solution" is a program that coaches people and financial advisors on how to address the issues and challenges facing aging Americans and their families; and

WHEREAS, this day will give children of all ages an opportunity to honor their parents and begin the process of open communication regarding parent care issues and challenges:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 22, 2008 as **NATIONAL PARENT CARE DAY** in Illinois, and encourage all citizens to have the necessary conversations with parents about their wishes and desires as they grow older.

Issued by the Governor April 15, 2008

Filed by the Secretary of State April 18, 2008

2008-156**Tay-Sachs Awareness Month**

PROCLAMATIONS

WHEREAS, Tay-Sachs disease is a rare, inherited disorder, first identified by British ophthalmologist Warren Tay in 1881 and American neurologist Bernard Sachs in 1887, that causes progressive destruction of nerve cells in the brain and spinal cord due to insufficient activity of an enzyme called beta-hexosaminidase A; and

WHEREAS, the degenerative nature of the disease often remains hidden at first, but by the time symptoms appear, significant damage has already occurred. There is currently no treatment or cure for Tay Sachs disease, and the disease is always fatal in children; and

WHEREAS, Tay-Sachs often affects families with no prior history. Although relatively uncommon, approximately one in 27 Ashkenazi Jews, one in 50 Irish Americans and one in every 250 people overall are carriers of the disorder. If both parents are carriers, there is a 25 percent chance that their child will have Tay-Sachs disease; and

WHEREAS, a simple blood test can determine if one is a Tay-Sachs carrier, but one has to ask for it, and many people have never heard of the disease; and

WHEREAS, in order to raise much-needed funding for research, the Cure Tay-Sachs Foundation, which is dedicated to developing a treatment and cure, will hold their 3rd Annual Tay-Sachs Awareness Event at Blue Sky Winery in Makanda, Illinois on May 3:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **TAY-SACHS AWARENESS MONTH** in Illinois to raise awareness of Tay-Sachs, and in support of the Cure Tay-Sachs Foundation and their valuable work.

Issued by the Governor April 16, 2008

Filed by the Secretary of State April 18, 2008

2008-157**100 Hours of Power Week**

WHEREAS, City Year is an organization founded on the belief that young people can change the world, and they envision a day when a year of service will become an opportunity for and common expectation of every young person; and

WHEREAS, City Year supports this vision in four primary ways: a full-time Youth Service Corps, leading discussion and development of national service policies and

PROCLAMATIONS

initiatives, expanding service opportunities around the world, and inspiring citizen service through high-impact community events; and

WHEREAS, in the spirit of the latter goal, City Year's co-founder, Michael Brown, issued a bold challenge in 2005 to the entire organization to demonstrate their power and commitment by performing 100 hours of consecutive community service; and

WHEREAS, this year, nearly 100 City Year Chicago corps and staff members will come together to perform 100 hours of consecutive community service, showing, in the memory of Dr. Martin Luther King, Jr., that "everybody can be great, because anybody can serve"; and

WHEREAS, through this event, Corps members will strive to deepen their impact with the youth they serve everyday and will volunteer into the late hours of the night and early hours of the morning; and

WHEREAS, serving in four neighborhoods across the City of Chicago, City Year Chicago will work to raise awareness of national service and volunteerism; and

WHEREAS, City Year Chicago will demonstrate how service can be leveraged to create change not only in Chicago, but in every community across the state and throughout the nation; and

WHEREAS, at 10:00 a.m. on April 29, City Year Chicago will kick off the 3rd Annual 100 Hours of Power community service event at Daley Plaza in downtown Chicago:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 28 – May 3, 2008 as **100 HOURS OF POWER WEEK** in Illinois in recognition and support of City Year Chicago and all their corps members for generously and selflessly giving of themselves to help our communities.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-158**Illinois Equal Pay Day**

WHEREAS, more than 40 years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of inequitable pay differentials; and

PROCLAMATIONS

WHEREAS, according to statistics released in 2005 by the U.S. Census Bureau, year-round, full-time working women in 2006 earned only 77 percent of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

WHEREAS, according to a January 2002 report released by the General Accounting Office (the investigative arm of Congress), women managers in 7 of 10 industries surveyed actually lost ground in closing the wage gap between 1995 and 2000; and

WHEREAS, over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million in lost wages, impacting Social Security benefits and pensions; and

WHEREAS, equal pay for equal work strengthens the security of families today and eases future retirement costs, while enhancing Illinois' economy; and

WHEREAS, Tuesday, April 22 symbolizes the time in the new year in which wages paid to American women catch up to wages paid to men from the previous year; and

WHEREAS, in 2003, I signed into law the Illinois Equal Pay Act, which prohibits employers in this state with four or more employees from paying unequal wages to men and women for doing the same or substantially similar work. This new law allowed an additional 333,000 Illinois workers to enjoy protections from gender-based discrimination in pay; and

WHEREAS, earlier this year, the State of Illinois won its first court victory in the Circuit Court of Cook County under the Illinois Equal Pay Act which resulted in the payment of thousands of dollars to a female employee owed back wages:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 22, 2008 as **ILLINOIS EQUAL PAY DAY**, in recognition of the value of women's skills and contributions to the labor force, and I call on all employers to provide equal pay for equal work, both as a matter of fairness and as a matter of good business.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-159

Black Barbershop Health Outreach Day

PROCLAMATIONS

WHEREAS, diabetes has reached epidemic proportions in the United States. In Illinois alone, more than 778,000 adults have diagnosed diabetes. Over 400,000 are male, and 266,000 are Non-Hispanic Blacks. An additional 260,000 adults may have undiagnosed diabetes, and approximately 3 million Illinois residents are at risk for developing type 2 diabetes due to increasing obesity and sedentary lifestyle; and

WHEREAS, type 2 diabetes can be prevented in those at high risk by changes in lifestyle with improved diet, increased physical activity, and modest weight loss; and

WHEREAS, diabetes is a chronic, debilitating and costly disease associated with severe complications posing severe risks and loss for our families. These complications may be delayed, prevented or decreased in severity through goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, strengthening public-health and the healthcare delivery system is critical to reducing the burden of diabetes, as well as improving access to medical care and education; and

WHEREAS, increasing community awareness of risk factors associated with the development of type 2 diabetes and symptoms of uncontrolled diabetes will increase the likelihood that individuals will seek and receive treatment and education before developing the disease or serious complications; and

WHEREAS, on May 10, the Illinois Diabetes Prevention & Control Program and the Illinois Diabetes Commission will sponsor a Black Barbershop Health Outreach Day to screen At-Risk African American men for diabetes and hypertension, at black-owned barbershops, which represent a cultural institution that regularly attracts large numbers of black men and provides an environment of trust, as well as an avenue to disseminate health education information:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 10, 2008 as **BLACK BARBERSHOP HEALTH OUTREACH DAY** in Illinois in support of this creative initiative to reach out to the community and raise awareness, and I encourage everyone who has a family history of diabetes to see a doctor or healthcare provider for more information.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

PROCLAMATIONS

2008-160**Childhood Drowning Prevention Month**

WHEREAS, drowning is the leading cause of accidental death for children ages 1-4, as well as the second leading cause of death for children under the age of 14; and

WHEREAS, childhood drowning can occur in pools, bathtubs, hot tubs, decorative garden ponds and even buckets that contain as little as 2 inches of water; and

WHEREAS, the state's annual "Get Water Wise...SUPERVISE!" campaign came about as a recommendation from the Illinois Child Death Review Team, after it determined that all childhood drowning deaths were preventable if proper adult supervision was provided; and

WHEREAS, the "Get Water Wise...SUPERVISE!" campaign is a collaborative effort of the Illinois Department of Children and Family Services (DCFS), Prevent Child Abuse Illinois (PCA Illinois), the American Red Cross Illinois Capital Area Chapter, the Illinois Chapter of the American Academy of Pediatrics, the Illinois Department of Human Services (DHS), and the Illinois Department of Public Health (DPH) to remind the public to help prevent child drowning tragedies by providing adult supervision when children are in or near water; and

WHEREAS, it is important to recognize that constant adult supervision is needed when children are in or near water:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **CHILDHOOD DROWNING PREVENTION MONTH** in Illinois.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-161**Sierra Leone Independence Day**

WHEREAS, Sierra Leone is a former British colony on the west coast of Africa. It is slightly smaller than South Carolina and has a population of approximately 5.9 million; and

WHEREAS, in 1787, Britain helped 400 freed slaves from the United States, Nova Scotia, and Britain return to Sierra Leone to settle in what they called the "Province of

PROCLAMATIONS

Freedom." The settlement was joined by other groups of freed slaves and soon became known as Freetown. Freetown became one of Britain's first colonies in West Africa in 1792; and

WHEREAS, Sierra Leone gained independence on April 27, 1961, and has a parliamentary system within the British Commonwealth; and

WHEREAS, following successive military governments and a one-party dictatorship, a bloody civil war erupted in 1991. For more than a decade, Sierra Leoneans witnessed a massive internal displacement of nearly a million people; and

WHEREAS, the Sierra Leone Community Association of Chicago plays a vital role in assisting new refugee families overcome the initial hurdles in the way of full integration; and

WHEREAS, some Sierra Leonean refugees resettled in various parts of the United States, including Illinois. Their presence affirms the State's historic commitment to remain an enduring beacon of hope for refugees and immigrants from all over the world:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 27, 2008 as **SIERRA LEONE INDEPENDENCE DAY** in Illinois in recognition of the country's 47th Anniversary of Independence, and in tribute to all the Sierra Leonean-Americans who call Illinois their home.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-162**National Association of Insurance Women Week**

WHEREAS, insurance professionals work in every facet of the industry – as agents for both property and casualty and/or life & health, brokers, adjusters, underwriters, claims professionals, risk managers, financial advisors, attorneys, certified public accountants, and information technology professionals; and

WHEREAS, they are increasingly effective locally and Statewide in promoting public awareness of important issues such as automobile safety and drunk driving; and

WHEREAS, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

PROCLAMATIONS

WHEREAS, founded in 1940, the National Association of Insurance Women, International (NAIW), serves its members by providing professional education, an environment in which to build business alliances and the opportunity to make connections with people of differing career paths and levels of experience within the insurance industry; and

WHEREAS, these insurance professionals have earned this recognition for their outstanding accomplishments in the economically vital insurance industry; and

WHEREAS, every year in May the United States Chamber of Commerce recognizes National Association of Insurance Women Week:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 18–24, 2008 as **NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK** in Illinois in recognition of the important contributions of the NAIW and the insurance industry as a whole.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-163**Careers in Construction Week**

WHEREAS, National Careers in Construction Week is an annual week designated to increase public awareness and appreciation of the construction craft professional and the entire construction workforce; and

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

WHEREAS, the construction industry is one of our nation's largest industries, employing 8.5 million individuals in the U.S. alone and the number of wage and salary jobs in the construction industry is expected to grow about 11 percent through the year 2014; and

WHEREAS, the construction industry must fill 240,000 jobs each year just to meet the growing workforce demand; and

WHEREAS, we are pleased to honor the construction craft professional and the critical role they play in the development of our state; and

PROCLAMATIONS

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

WHEREAS, the National Center for Construction Education and Research is supported by 32 national associations and their state chapters, representing more than 150,000 contractor employers; and

WHEREAS, through this unprecedented partnership, the construction industry is leading the way in providing young people career opportunities while increasing the quality of the future workforce:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 13 – 17, 2008 as **CAREERS IN CONSTRUCTION WEEK** in Illinois.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-164**Records and Information Management Month**

WHEREAS, the management of records and information is critical to every business, organization and government agency in facing the complexities of competition, customer service and globalization; and

WHEREAS, technologies for storing information are expanding the amounts of information that can be acquired, with increased longevity; and

WHEREAS, the need to use information to create value and plan strategically is a driving force in today's world; and

WHEREAS, control of records and information is necessary for reduction of risk and liability as well as for compliance with global standards; and

WHEREAS, Records and Information Management Month will be celebrated internationally for the entire month of April to promote the profession and to emphasize the impact that records and information management has on global business; and

WHEREAS, what initially started as a one-day observance in 1995 has since expanded to a full month, and now extends far beyond the U.S. borders, providing opportunities for

PROCLAMATIONS

records and information managers around the world to celebrate and promote the profession:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2008 as **RECORDS AND INFORMATION MANAGEMENT MONTH** in Illinois in recognition of the important services performed by records and information professionals.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-165**Say It Out Loud Month**

WHEREAS, mental health is vital to the health and wellbeing of every Illinoisan and adult, youth and child; and

WHEREAS, at any one time, 700,000 Illinoisans including children are coping with a diagnosable mental health challenge notwithstanding the availability of effective treatment options leading to resilience and recovery; and

WHEREAS, promoting good mental health in ourselves and our children is a critical investment in our overall health and well-being and begins by talking with trusted family members, friends, clergy, doctors, teachers and others who serve in the helping professions regarding the best ways to build resilience and our children's continuing social and emotional development; and

WHEREAS, my administration remains steadfast in its commitment to providing the best possible opportunities and resources for all Illinoisans to live healthy, alert and vigorous lives both mentally and physically:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **SAY IT OUT LOUD MONTH** in Illinois.

Issued by the Governor April 17, 2008

Filed by the Secretary of State April 18, 2008

2008-166**Rett Syndrome Awareness Week**

WHEREAS, Rett Syndrome (RTT) is a debilitating neurological disorder diagnosed almost exclusively in females; and

PROCLAMATIONS

WHEREAS, RTT was originally described by Dr. Andreas Rett of Austria in 1966; and

WHEREAS, RTT affects approximately 1 in 10,000 females; and

WHEREAS, RTT is caused by mutations in the gene MECP2, located on the X chromosome; and

WHEREAS, in Midlothian, Illinois, on the third Saturday in May, families will walk in support of and to raise funds for the International Rett Syndrome Foundation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 11-18, 2008 as **RETT SYNDROME AWARENESS WEEK** in Illinois to raise awareness of this disorder, to recognize the families affected by RTT, and in support of the important work of the International Rett Syndrome Foundation.

Issued by the Governor April 18, 2008

Filed by the Secretary of State April 18, 2008

2008-167**Exercise is Medicine Month**

WHEREAS, May of this year will mark the first celebration of National Exercise is Medicine Month, a collaboration between the American College of Sports Medicine (ACSM) and the American Medical Association (AMA), designed to encourage citizens to incorporate physical activity and exercise into their daily routine; and

WHEREAS, physical activity and exercise may help to treat or prevent numerous chronic conditions, such as hypertension, cardiac disease and diabetes; and

WHEREAS, regular, moderate-intensity exercise has curative and protective health benefits; and

WHEREAS, the health benefits of appropriate physical activity and exercise can help to improve the quality of life for all people, regardless of age; and

WHEREAS, when followed in cooperation with one's physician or other healthcare provider, a regular regimen of physical activity and exercise has great potential to improve the health of all Illinoisans:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as **EXERCISE IS MEDICINE MONTH** in Illinois, and encourage all citizens to participate in activities and observances planned during this time in the interests of better health and quality of life for all.

Issued by the Governor April 18, 2008

Filed by the Secretary of State April 18, 2008

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 18 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.

PROPOSED RULES

89 - 430	.....	6962
14 - 510	.....	6966
56 - 2720	.....	6999
56 - 2830	.....	7005
77 - 597	.....	7013
11 - 311	.....	7027
11 - 320	.....	7032
86 - 100	.....	7036
23 - 100	.....	7051
35 - 211	.....	7230
35 - 217	.....	7231

ADOPTED RULES

89 - 431	05/01/2008.....	7088
2 - 1620	07/01/2008.....	7099
68 - 1330	04/16/2008.....	7116
86 - 500	04/21/2008.....	7134
23 - 375	04/17/2008.....	7143

PEREMPTORY RULES

80 - 310	04/17/2008.....	7154
89 - 120	04/21/2008.....	7212

NOTICE OF FAILURE TO REMEDY JCAR OBJECTIONS

89 - 120	7227
----------	-------	------

EXECUTIVE ORDERS AND PROCLAMATIONS

08 - 152	04/14/2008.....	7236
08 - 154	04/15/2008.....	7237
08 - 153	04/14/2008.....	7237
08 - 155	04/15/2008.....	7238
08 - 156	04/16/2008.....	7238
08 - 157	04/17/2008.....	7239
08 - 158	04/17/2008.....	7240
08 - 159	04/17/2008.....	7241
08 - 160	04/17/2008.....	7243
08 - 161	04/17/2008.....	7243
08 - 162	04/17/2008.....	7244
08 - 163	04/17/2008.....	7245
08 - 164	04/17/2008.....	7246
08 - 165	04/17/2008.....	7247
08 - 166	04/18/2008.....	7247
08 - 167	04/18/2008.....	7248

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

89 - 148	7228
89 - 152	7229

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