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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

Issue #	Rules Due Date	Date of Issue
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
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10	February 22, 2011	March 4, 2011
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14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
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18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
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27	June 20, 2011	July 1, 2011
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37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: 112.10 — Proposed Action: Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], P. L. 108-386 and P. L. 108-193

5) A Complete Description of the Subjects and Issues involved: This rule change is being proposed to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for TANF cash and medical assistance.

Eligibility for TANF for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (P. L. 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (P. L. 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents and siblings of victims of trafficking. As a result of this rule change, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for TANF and may be eligible for cash and medical benefits.

Companion amendments are also being proposed to 89 Ill. Adm. Code 113, 89 Ill. Adm. Code 114 and 89 Ill. Adm. Code 121.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section Number:	Proposed Action:	Illinois Register Citation:
112.10	Amendment	34 Ill. Reg. 6558; May 14, 2010

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.

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

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

217/557-2027

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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

NOTICE OF PROPOSED AMENDMENT

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

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

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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112.101 Unearned Income of Parent
112.105 Budgeting Unearned Income
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112.110 Exempt Unearned Income
112.115 Education Benefits
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART J: CHILD CARE

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

SUBPART K: TRANSITIONAL CHILD CARE

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

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

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

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

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

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

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

effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions ~~as set forth below~~:

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

B) Refugees under section 207 of the Immigration and Nationality Act (INA);

C) Asylees under section 208 of the INA;

D) Persons for whom deportation has been withheld under section 243(h) of the INA;

E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA including;

i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;~~.~~

G) Parolees, for at least one year, under section 212(d)(5) of the INA; ~~and~~

H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR

or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; and.

I) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3)

Section Numbers:	Proposed Action:
113.10	Amendment
113.264	Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13], P. L. 106-386 and P. L. 108-193

5) A Complete Description of the Subjects and Issues involved: This rule change is being proposed to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for AABD cash and medical assistance.

Eligibility for AABD for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (P. L. 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (P. L. 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents and siblings of victims of trafficking. As a result of this rule change, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for AABD and may be eligible for cash and medical benefits. In addition, this rule change establishes that these individuals may qualify for the $500 AABD allowance when SSI eligibility is lost or denied.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 114 and 89 Ill. Adm. Code 121.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
113.10	Amendment	34 Ill. Reg. 6560; May 14, 2010

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment
113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care, Personal Care or Nursing Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262 Meeting the Needs of an Ineligible Dependent with Client's Income
113.263 Service Animals
113.264 Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)
113.420	Financial Factors of Eligibility (Repealed)
113.425	Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435	Medical Eligibility (Repealed)
113.440	Attorney's Fees for SSI Applicants (Repealed)
113.445	Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450	Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500	Attorney's Fees for SSI Appellants (Renumbered)

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

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

October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, l983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, l984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, l984; amended at 8 Ill. Reg. 13273, effective July 16, l984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 113.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth in this Section:

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

B) Refugees under section 207 of the Immigration and Nationality Act (INA);

C) Asylees under section 208 of the INA;

D) Persons for whom deportation has been withheld under section 243(h) of the INA;

E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA including:

i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;~~.~~

G) Parolees, for at least one year, under section 212(d)(5) of the INA ~~and~~;

H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live separately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; and~~.~~

I) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART D: PAYMENT AMOUNTS

Section 113.264 Refugees Ineligible for SSI

a) An allowance not to exceed $500 is authorized to be provided to persons who are ineligible for SSI due to the expiration of the period of eligibility for certain noncitizens pursuant to 8 USC 1612(a)(2)(A).

b) This group includes noncitizens who entered the U.S. under one of the following immigrant classifications:

1) Refugee admitted under section 207 of the Immigration and Nationality Act (8 USC 1157);

2) Asylee admitted under section 208 of the Immigration and Nationality Act (8 USC 1158);

3) Cuban/Haitian immigrant admitted under section 501(e) of the Refugee Education Assistance Act of 1980 (PL 96-422);

4) Amerasian immigrant admitted under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Act) (as contained in section 101(e) of PL 100-202, as amended by PL 100-461); ~~and~~

5) Deportation withheld under section 243(h) or section 241(b)(3) of the Immigration and Nationality Act (8 USC 1253); and~~.~~

6) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

c) No other allowances will be authorized.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: 114.10 — Proposed Action: Amendment

4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13], P. L. 106-386 and P. L. 108-193

5) A Complete Description of the Subjects and Issues involved: This rule change is being proposed to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for GA cash and medical assistance.

Eligibility for GA for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (P. L. 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (P. L. 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents and siblings of victims of trafficking. As a result of this rule change, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for GA and may be eligible for cash and medical benefits.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 121.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section Number:	Proposed Action:	Illinois Register Citation:
114.10	Amendment	34 Ill. Reg. 6562; May 14, 2010

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section
114.1 Description of the Assistance Program
114.2 Determination of Not Employable
114.3 Advocacy Program for Persons Receiving State Transitional Assistance
114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements (Outside City of Chicago only)
114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62 Job Service Registration (Outside City of Chicago only)
114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64 Responsibility to Seek Employment (Outside City of Chicago only)
114.70 Initial Employment Expenses (Outside City of Chicago only)
114.80 Downstate General Assistance Work and Training Programs
114.85 Downstate General Assistance – Food Stamps Employment and Training Pilot Project
114.90 Work and Training Programs
114.100 General Assistance Jobs Program (Repealed)
114.101 Persons Ineligible for TANF Due to Time Limits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART C: PROJECT ADVANCE

Section
114.108 Project Advance (Repealed)
114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)
114.111 Project Advance Sanctions (Repealed)
114.113 Project Advance Good Cause for Failure to Comply (Repealed)
114.115 Individuals Exempt From Project Advance (Repealed)
114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section
114.120 Employment and Training Requirements
114.121 Persons Required to Participate in Project Chance (Repealed)
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
114.125 Employment and Training Program Orientation (Repealed)
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127 Employment and Training Program Components (Repealed)
114.128 Employment and Training Sanctions (Repealed)
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130 Employment and Training Supportive Services (Repealed)
114.135 Conciliation and Fair Hearings (Repealed)
114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits (Repealed)
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump-Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants
114.228 Initial Employment
114.229 Termination of Employment
114.230 Exempt Earned Income
114.235 Recognized Employment Expenses
114.240 Income From Work/Study/Training Program (Repealed)
114.241 Earned Income From Self-Employment
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services
114.246 Budgeting Earned Income for Contractual Employees
114.247 Budgeting Earned Income for Non-contractual School Employees
114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
114.260 Deferral of Consideration of Assets (Repealed)
114.270 Property Transfers (Repealed)
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations (Repealed)
114.403 Institutional Status
114.404 Budgeting
114.405 Budgeting Schedule
114.406 Limitation on Amount of General Assistance to Recipients from Other States (Repealed)
114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96
114.420 Redetermination of Eligibility
114.430 Extension of Medical Assistance Due to Increased Income from Employment
114.440 Attorney's Fees for VA Appellants
114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section
114.450 Child Care (Repealed)
114.452 Child Care Eligibility (Repealed)
114.454 Qualified Provider (Repealed)
114.456 Notification of Available Services (Repealed)
114.458 Participant Rights and Responsibilities (Repealed)
114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
114.464 Rates of Payment for Child Care (Repealed)
114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section
114.500 Transitional Child Care Eligibility (Repealed)
114.504 Duration of Eligibility for Transitional Child Care (Repealed)
114.506 Loss of Eligibility for Transitional Child Care (Repealed)
114.508 Qualified Provider (Repealed)
114.510 Notification of Available Services (Repealed)
114.512 Participant Rights and Responsibilities (Repealed)
114.514 Child Care Overpayments and Recoveries (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

114.516 Fees for Service for Transitional Child Care (Repealed)
114.518 Rates of Payment for Transitional Child Care (Repealed)

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

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory 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;

peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill.

Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a

maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amended at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amended at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective November 19, 1999; amended at 24 Ill. Reg. 2338, effective February 1, 2000; amended at 24 Ill. Reg. 5688, effective March 20, 2000; amended at 25 Ill. Reg. 10325, effective August 3, 2001; amended at 26 Ill. Reg. 164, effective January 1, 2002; amended at 26 Ill. Reg. 9821, effective June 24, 2002; emergency amendment at 26 Ill. Reg. 11009, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17198, effective November 15, 2002; amended at 27 Ill. Reg. 7263, effective April 7, 2003; amended at 27 Ill. Reg. 18433, effective November 20, 2003; amended at 28 Ill. Reg. 5682, effective March 22, 2004; amended at 29 Ill. Reg. 5487, effective April 1, 2005; emergency amendment at 32 Ill. Reg. 10622, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; peremptory amendment at 32 Ill. Reg. 18076, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 5004, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7355, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12785, effective September 8, 2009; amended at 33 Ill. Reg. 13857, effective September 17, 2009; amended at 33 Ill. Reg. 16863, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6955, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 35 Ill. Reg. 1023, effective December 28, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.10 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions ~~as set forth below~~:

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A United States veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;

B) Refugees under section 207 of the Immigration and Nationality Act (INA);

C) Asylees under section 208 of the INA;

D) Persons for whom deportation has been withheld under section 243(h) of the INA;

E) Persons granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under the INA including;

i) Afghani immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group.

ii) Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA. The five-year residency requirement set forth in subsection (b)(2) of this Section does not apply to this sub-group;~~.~~

G) Parolees, for at least one year, under section 212(d)(5) of the INA; ~~and~~

H) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR

or a member of that relative's family who lived with them, who no longer live with the abuser or plans to live seperately within one month after receipt of assistance and whose need for assistance is due, at least in part, to the abuse; and.

I) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

2) Those persons who are in the categories set forth in subsections (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: 121.20 — Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13], P. L. 106-386 and P. L. 108-193

5) A Complete Description of the Subjects and Issues involved: This rule change is being proposed to include trafficking victims and their relatives, who are certified or have their status verified by the Office of Refugee Resettlement (ORR), to the category of noncitizens who may qualify for SNAP benefits.

Eligibility for SNAP for these individuals was authorized under the federal Trafficking Victims Protection Act of 2000 (P. L. 106-386) and the Trafficking Victims Protection Reauthorization Act of 2003 (P. L. 108-193). The Trafficking Victims Protection Act allowed for the eligibility of noncitizens categorized as victims of trafficking to participate in cash, medical and SNAP benefits. The Trafficking Victims Reauthorization Act of 2003 expanded eligibility to minor children, spouses, parents and siblings of victims of trafficking. As a result of this rule change, noncitizens who are victims of trafficking and their relatives will meet the noncitizen requirement for SNAP and may be eligible for SNAP benefits.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112, 89 Ill. Adm. Code 113 and 89 Ill. Adm. Code 114.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section Numbers:	Proposed Action:	Illinois Register Citation:
121.20	Amendment	34 Ill. Reg. 6564; May 14, 2010
121.63	Amendment	34 Ill. Reg. 8852: July 9, 2010
121.10	Amendment	34 Ill. Reg. 13597; September 24, 2010

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

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

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

217/785-9772

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

Section
121.70 Composition of the Assistance Unit
121.71 Living Arrangement
121.72 Nonhousehold Members
121.73 Ineligible Household Members
121.74 Strikers
121.75 Students
121.76 Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
121.80 Fraud Disqualification (Renumbered)
121.81 Initiation of Administrative Fraud Hearing (Repealed)
121.82 Definition of Fraud (Renumbered)
121.83 Notification To Applicant Households (Renumbered)
121.84 Disqualification Upon Finding of Fraud (Renumbered)
121.85 Court Imposed Disqualification (Renumbered)
121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
121.91 Monthly Reporting (Repealed)
121.92 Budgeting
121.93 Issuance of Food Stamp Benefits
121.94 Replacement of the EBT Card or SNAP Benefits
121.95 Restoration of Lost Benefits
121.96 Uses for SNAP Benefits
121.97 Supplemental Payments
121.98 Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105 State Food Program (Repealed)
121.107 New State Food Program
121.108 Transitional Food Stamp (TFS) Benefits
121.120 Redetermination of Eligibility
121.125 Simplified Reporting Redeterminations
121.130 Residents of Shelters for Battered Women and their Children
121.131 Fleeing Felons and Probation/Parole Violators
121.135 Incorporation By Reference
121.136 Food and Nutrition Act of 2008
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145 Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section
121.220 Work Requirement Components (Repealed)
121.221 Meeting the Work Requirement with the Earnfare Component (Repealed)
121.222 Volunteer Community Work Component (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

121.223 Work Experience Component (Repealed)
121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690,

effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150

days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a

maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for

a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective January 7, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to the following specific restrictions ~~as set forth below~~:

a) Citizenship status – Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens – The following categories of non-citizens may receive assistance, if otherwise eligible regardless of their time in the U.S.:

1) Lawful Permanent Resident Credited with 40 Quarters of Work

A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.

B) Quarters of a parent count for an alien while the alien is under age

18.

C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.

2) Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for SNAP~~food stamps~~ if their INS status is:

A) lawful permanent resident;

B) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));

C) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5));

D) deportation withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA; or

E) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 244(a)(3) (8 USCA 1641(c)) of the INA. This status does not apply if the non-citizen lives with the abuser.

c) The following non-citizens meet the citizenship requirement for SNAP indefinitely even if their status later changes to lawful permanent resident:

1) refugees admitted under section 207 of the INA;

2) asylees admitted under section 208 of the INA;

3) persons for whom deportation has been withheld under section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA;

4) Cuban or Haitian national admitted on or after 4/21/80;

5) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88; ~~or~~

6) Afghan and Iraqi immigrants with special immigrant status under section 101(a)(27) of the INA; or~~.~~

7) Victims of trafficking, or the minor child, spouse, parent or sibling of the trafficking victim, who have been certified by or whose status has been verified by the federal Office of Refugee Resettlement (ORR).

d) Elderly non-citizens who were lawfully residing in the U.S. on 8/22/96, and children lawfully residing in the U.S., and disabled persons lawfully residing in the U.S. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of the INA (8 USCA 1153(a)(7));

3) parolee status for at least a year under section 212(d)(5) of the INA (8 USCA 1182(d)(5)); or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the non-citizen lives with the abuser.

e) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

f) Certain American Indians born in Canada. An American Indian born in Canada

to whom the provisions of section 289 of the INA apply, and a member of an Indian tribe as defined in section 4e of the Indian Self-Determination and Education Assistance Act.

g) Noncitizens who have lived in the U.S. for at least 5 years in the following status with INS may receive assistance, if otherwise eligible:

1) lawful permanent resident;

2) conditional entrant under section 203(a)(7) of the INA;

3) parolee status for at least a year under section 212(d)(5) of the INA; or

4) battered spouse or child, or parent or child of a battered person with a petition pending under section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240A of the INA. This status does not apply if the noncitizen lives with the abuser.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Lobbyist Registration and Reports

2) Code Citation: 2 Ill. Adm. Code 560

3)

Section Numbers:	Proposed Action:
560.100	Amendment
560.105	New Section
560.200	Amendment
560.205	Amendment
560.210	Amendment
560.220	Amendment
560.225	New Section
560.300	Amendment
560.301	New Section
560.305	Amendment
560.310	Amendment
560.315	Amendment
560.330	Amendment
560.370	Amendment
560.371	Amendment
560.375	Amendment
560.380	Amendment
560.385	Amendment
560.390	Amendment
560.395	Amendment
560.400	Amendment
560.405	Amendment
560.410	Amendment
560.420	Amendment
560.430	New Section

4) Statutory Authority: Lobbyist Registration Act (25 ILCS 170)

5) Complete Description of the Subjects and Issues Involved: Lobbyist Registration

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency amendments currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.

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

Michelle Nijm
Assistant General Counsel
Office of the General Counsel
100 W. Randolph Street, #5-400
Chicago, Illinois 60601

312/814-3154

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments is identical to that of the Emergency Amendments of this Part, and can be found in this issue of the *Illinois Register* on Page 2424.

SECRETARY OF STATE MERIT COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Merit Commission

2) Code Citation: 80 Ill. Adm. Code 50

3) Section Number: 50.110 Proposed Action: Amendment

4) Statutory Authority: 15 ILCS 310/9a

5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to codify a change in the organizational structure of the staffing of the Secretary of State Merit Commission.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking 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:

Ferdinand P. Serpe, Chairman
Secretary of State Merit Commission
630 S. College
Springfield, Illinois 62756
(217) 782-7914

All comments must be in writing.

SECRETARY OF STATE MERIT COMMISSION

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 on which this rulemaking was summarized: This rulemaking did not appear on either of the most recent regulatory agendas, since SOS did not anticipate this rulemaking at that time.

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

SECRETARY OF STATE MERIT COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER II: SECRETARY OF STATE MERIT COMMISSION

PART 50
MERIT COMMISSION

Section
50.10 Meetings of the Merit Commission
50.20 Classification Plan
50.30 Personnel Rules
50.40 Jurisdiction B Exemptions
50.50 Orders of Compliance
50.60 Disciplinary Hearings and Demotions
50.70 Geographical Transfers
50.80 Allocation Appeals
50.90 Layoff Appeals
50.100 Personnel Code and Personnel Rule Violations
50.110 Record of Hearings and General Procedural Rules
50.120 Authority of the Hearing Officer
50.130 Authority of Commission Over Hearing Officer
50.140 Administrative Review

AUTHORITY: Implementing and authorized by Sections 8, 8a, 8b, 8c, 9, 9a, 9b, 9c and 10 of the Secretary of State Merit Employment Code [15 ILCS 310/8, 8a, 8b, 8c, 9, 9a, 9b, 9c and 10].

SOURCE: Filed September 15, 1977; amended at 7 Ill. Reg. 17496, effective January 1, 1984; amended at 8 Ill. Reg. 1988, effective February 10, 1984; codified at 8 Ill. Reg. 15000; amended at 11 Ill. Reg. 6285, effective April 15, 1987; amended at 35 Ill. Reg. _____, effective _____.

Section 50.110 Record of Hearings and General Procedural Rules

a) Filing and Form of Papers

1) The original copy of any complaint, appeal, pleading, written motion, notice or other documents shall be on 8½ x 11" paper and shall be filed in the Office of the Commission. Documents shall be signed in ink by the party filing them or by his/her representative and contain the address and

telephone number of the party, or, if represented, the name, business address and telephone number of the~~such~~ representative.

2) Copies of all filed documents shall be served on all known parties to proceedings, and notice of ~~such~~ service shall be given to the Commission.

3) For the purpose of determining the timeliness of filing only, "receipt" is ~~herein~~ defined to mean either personal delivery or date of postmark when deposited in the U.S. mail, in a sealed envelope, with postage prepaid, and properly addressed. If the last date for filing falls upon a weekend or legal holiday, the last date for filing is the first business day following that~~such~~ weekend or legal holiday.

b) Notice
Notice to a designated representative is notice to his/her client. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, in the absence of that address~~such specification~~, to the last address shown in the employee's personal file. Notice shall be served at the General Law Bureau~~Division~~ of the Attorney General's Office with a copy sent to the Division or Department head~~Head,~~ and to the Director of Personnel.

c) Time of Hearing
The Commission shall grant the parties a hearing within 30 calendar days following actual, in hand receipt of a written request for hearing, except for cases involving position allocation, geographical transfer, and violation appeals. Geographical transfer, violation, and allocation appeal hearings shall be granted within 60 calendar days after receipt of a request for hearing~~hearings~~.

d) Conduct of Hearings
All disciplinary hearings shall be public, but individuals displaying disruptive behavior may be barred. Each party may call witnesses to testify in his/her own behalf and to have the aid of counsel at his/her own expense. The respective parties may cross-examine opposing witnesses and present documentary and demonstrative evidence. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. ~~(Illinois Administrative Procedure Act, Ill. Rev. Stat. 1991, ch. 127, par. 1010-40).~~

e) Motions

1) If any party objects to the written charges~~,~~ or other matters, the Commission favors the practice of submitting motions outlining those~~such~~ objections prior to the date of the hearing.

2) The motion shall point out specifically the defects complained of~~,~~ and shall ask for appropriate relief, such as: that the action be dismissed, ~~or~~ that a charge be made more definite and certain in a specified particular, or that designated immaterial matter be stricken, etc~~and so forth~~. The Hearing Officer shall rule and enter an appropriate order either to permit or require pleading over or amending or terminating the matter in the whole or in part.

f) Continuances and Extensions

1) The Commission or a Hearing Officer appointed by it to conduct a hearing may, at its discretion, for good cause shown, on timely motion, after notice to the opposite party, extend the time for filing any pleading or documents or may continue the date of a scheduled hearing for a limited period.

2) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing, except for emergencies.

3) The granting of a request for continuance by the employee in a discharge appeal will constitute a voluntary waiver by him/her of any claim to compensation for the period of the~~such~~ continuance if he/she is ordered retained in his/her position.

g) Request for List of Witnesses
Upon timely request made, either party must furnish to the other party a list of the names and addresses of prospective witnesses.

h) Right to Inspect and Interview
Any party or his/her~~their~~ representative shall have the right, upon timely motion, to inspect any relevant documents in the possession of or under the control of any other party and to interview employees having knowledge of relevant facts. Interviews of employees and inspection of documents shall be at times and places reasonable for the employee and for the employer.

SECRETARY OF STATE MERIT COMMISSION

NOTICE OF PROPOSED AMENDMENT

i) Appearances of Witnesses

1) The ~~Executive Secretary of the~~ Commission Chairman is authorized to issue subpoenas for those witnesses or documents as may be required by any party. Subpoenas duces tecum shall specify the books, papers, and accounts or documents desired to be produced. The appearance of a party or agent and/or employee of a party~~,~~ may be secured by merely serving the party with written notice designating the persons required to appear. For good cause shown, the Hearing Officer, on motion, may quash or modify any subpoena or notice.

2) The Code provides that *any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony in relation to any investigation or hearing under the Code~~herein,~~ shall be guilty of a Class A misdemeanor.* [15 ILCS 310/15]

j) Pre-Hearing Conference

1) In any action, the Hearing Officer may hold a pre-hearing conference. At the conference, the parties, or their representatives, shall appear as the Hearing Officer directs to consider:

A) The simplification of the issue;

B) Amendment to the charges;

C) The possibility of obtaining admissions and stipulations of fact and of documents that~~which~~ will avoid unnecessary proof;

D) The limitation of the number of expert witnesses;

E) Any other matters that~~which~~ may aid in the disposition of the action.

2) The Hearing Officer shall make an order that~~which~~ recites any action taken, any agreement made by the parties as to any of the matters considered, and the issues to be heard.

k) Written Interrogatories

1) Any party may direct written interrogatories to any other party. Interrogatories shall be restricted to the subject matter of the particular case.

2) Within a reasonable time period after the service of the interrogatories, an answer or objection shall be made to each interrogatory. If an answer may be obtained from a document in the possession or control of a party, it shall be sufficient to specify that document as an answer.

3) Answers to interrogatories may be used in the same manner in Commission proceedings as depositions.

l) Depositions
Upon order of the Hearing Officer, the Commission, the~~its~~ Hearing Officer, or any party may cause a deposition of any witness to be taken for use in a Commission proceeding as evidence. The deposition shall be taken in the manner provided by law for depositions in civil actions in the courts of this State~~state~~.

m) Written Admissions
A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request, or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. Failure to answer a~~such~~ request within a reasonable time shall be deemed ~~as~~ an admission of all items contained in the request.

n) Opening and Closing Statements
Upon the opening of the hearing, the Hearing Officer may allow the Petitioner and the Respondent to make opening statements. Upon the close of the hearing, each side may make a closing statement orally and/or by written brief incorporating arguments of fact and law. The form of the closing statement shall be at the discretion of the Hearing Officer.

o) Examination of Adverse Party or Agent
In the hearing of any case, any party or his/her agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony

~~thus given~~ and may impeach the witness by proof of prior inconsistent statement.

p) Hostile Witness
If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him/her as if under cross-examination. The party calling an occurrence witness may, upon showing that he/she called the witness in good faith but is surprised by his/her testimony, impeach the witness by proof of prior inconsistent statements.

q) Failure to Comply with Orders or Rules
If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with this Part, or with any order of the Merit Commission or its Hearing Officer, the hearing authority may enter an~~such~~ adverse finding, order, or decision as may be necessary to insure just disposition of the matter.

r) Record of Proceedings
In all hearings, other than informal allocation conferences, held before the Commission or a Hearing Officer duly appointed by the Commission to conduct those~~such~~ hearings, the Department or Division that~~which~~ is a party to the proceedings~~thereto~~ shall arrange for a record of the proceedings to be made, transcribed, and filed in the Office of the Commission.

s) Proposed Decision and Responses

1) In every contested case, the Hearing Officer shall prepare a proposal for decision that~~which~~ shall be forwarded to the parties at least 10 calendar days prior to the Commission meeting to allow the filing of written exceptions and legal arguments prior to the Commission rendering a final decision.

2) Five copies of any ~~such~~ response must be received by the Commission at least 24 hours prior to the meeting at which a decision is scheduled to be rendered. For purposes of this subsection (s)(2) only, "received~~receipt~~" is defined as "actual, in-hand receipt~~.~~".

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certificates of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number: 1010.550 — Proposed Action: New Section

4) Statutory Authority: Chapter 3 of the Illinois Vehicle Code [625 ILCS 5/Ch. 3] and authorized by Section 2-104(b) of the Illinois Vehicle Code

5) Complete Description of the Subjects and Issues Involved: The proposed rule creates a standard method for determining the age of salvage vehicles.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: The proposed new Section does not require expenditures by units of local government.

12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Text of the proposed amendment is posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Cynthia Grant
Assistant General Counsel
298 Howlett Building
Springfield, Illinois 62756
or
cgrant@ilsos.net

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 may have an 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, 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 small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of 2 most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner – Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate – Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles – Defined
1010.185 Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Documents − Bond

SUBPART C: REGISTRATION

Section
1010.200 Homemade Trailers − Title and Registration
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration – Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished by the Secretary of State

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1010.245 Electronic Registration and Titling (ERT) Program Provisions
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration – Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.465 Requests for General Issuance Specialty License Plates

1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Fees
1010.550 Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

1010.APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement

NOTICE OF PROPOSED AMENDMENT

1010.APPENDIX B International Registration Plan
1010.APPENDIX C Affirmation Supporting Salvage Certificate
1010.APPENDIX D Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29,

2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 1010.550 Determining Age of Vehicle

a) When a salvage vehicle must be inspected by the Secretary of State Police under IVC Section 3-308, the age of the vehicle is to be determined by subtracting the model year of the vehicle from the calendar year of inspection.

b) Ownership of Salvage Vehicle

1) Pursuant to IVC Section 3-117.1, when an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed the owner of the vehicle and the vehicle shall be considered to be salvage, except as provided in subsection (b)(2).

2) Ownership of the following vehicles may, by agreement between the registered owner and the insurance company, be retained by the registered owner of the vehicle:

A) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle; or

B) a vehicle that is 9 model years of age or older.

3) To determine whether a vehicle is 9 model years of age or older, the model year of the vehicle shall be subtracted from the calendar year in which the insurance company makes a payment of damages.

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985

2) Code Citation: 68 Ill. Adm. Code 1175

3)

Section Numbers:	Adopted Action:
1175.100	Amendment
1175.115	Amendment
1175.200	Amendment
1175.205	Amendment
1175.220	Amendment
1175.230	Amendment
1175.235	Amendment
1175.330	Amendment
1175.400	Amendment
1175.405	Amendment
1175.415	Amendment
1175.420	Amendment
1175.430	Amendment
1175.435	Amendment
1175.500	Amendment
1175.510	Amendment
1175.700	Amendment
1175.705	Amendment
1175.715	Amendment
1175.720	Amendment
1175.730	Amendment
1175.735	Amendment
1175.805	Amendment
1175.815	Amendment
1175.1001	Amendment
1175.1005	Amendment
1175.1015	Amendment
1175.1020	Amendment
1175.1030	Amendment
1175.1035	Amendment
1175.1115	Amendment
1175.1200	Amendment
1175.1300	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

4) Statutory Authority: Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410]

5) Effective Date of Amendments: January 20, 2011

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 Notice of Proposal Published in Illinois Register: September 3, 2010; 34 Ill. Reg. 12578

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Various non-substantive changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemakings currently in effect? No

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

15) Summary and Purpose of Amendments: This adopted rulemaking adds more stringent sanitary, safety and compliance standards. The rulemaking also amends the required curriculum hours for barbers. The current language requires a minimum of 150 hours of classroom instruction with the remaining 1350 hours left to the discretion of the instructor. The rulemaking gives the instructor the discretion to allow 1350 hours of practical application or a combination of classroom instruction and practical application. The rulemaking also amends the Section on school refund policies in accordance with Public Act 96-506. It also provides more explicit guidelines for the application forms. The fee for restoring a lapsed license is also increased due to the considerable time and resources involved in their processing.

16) Information and questions regarding these adopted amendments 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 Amendments begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1175
THE BARBER, COSMETOLOGY, ESTHETICS,
AND NAIL TECHNOLOGY ACT OF 1985

SUBPART A: GENERAL

Section
1175.100 Fees
1175.105 English Translations
1175.110 Granting Variances
1175.115 Sanitary Standards

SUBPART B: BARBER

Section
1175.200 Examination – Barber
1175.205 Examination – Barber Teacher
1175.210 Examination Requirements
1175.215 Application for Licensure
1175.220 Endorsement
1175.225 Renewals
1175.230 Restoration – Barber
1175.235 Restoration – Barber Teacher

SUBPART C: BARBER SCHOOLS

Section
1175.300 School Approval Application
1175.305 Physical Site Requirements
1175.310 Student Contracts
1175.315 Advertising
1175.320 Recordkeeping – Transcripts
1175.325 Recordkeeping – Hours Earned
1175.330 Curriculum Requirements – Barber
1175.335 Curriculum Requirements – Barber Teacher

1175.340 Final Examination
1175.345 Change of Ownership
1175.350 Change of Location
1175.355 Change of Name
1175.360 Expansion
1175.365 Discontinuance of Program
1175.370 Withdrawal of Approval

SUBPART D: COSMETOLOGY

Section
1175.400 Examination – Cosmetology
1175.405 Examination – Cosmetology Teacher and Cosmetology Clinic Teacher
1175.410 Examination Requirements
1175.415 Application for Licensure
1175.420 Endorsement
1175.425 Renewals
1175.430 Restoration – Cosmetology
1175.435 Restoration – Cosmetology Teacher

SUBPART E: COSMETOLOGY SCHOOLS

Section
1175.500 School Approval Application
1175.505 Physical Site Requirements
1175.510 Enrollment Agreements and Refund Policies
1175.515 Advertising
1175.520 Recordkeeping – Transcripts
1175.525 Recordkeeping – Hours Earned
1175.530 Curriculum Requirements – Cosmetology
1175.535 Curriculum Requirements – Cosmetology Teacher
1175.536 Curriculum Requirements – Cosmetology Clinic Teacher
1175.540 Final Examination
1175.545 Change of Ownership
1175.550 Change of Location
1175.555 Change of Name
1175.560 Expansion
1175.565 Discontinuance of Program
1175.570 Withdrawal of Approval

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: CONTINUING EDUCATION – COSMETOLOGY/COSMETOLOGY TEACHER

Section
1175.600 Sponsor Approval (Repealed)
1175.605 Department Supervision (Repealed)
1175.610 Credit Hours (Repealed)
1175.615 Waiver of Continuing Education Requirements (Repealed)

SUBPART G: ESTHETICS

Section
1175.700 Examination – Esthetics
1175.705 Examination – Esthetics Teacher
1175.710 Examination Requirements
1175.715 Application for Licensure
1175.720 Endorsement
1175.725 Renewals
1175.730 Restoration – Esthetics
1175.735 Restoration – Esthetics Teacher

SUBPART H: ESTHETICS SCHOOLS

Section
1175.800 Esthetics School Application
1175.805 Cosmetology Schools Approved to Teach Esthetics
1175.810 Physical Site Requirements
1175.815 Enrollment Agreements and Refund Policy
1175.820 Advertising
1175.825 Recordkeeping – Transcripts
1175.830 Recordkeeping – Hours Earned
1175.835 Curriculum Requirements – Esthetics
1175.840 Curriculum Requirements – Esthetics Teacher
1175.841 Curriculum Requirements – Esthetics Clinic Teacher
1175.845 Final Examination
1175.850 Change of Ownership
1175.855 Change of Location
1175.860 Change of Name

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.865 Expansion
1175.870 Discontinuance of Program
1175.875 Withdrawal of Approval

SUBPART I: CONTINUING EDUCATION – ESTHETICIAN/ESTHETICS TEACHER

Section
1175.900 Sponsor Approval (Repealed)
1175.905 Department Supervision (Repealed)
1175.910 Credit Hours (Repealed)
1175.915 Waiver of Continuing Education Requirements (Repealed)

SUBPART J: NAIL TECHNOLOGY

Section
1175.1000 Application for Licensure under Sections 3C-4 and 3C-5 of the Act (Grandfather) (Repealed)
1175.1001 Examination – Nail Technician
1175.1005 Examination – Nail Technology Teacher
1175.1010 Examination
1175.1015 Application for Licensure
1175.1020 Endorsement
1175.1025 Renewals
1175.1030 Restoration – Nail Technician
1175.1035 Restoration – Nail Technology Teacher

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section
1175.1100 Nail Technology School Application
1175.1105 Cosmetology Schools Approved to Teach Nail Technology
1175.1110 Physical Site Requirements
1175.1115 Enrollment Agreements and Refund Policies
1175.1120 Advertising
1175.1125 Recordkeeping – Transcripts
1175.1130 Recordkeeping – Hours Earned
1175.1135 Curriculum Requirements – Nail Technology
1175.1140 Curriculum Requirements – Nail Technology Teacher
1175.1141 Curriculum Requirements – Nail Technology Clinic Teacher

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1175.1145 Final Examination
1175.1150 Change of Ownership
1175.1155 Change of Location
1175.1160 Change of Name
1175.1165 Expansion
1175.1170 Discontinuance of Program
1175.1175 Withdrawal of Approval

SUBPART L: CONTINUING EDUCATION

Section
1175.1200 Sponsor Approval
1175.1205 Division Supervision
1175.1210 Credit Hours
1175.1215 Waiver of Continuing Education Requirements

SUBPART M: SALON OR SHOP REGISTRATION

Section
1175.1300 Application for a Barber Shop or Cosmetology, Nail Technology~~Technician~~ or Esthetics Salon Certificate of Registration

AUTHORITY: Implementing the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 12 Ill. Reg. 20488, effective November 29, 1988; emergency amendments at 13 Ill. Reg. 6810, effective April 10, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15034, effective September 7, 1989; amended at 14 Ill. Reg. 14090, effective August 20, 1990; amended at 16 Ill. Reg. 13276, effective August 18, 1992; amended at 18 Ill. Reg. 4856, effective March 14, 1994; amended at 21 Ill. Reg. 7277, effective May 29, 1997; amended at 23 Ill. Reg. 5749, effective April 30, 1999; amended at 27 Ill. Reg. 19293, effective December 11, 2003; amended at 30 Ill. Reg. 9503, effective May 10, 2006; amended at 35 Ill. Reg. 1888, effective January 20, 2011.

SUBPART A: GENERAL

Section 1175.100 Fees

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

a) Licensure fees for cosmetologists, barbers, estheticians, nail technicians, cosmetology teachers, cosmetology clinic teachers, barber teachers, esthetics teachers, esthetics clinic teachers, nail technology teachers and nail technology clinic teachers are:

1) License. The fee for a license is $30 and is to be submitted with the application.

2) Examination. Applicants for any examination shall be required to pay, either to the Department of Financial and Professional Regulation – Division of Professional Regulation (Division) or to the designated testing service, a fee covering the cost of providing the examination.

3) Renewal. The fee for renewal of a license shall be calculated at the rate of $25 per year.

4) Restoration. The fee for restoration of a license is $50~~$10~~ plus payment of all lapsed renewal fees~~, but not to exceed $135~~.

5) Restoration From Inactive Status. The fee for restoration of a license from inactive status is the current renewal fee.

6) Endorsement. The fee for a license for a cosmetologist, barber, esthetician, nail technician, cosmetology teacher, barber teacher, esthetics teacher or nail technology teacher licensed under the laws of another jurisdiction is $45.

b) Licensure fees for cosmetology schools, barber schools, esthetics schools or nail technology schools are:

1) License. The fee for a license is $150 plus the cost of inspection ($50).

2) Change of Ownership. The fee for a license resulting from a change of ownership is $150 plus the cost of inspection ($50).

3) Change of Location. The fee for a license resulting from a change of location is $150 plus the cost of inspection ($50).

4) Change of Name. The fee for a license resulting from a change of name is

$20.

5) Renewal. The fee for renewal of a license shall be calculated at $100 per year.

6) Expansion. The fee for on-site and off-site expansion is $50.

7) Cosmetology School Approval to Teach Esthetics. The fee for approval to upgrade to teach esthetics shall be the cost of the inspection ($50).

8) Cosmetology School Approval to Teach Nail Technology. The fee for approval to upgrade to teach nail technology shall be the cost of the inspection ($50).

c) Salon Fees

1) Registration. The fee for registration of a barber shop or cosmetology, nail technician or esthetics salon (salon) is $40.

2) Change of Name. The fee for changing the name or address of a registered barber shop or salon is $20.

3) Renewal. The fee for renewal of a registration for a barber shop or salon is calculated at $20 per year.

d) Sponsor Fees

1) Registration. The fee for registration as a continuing education sponsor shall be $500~~ pursuant to Section 4-1.5(c) of the Act~~.

2) Renewal. The fee for renewal as a continuing education sponsor shall be $250 every two years~~ pursuant to Section 4-1.5(c) of the Act~~. If a sponsor allows the registration to lapse, he/she will be required to submit $500 to restore the registration~~ pursuant to Section 4-1.5(c) of the Act~~.

3) State agencies, State colleges and State universities in Illinois who are approved as continuing education sponsors shall be exempt from registration and renewal fees.

e) General Fees

1) Duplicate/Replacement. The fee for the issuance of a duplicate or replacement license is $20.

2) Change of Name or Address. The fee for issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Division records when no license is issued.

3) Certification of Record. The fee for certification of a licensee's record for any purpose is $20.

4) Wall Certificate. The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.

5) Roster. The fee for a roster of persons licensed as cosmetologists, cosmetology teachers, cosmetology clinic teachers, barbers, barber teachers, estheticians, esthetics teachers, esthetics clinic teachers, nail technicians, nail technology teachers, nail technology clinic teachers, cosmetology schools, esthetics schools, nail technology schools, barber schools, and shops and salons is the actual cost of producing such a roster.

~~6) Inactive Status. The fee to place a license on inactive status, other than during renewal, is $20.~~

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.115 Sanitary Standards

The sanitary standards set forth in this Section shall be followed by all licensees as appropriate to their practice. Failure to comply with these standards shall be considered unprofessional conduct and may be determined to be a violation pursuant to Section 4-7 of the Act.

a) Definitions

1) "Clean" means free of soil, dust, contaminants or impurities, or recently laundered and unused, or the removal of soil, dust, etc., by washing, sweeping, clearing away, or any other appropriate method ~~"Hospital Grade~~

~~Disinfectant" is defined as a disinfectant that is registered with the Environmental Protection Agency as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).~~

2) "Disinfect" means the use of a chemical~~to clean with an~~ agent that eliminates harmful bacteria, fungi and viruses on surfaces~~that eliminates microbacteria growth~~.

3) "Disinfectant~~Sanitize~~" means a chemical agent that eliminates harmful bacteria, fungi and viruses~~to clean with hot water and soap~~.

4) "Hospital Grade Disinfectant" means a disinfectant that is registered with the Environmental Protection Agency (EPA) as a hospital-level disinfectant and that performs the functions of bactericides (kill harmful bacteria), virucides (kill pathogenic viruses), and fungicides (destroy fungus).

b) Sanitary Requirements

1) Adequate disinfecting or sterilizing equipment shall be maintained for the number of licensees, usage requirements, and volume of business~~All instruments and tools shall be sanitized before and after each patron and kept in an air tight container until used~~.

2) All disinfecting agents~~nondisposable manicure implements~~ shall be kept at adequate strengths to maintain effectiveness, be free of residue and be available for immediate use at all times the salon or shop is open for business~~cleaned with a hospital grade disinfectant~~.

3) All tools, implements and items that come in direct contact with a client~~Manicure tables~~ shall be cleaned and disinfected or disposed of after use on each client~~with an antibacterial disinfectant~~.

4) All non-disposable manicure tools and implements~~Clean towels~~ shall be cleaned and disinfected with a hospital grade disinfectant after use on~~used for~~ each client~~patron~~.

5) All items designed to be disposed of after a single use, such as

orangewood sticks, cotton, gauze, neck strips, nail wipes, tissues, sponges, paper towels, wooden applicators and spatulas, emery boards or porous nail files, buffer blocks, pumice stones, sanding bands or sleeves and disposable nail bits~~Wood sticks and files (except sanitizable file and buffing blocks)~~ shall be disposed of~~discarded~~ after each use.

6) New and/or disinfected and cleaned tools shall be stored separately from all others~~Shampoo bowls must be sanitized after each use~~.

7) Manicure tables, work stations and facial chairs shall~~Hands must~~ be cleaned and disinfected with a hospital grade disinfectant~~cleansed~~ before and after serving each client~~patron~~.

8) Head rests of any chair shall be protected with a disposable cover and changed after each use, or a clean washable towel may also be used.

9) Items subject to cross-contamination by re-dipping into a multi-use container such as creams,~~All~~ cosmetics, astringents, lotions, removers, waxes, moisturizers, masks and oils used within a field of practice shall be dispensed from containers to prevent contamination of the unused portion. Any product that becomes contaminated shall be discarded after use on that particular client~~applied with sanitized or disposable applicators and removed from the container with a sanitary spatula~~.

10) Paraffin wax must be used in such a manner that prevents contamination of wax remaining in the paraffin bath or container, such as application with a single use or sanitized spatula or applicator, or disposal of any used wax. Paraffin must be covered when not in use and maintained at a temperature specified by the manufacturer's instructions.

11) All articles that come in direct contact with the client's skin that cannot be cleaned or disinfected shall be disposed of immediately after use.

12) All clean towels shall be kept in a closed or covered space.

13) All clean~~Clean~~ or disposable esthetics sheets, gowns and head coverings shall be kept in a closed or covered space~~used for each patron~~. ~~11)Animals, such as birds and cats, are not permitted (with the exception of animal assistant for the physically impaired). 12)All floors, walls and~~

~~furniture shall be kept clean at all times. 13)All soiled towels shall be kept in a covered container.~~

14) Licensees shall observe and follow thorough hand washing with soap and water or any equally effective cleansing solution or waterless hand sanitizer before and after serving each client~~All clean towels shall be kept in a closed or covered space~~.

15) Licensees shall ensure that each client's hands or feet are washed with soap and water or waterless hand sanitizer prior to performing any manicuring or pedicuring services~~All hair that is swept up from the floor shall be kept in a covered container~~.

16) ~~Proper disposal of unused products and packaging is required. 17)Proper disposal and handling of hazardous materials is required. 18)~~The use of nail products or the distribution of nail products containing monomer Methyl Methacrylate (MMA) is prohibited.

17) Clean towels shall be used for each client.

18) Clean or disposable esthetics sheets, gowns and head coverings shall be used for each client.

19) A neck strip or towel shall be placed around the client's neck and changed after each use to prevent direct contact between a common use hair cloth or cape and the client's skin~~No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in public health regulations, to work on the premises~~.

20) Hair clippings shall not be allowed to accumulate and shall be disposed of in a covered container~~All owners or managers of salons or shops shall provide adequate ventilation as required by the city, county or municipality and insure that an adequate supply of hot and cold running water is available~~.

21) Floor surfaces shall be kept clean, orderly and in good repair.

22) Storage drawers for clean tools and implements shall be clean, free of hair and used only for clean tools and implements.

23) All soiled towels shall be kept in a covered container. Containers shall be large and sturdy enough to store soiled items, towels or linens after use.

24) Shampoo bowls and sinks shall be clean and free of hair and residue after each use.

25) Equipment, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures shall be kept clean and in good repair.

26) Walls, doors, windows and ceilings shall be clean and free of excessive spots, mildew, condensation or peeling paint.

27) Storage cabinets, work stations and vanities shall be kept clean.

28) Roller-storage receptacles and contents shall be clean and free of hair and residue.

29) Outer surfaces of waste disposal containers shall be kept clean.

30) All salons and shops shall provide adequate ventilation as required by the city, county or municipality to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

31) All salons and shops shall provide a safe and adequate supply of continuous hot and cold running water from an approved source (see Illinois Plumbing Code (77 Ill. Adm. Code 890)). Sinks located in the restroom do not qualify as a water source.

32) Licensees shall have immediate access to a supply of hot and cold running water.

33) No owner or manager of a salon or shop shall knowingly permit any person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690, to work on the premises.

34) No licensee shall be required or permitted to massage any surface of the skin or scalp where the skin is inflamed or where a skin infection or eruption is present.

35) No licensee shall be required or permitted to work upon a person suffering from a serious communicable disease, as defined in 77 Ill. Adm. Code 690.

36) Pets or other animals shall not be permitted in a salon or shop at any time. This prohibition does not apply to an animal assistant for the physically impaired.

c) Pedicure Equipment Cleaning and Disinfecting Procedures
The following procedures, as developed by the International Nail Technicians Association, shall be followed for all pedicure equipment such as whirlpool pedicure foot spas, self-contained foot basins, sinks and pedicure bowls:

1) After each client:

A) Drain all water from the foot spa, pedicure basin or bowl;

B) Clean the interior surfaces and walls of the foot spas or basin with soap or detergent to remove all visible debris; rinse with clean, clear water;

C) Disinfect by spraying the interior surface of the foot basin or bowl with either an EPA-registered disinfectant (demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions), or 10% bleach solution; and

D) Wipe dry.

2) At the end of every day, after the last client:

A) Perform the procedures of subsection (c)(1);

B) Remove the screen from whirlpool basin. All debris trapped behind the screen of each foot spa shall be removed with a brush

and soap or detergent; then the screen and the inlet shall be cleaned to remove all visible debris with soap or detergent and water;

C) Before replacing the screen, totally immerse the screen in either an EPA-registered disinfectant or 10% bleach solution;

D) Fill the basin with warm water and low-sudsing soap, turn the system on and flush the spa system for 5 minutes, then rinse and drain.

3) Once every week:

A) Repeat the procedures of subsection (c)(2); then fill the foot spa or basin with cold water and one tablespoon of 5.25% liquid household bleach (or the equivalent) for each one gallon of water based on the capacity of unit;

B) Turn unit on and circulate the bleach solution through the system for 5 to 10 minutes; turn unit off;

C) Let the bleach solution sit in the spa or pedicure basin overnight (at least 6-10 hours);

D) The following morning, and before the first client, drain bleach solution;

E) Fill the basin with clean water, turn the system on and flush the system with clean water and drain.~~;~~

4) Logs:
Make a record of the date and time of the weekly cleaning and disinfecting. The record for the last 90 days shall be readily accessible and available upon client or inspector request. Separate logs for weekly and daily procedures are needed but may be kept in the same document log.

d) Devices/Equipment

1) All manual or mechanical devices and equipment used in the practice of barbering, cosmetology, esthetics or nail technology must meet all "product registration requirements" imposed by any federal, State, county or local authority.

2) All manual or mechanical devices or equipment used in the practice of barbering, cosmetology, esthetics or nail technology must be used in accordance with the "product safety requirements" imposed by any federal, State, county or local authority.

3) Each licensee must verify, maintain, or be able to access documentation related to any device classified by the FDA that is used in the practice of barbering, cosmetology, esthetics or nail technology.

4) Licensees may not use any manual or mechanical device or equipment unless the use is part of the delivery of services within the licensee's scope of practice and is consistent with the manufacturer's intended use of the device and with client health and safety.

e) Compliance with All Applicable Regulations
Owners or managers of a salon or shop and licensees shall observe and be subject to all Illinois Department of Public Health, as well as other city, county and State, regulations pertaining to public health and safety. Compliance with building, State fire, plumbing, and electrical regulations is also required.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART B: BARBER

Section 1175.200 Examination – Barber

a) Eligibility.

1) Each applicant must meet the requirements in Section 2-2(a), (b) and (c) or 2-3(a), (b), (c) and (d) of the Act prior to filing an application for the Division authorized examination.

2) An applicant's training must be received from a barber school approved by the Division that meets the requirements set forth in Subpart C of this Part.

b) Application. Each applicant shall file an application for examination, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) An official transcript showing successful completion of the required training outlined in Section 2-2(c) and 2-3(c) and (d) of the Act and a passing grade on the final examination administered by the school as set forth in Section 1175.340;

~~2) A complete work history since graduation from barber school;~~

2)~~3)~~ Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order); and

3)~~4)~~ The required examination fee.

c) Individuals who do not obtain a license within 5 years of graduation from barber school will be required to complete a 250 hour refresher course before they may obtain a license.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.205 Examination – Barber Teacher

a) Eligibility. Each applicant must meet the requirements in Section 2-4(a), (b), (c) and (d) of the Act prior to filing an application for the barber teacher examination.

b) Application. Each applicant shall file an application, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order);

2) The required examination fee;

3) Either:

A) An official transcript from an approved barber school (see Subpart C) showing successful completion of 500 hours of teacher training as outlined in Section 1175.335 of this Part; employment verification showing at least 3 years of practical experience as a registered barber; or

B) An official transcript from an approved barber school showing successful completion of 1000 hours of barber teacher training as outlined in Section 1175.335 of this Part; and

4) ~~A complete work history since graduation from barber school; and 5)~~A copy of the applicant's current Illinois barber license.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.220 Endorsement

a) An applicant who is currently licensed as a barber in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, which shall include:

1) A certification from the state of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Official transcripts from the school attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;

3) Certification of current licensure if other than original licensure;

4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:

A) the jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or

B) the applicant is applying under Section 2-4a of the Act;

5) ~~A complete work history showing all employment since graduation from barber school to present; 6)~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

6)~~7)~~ The required fee set forth in Section 1175.100; and

7)~~8)~~ A copy of the jurisdiction's licensing statute~~act~~ applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

b) An applicant who is currently licensed as a barber teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, which shall include:

1) A certification from the state of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the school attended by the applicant showing the courses completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;

3) Certification of current licensure if other than original licensure;

4) Two Verification of Employment forms shall be submitted by the applicant who completed at least 500 hours of teacher training but less than 1000 hours. A barber teacher applicant shall verify 3 years of lawful

practice as a barber;

5) ~~A complete work history showing all employment since graduation from basic barber school to present; 6)~~Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

6)~~7)~~ A copy of the applicant's barber license or verification from the licensing authority that the applicant has the ability to practice barbering with a barber teacher license;

7)~~8)~~ The required fee set forth in Section 1175.100; and

8)~~9)~~ A copy of the jurisdiction's licensing statute~~act~~ applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

c) An applicant for licensure as a barber who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as a barber. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

d) An applicant applying for licensure as a barber or barber teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination. The successful completion of the substantially equivalent examination must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.230 Restoration – Barber

a) A person applying for restoration of his/her license as a barber that~~which~~ has been expired for less than 5 years shall submit an application on forms provided by the

Division and $10 plus payment of lapsed renewal fees as set forth in Section 1175.100(a)(4). If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of his/her license as a barber that~~which~~ has been expired for 5 years or more shall submit an application on forms provided by the Division along with:

1) Verification of employment as a barber in another jurisdiction within the 5 years preceding application for restoration;

2) Certification of licensure from the licensing authority in the jurisdiction of employment;

3) ~~A complete work history showing all employment since the Illinois license lapsed; 4)~~A completed Restoration Questionnaire;

4)~~5)~~ The required fee set forth in Section 1175.100; or

5)~~6)~~ If restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee.

c) An applicant for restoration who has not maintained a practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour refresher course from a licensed barber or cosmetology school or successful completion of the examination set forth in Section 1175.210 within 2 years before application for restoration.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.235 Restoration – Barber Teacher

a) A person applying for restoration of a license as a barber teacher that~~which~~ has been expired for less than 5 years shall file an application, on forms provided by the Division, and the required fee. If restoring after active military service, the

applicant shall submit a copy of the applicant's DD-214 and the current renewal fee.

b) A person applying for restoration of a license as a barber teacher that~~which~~ has been expired for 5 years or more shall submit an application on forms provided by the Division, along with:

1) Verification of employment as a barber teacher in another jurisdiction within the 5 years preceding application for restoration;

2) A certification of licensure from the appropriate licensing authority in the jurisdiction of employment;

3) ~~A complete work history showing all employment since the Illinois teacher license lapsed; 4)~~A completed Restoration Questionnaire ~~restoration questionnaire~~;

4)~~5)~~ The required fee set forth in Section 1175.100; or

5)~~6)~~ If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.

c) An applicant for restoration who has not maintained an active teaching practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour barber teacher refresher course or successful completion of the examination set forth in Section 1175.210 within 2 years after applying for restoration of the license.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART C: BARBER SCHOOL

Section 1175.330 Curriculum Requirements − Barber

Each licensed barber school shall provide a program consisting~~curriculum~~ of a minimum of 1500 clock hours of instruction in general theory and practical application, as follows:

a) 150 hours of classroom instruction in general theory that~~which~~ shall be divided into specific subject areas as specified in subsection (b).

b) 1350 hours shall be at the discretion of the instructor based on the instructor's evaluation of the individual student's needs. However, the training shall cover, at least, the following subject areas: ~~set forth in Section 2A-7(4) of the Act.~~

1) Barber history;

2) Bacteriology;

3) Infection control and safe work practices;

4) Implements, tools and equipment;

5) Anatomy and physiology;

6) Chemistry;

7) Electricity and light therapy;

8) Properties and disorders of the skin;

9) Properties and disorders of the hair and scalp;

10) Treatment of the hair and scalp;

11) Facial and scalp massage;

12) Shaving and facial hair design;

13) Haircutting and styling;

14) Chemical texture services;

15) Hair coloring and lightening;

16) Barbershop management; and

17) Pertinent State and local laws and rules.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART D: COSMETOLOGY

Section 1175.400 Examination – Cosmetology

a) Eligibility.

1) Each applicant must meet the requirements in either Section 3-2(1)(a), (b) and (c) or 3-3(a), (b) and (c) of the Act prior to filing an application for the Division authorized cosmetology examination.

2) An applicant's training must be received from a school of cosmetology approved by the Division that meets the requirements set forth in Subpart E of this Part.

b) Application. Each applicant shall file an application for examination, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) An official transcript showing successful completion of the required training outlined in Section 3-2(c) or 3-3(c) of the Act; official transcripts showing successful completion of remedial training when required by Section 1175.410(c) of this Part and a passing grade on the final examination administered by the school as set forth in Section 1175.540;

2) A request, if desired, to take the written examination in the Spanish language;

3) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any documents submitted;

4) If licensed as a cosmetologist in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; and

5) ~~A complete work history since graduation from cosmetology school; and~~ ~~6)~~The required examination fee.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.405 Examination – Cosmetology Teacher and Cosmetology Clinic Teacher

a) Eligibility. Each applicant must meet the requirements in Section 3-4(a) and (b) of the Act prior to filing an application for the cosmetology teacher examination.

b) Application. Each applicant shall file an application, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit, or court order) if name is other than that shown on any document submitted;

2) The required examination fee;

3) For cosmetology teacher:

A) Either:

i) An official transcript from an approved school of cosmetology showing successful completion of a program of 500 hours of teacher training as outlined in Section 1175.535 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist; or

ii) An official transcript from an approved school of cosmetology (see Subpart E) showing successful completion of a program of 1000 hours of teacher training as outlined in Section 1175.535 of this Part; and

B) If licensed as a cosmetology teacher in another state, a certification of licensure from the state of original licensure and from the state

of current licensure or most recent practice;

4) For cosmetology clinic teacher:

A) an official transcript from an approved school of cosmetology showing successful completion of a program of 250 hours of clinic teacher training in a licensed school of cosmetology; or

B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full-time hours per week as a licensed cosmetologist and has completed an instructor's institute of 20 hours, as approved by the Division, prior to submitting an application for examination; and

5) ~~A complete work history since obtaining a cosmetologist license from cosmetology school; and 6)~~A copy of the applicant's current Illinois cosmetology license.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.415 Application for Licensure

a) Each applicant shall submit to the Division:

1) A signed and completed licensure application that the applicant will receive with the notification of successful completion of the examination;

2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and

3) The required fee set forth in Section 1175.100.

b) Any licensed nail technology teacher or licensed esthetics teacher shall not be required to take the examination set forth in Section 1175.405. An application shall be submitted to the Division that includes:

1) A copy of his/her current nail technician teacher license or esthetics teacher license;

2) A copy of his/her nail technician license or esthetics license;

3) ~~A complete work history since obtaining a nail technology teacher license or esthetics teacher license; 4)~~Either:

A) Proof of two years experience as an esthetician or nail technician; or

B) An official transcript verifying completion of 500 hours of post-graduate school training that includes all subjects in the basic cosmetology curriculum in Section 1175.535, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and

4)~~5)~~ The required fee set forth in Section 1175.100.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.420 Endorsement

a) An applicant who is currently licensed as a cosmetologist in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:

1) A certification from the state of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of

hours required for licensure at the time the applicant was originally licensed;

3) Certification of current licensure if other than original licensure;

4) Two completed Verification of Employment forms showing at least 3 years of lawful practice in another jurisdiction if:

A) The jurisdiction of original licensure does not require a licensing examination or has not provided an examination score; or

B) The applicant is applying under Section 3-8 of the Act;

5) ~~A complete work history showing all employment since graduation from cosmetology school to present; 6)~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on submitted documents;

6)~~7)~~ The required fee set forth in Section 1175.100; and

7)~~8)~~ A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

b) An applicant who is currently licensed as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction and who is seeking licensure as a cosmetology teacher or cosmetology clinic teacher in Illinois by endorsement shall file an application, on forms provided by the Division, which shall include:

1) A certification from the state of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the schools attended by the applicant showing

the programs completed and the hours received with the school seal affixed or a verification from the licensing authority of the number of hours required for licensure at the time the applicant was originally licensed;

3) Certification of current licensure if other than original licensure;

4) One of the Following~~Either~~:

A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. A cosmetology teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or

B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. A cosmetology clinic teacher applicant shall verify 2 years of lawful practice as a cosmetologist; or

C) Two completed Verification of Employment forms showing at least 3 years of lawful practice as a cosmetology teacher or cosmetology clinic teacher submitted by an applicant who is applying as a cosmetology teacher or cosmetology clinic teacher on the basis of 3 years of lawful practice;

5) ~~A complete work history showing all employment since graduation from basic cosmetology school to present; 6)~~Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

6)~~7)~~ The required fee set forth in Section 1175.100; and

7)~~8)~~ A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

c) An applicant for licensure as a cosmetologist who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month

period during which he/she was lawfully employed as a cosmetologist. To obtain credit for work experience, the applicant must submit verification of employment on forms provided by the Division in support of the work experience. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

d) An applicant applying for licensure as a cosmetologist or cosmetology teacher or cosmetology clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.410(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.430 Restoration – Cosmetology

a) Application for Restoration

1) A person applying for restoration of a license as a cosmetologist that has expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division and:

A) Pay the required fee set forth in Section 1175.100; and

B) Provide evidence of successful completion of 14 hours of continuing education earned within the 2 years immediately preceding the restoration.

2) If restoring after active military service, the applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of a license as a cosmetologist that has been expired or been on inactive status for 5 years or more shall submit an application on forms provided by the Division along with either:

1) All of the following:

A) Verification of employment as a cosmetologist in another jurisdiction within the 5 years preceding application for restoration;

B) Certification of licensure from the licensing authority in the jurisdiction of employment stating that said practice was authorized;

C) ~~A complete work history showing all employment since the Illinois license lapsed or was placed on inactive status; D)~~A completed Restoration Questionnaire;

D)~~E)~~ Evidence of successful completion of 14 hours of continuing education earned within the 2 years immediately preceding restoration if restoring a cosmetology license; and

E)~~F)~~ The required fee set forth in Section 1175.100; or

2) A copy of the applicant's DD-214 form and the current renewal fee, if restoring from active military service.

c) An applicant for restoration who has not maintained a practice in another jurisdiction shall also submit official transcripts showing successful completion of a 250 hour refresher course from a licensed cosmetology or barber school or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration. A cosmetology applicant who completes this refresher course or takes the examination shall not be required to complete 14 hours of continuing education.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.435 Restoration – Cosmetology Teacher

a) A person applying for restoration of a certificate as a licensed cosmetology teacher or cosmetology clinic teacher that has been expired or been on inactive status for less than 5 years shall file an application, on forms provided by the Division. An applicant shall also submit proof of 24 hours of continuing education in accordance with Section 1175.1200 earned within the 2 years preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of his/her DD-214 and the current renewal fee.

b) A person applying for restoration of a license as a cosmetology teacher or cosmetology clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Division, along with either:

1) All of the following:

A) Verification of employment as a cosmetology teacher or cosmetology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;

B) Certification of licensure from the licensing authority in the jurisdiction of employment;

C) Evidence of successful completion of 24 hours of continuing education earned within the 2 years immediately preceding the restoration;

D) ~~A complete work history showing all employment since the Illinois teacher license lapsed; E)~~A completed Restoration Questionnaire~~restoration questionnaire~~; and

E)~~F)~~ The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.

c) An applicant for restoration of a cosmetology teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 250 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410

within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 250 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.

d) An applicant for restoration of a cosmetology clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour cosmetology teacher refresher course or passage of the examination set forth in Section 1175.410 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.

e) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART E: COSMETOLOGY SCHOOLS

Section 1175.500 School Approval Application

a) An applicant for a cosmetology school license shall submit a completed application to the Division with the following information and documentation:

1) A detailed floor plan consistent with the requirements of Section 1175.505 of this Part;

2) A copy of a lease showing at least a 1 year commitment to the use of the school site or certification of ownership of the proposed school site;

3) If owner is a corporation, a copy of the Articles of Incorporation;

4) If owner is a partnership, a listing of all partners and their current addresses;

5) A signed fire inspection report from the local fire inspection authority within 6 months prior to filing an application giving approval for use of

the site as a school;

6) A financial statement prepared by a public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

7) A copy of the official student contract to be used by the school, which shall be consistent with the requirements of Section 1175.510 of this Part;

8) A listing of all teachers, including their teacher license numbers, who will be in the school's employ;

9) A copy of the curricula that will be followed;

10) A copy of the school's official transcript; and

11) The required fee set forth in Section 1175.1004~~-1.5(d) of the Act~~.

b) New schools that wish to offer nail technology and/or esthetics in addition to cosmetology shall comply with Section 1175.805 and 1175.1105.

c) When the above items have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance with this Subpart. School operations shall not commence nor shall the school in any way solicit student enrollment, until the school has received written notice of approval from the Division. Approval will be granted if all of the requirements of Subpart E have been met.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.510 Enrollment Agreements and Refund Policies

a) All licensed cosmetology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.

b) All licensed cosmetology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain ~~no more than~~ the application and registration fee,* not to exceed $100 and ~~*plus*~~ *the cost of any books or materials* that~~*which*~~ *have been provided by the school and retained by the student* (Section 3B-13(b) of the Act). ~~The cost of books, for purposes of refunds, is the cost of the books charged to the student, not the cost of the books to the school.~~

3) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee, not to exceed $100, 10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school and retained by the student.

4) When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee, not to exceed $100 and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with subsection (c) of this Section.

c)~~2)~~ For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds~~shall be made in the following manner~~:

PERCENTAGE OF A SCHEDULED ~~TIME TO TOTAL TIME OF~~ COURSE COMPLETED	AMOUNT OF ~~TOTAL~~ TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%

10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART G: ESTHETICS

Section 1175.700 Examination – Esthetics

a) Eligibility. Each applicant must meet the following requirements:

1) Be at least 16 years of age.

2) Pursuant to Section 3A-2 of the Act:

A) Be a high school graduate or its equivalent or be beyond the age of compulsory school attendance; and

B) Graduate from an esthetics or cosmetology school approved by the Division to teach esthetics in accordance with Subpart H of this Part, which includes a 750 hour program in the study of esthetics extending over a period of not less than 18 weeks nor more than 4 consecutive years.

b) Application. Each applicant shall file an application for examination, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) An official transcript showing successful completion of the required training outlined in subsection (a) and a passing grade on the final examination administered by the school as set forth in Section 1175.845; or official transcripts showing successful completion of remedial training (125 hour refresher course) when required by Section 3A-2 of the Act;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on the supporting documents;

3) If licensed as an esthetician or holding a related license in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice; and

4) ~~A complete work history since graduation from an esthetics school or a cosmetology school approved to teach esthetics; and 5)~~The required fee set forth in Section 1175.100.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.705 Examination – Esthetics Teacher and Esthetics Clinic Teacher

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3A-3 of the Act prior to filing an application for the esthetics teacher examination.

1) Be at least 18 years of age;

2) Be a high school graduate or its equivalent;

3) Hold a current license as a cosmetologist or esthetician;

4) For esthetics teacher:

A) Complete a program of 500 hours of teacher training in an approved cosmetology or esthetics school and 2 years of experience as a licensed cosmetologist or esthetician within 5 years preceding application; or

B) Complete a program of 750 hours of teacher training in a licensed cosmetology school approved to teach esthetics or in an esthetics school; and

5) For esthetics clinic teacher: An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training as outlined in Section 1175.536 or 1175.841 of this Part and 2 employment verification forms showing at least 2 years of practical experience as a licensed cosmetologist within 5 years prior to application.

b) Application. Each applicant shall file an application, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if different than shown on supporting documents;

2) The required fee set forth in Section 1175.100;

3) For an esthetics teacher:

A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a 500 hour program of teacher training as outlined in Section 1175.535 or 1175.840 of this Part and 2 employment verification forms showing at least 2 years of the last 5 years preceding the examination of practical experience as a licensed esthetician or cosmetologist; or

B) An official transcript from an approved school of esthetics or cosmetology showing completion of a program of 750 hours of teacher training as outlined in Section 1175.535 or 1175.840 of this Part;

4) For an esthetics clinic teacher:

A) An official transcript from an approved school of esthetics or cosmetology showing successful completion of a program of 250 hours of clinic teacher training; or

B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed esthetician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination;

5) ~~A complete work history since graduation from an esthetics or cosmetology school; 6)~~A copy of the applicant's current Illinois esthetician

or cosmetology license;

6)~~7)~~ For any person who holds a cosmetologist's license, a certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. The~~Such~~ certificate shall be from the school of cosmetology or esthetics or the manufacturer of ~~such~~ machines used in esthetics; and

7)~~8)~~ If licensed in another state, a certification of licensure from the state of original licensure and from the state of current licensure or most recent practice.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.715 Application for Licensure

a) Applicants for licensure based on examination shall submit to the Division:

1) A signed and completed licensure application that~~which~~ the applicant will receive with the notification of successful completion of the examination;

2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and

3) The required fee set forth in Section 1175.100.

b) Cosmetology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.705. An application shall be submitted to the Division that includes:

1) A copy of the applicant's current cosmetology teacher license;

2) ~~A complete work history since completion of teacher training; 3)~~A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. The~~Such~~ certificate shall be from the school of cosmetology or esthetics or the manufacturer of ~~such~~ machines used in esthetics; and

3)~~4)~~ The required fee set forth in Section 1175.100.

c) A licensed cosmetology teacher who will be teaching esthetics in an approved esthetics school or in a cosmetology school approved to teach esthetics, however, will be required to submit a written request to the Division notifying it of his/her intent to teach esthetics.

1) The written request shall be accompanied by:

A) A copy of his/her cosmetology teacher license; and

B) A certificate of competency in the use of machines (steamer, disencrustation machine, etc.) utilized in the practice of esthetics. The~~Such~~ certificate shall be from the school of cosmetology or esthetics or the manufacturer of ~~such~~ machines used in esthetics.

2) The Division shall issue a letter of authority to the individual that he/she is approved to teach esthetics in Illinois.

d) Nothing in this Part requires a licensed cosmetologist to obtain a license to practice esthetics or a licensed cosmetology teacher to obtain a license to practice or to teach esthetics.

e) Nail technology teachers licensed in Illinois who are applying for an esthetics teacher's license will not be required to take the examination set forth in Section 1175.710. An application shall be submitted to the Division that includes:

1) A copy of his/her current nail technology teacher license;

2) A copy of his/her esthetics license;

3) ~~A complete work history since obtaining a nail technology teacher license;4)~~Either:

A) Proof of two years experience as an esthetician; or

B) An official transcript verifying completion of 250 hours of Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.835, including theory

and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and

4)~~5)~~ The required fee set forth in Section 1175.100.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.720 Endorsement

a) An applicant who is currently licensed as an esthetician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, which shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary actions taken or pending;

2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) ~~A complete work history showing all employment since graduation from esthetics school to present; 5)~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

5)~~6)~~ The required fee set forth in Section 1175.100; and

6)~~7)~~ A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

b) An applicant who is currently licensed as an esthetics teacher or esthetics clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the grades received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the schools attended by the applicant showing the programs completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) One of the Following~~Either~~:

A) Two Verification of Employment forms submitted by an applicant who completed a program of at least 500 hours of teacher training. An esthetics teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or

B) Two Verification of Employment forms submitted by an applicant who completed a program of at least 250 hours of clinic teacher training. An esthetics clinic teacher applicant shall submit verification of 2 years of lawful practice as an esthetician; or

C) Two Verification of Employment forms indicating 3 years of lawful practice in another jurisdiction submitted by an applicant who is applying as an esthetics teacher or esthetics clinic teacher on the basis of 3 years of lawful practice;

5) ~~A complete work history showing all employment since graduation from basic esthetics school to present; 6)~~Proof of name change (i.e., marriage

license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

6)~~7)~~ The required fee set forth in Section 1175.100; and

7)~~8)~~ A copy of the licensing Act applicable on the date of original licensure showing the requirements for licensure if requested by the Division in the application review. The Division will make such a request if the application materials are incomplete.

c) An applicant for licensure as an esthetician who is licensed in another jurisdiction shall be given 300 hours of educational credit for every 12 month period during which he/she was lawfully employed as an esthetician. To obtain credit for work experience, the applicant must submit verification of employment in support of the work experience on forms provided by the Division. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

d) An applicant applying for licensure as an esthetician, esthetics teacher or esthetics clinic teacher on the basis of endorsement who has previously failed the licensing examination in Illinois shall not be approved for licensure on the basis of endorsement unless and until he/she provides verification of successful completion of a substantially equivalent licensure examination and fulfills the requirements set forth in Section 1175.710(c). The successful completion of the substantially equivalent examination and fulfillment of applicable requalification requirements must occur after the most recently failed examination attempt in Illinois.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.730 Restoration – Esthetics

a) A person applying for restoration of a license as an esthetician that has been expired for less than 5 years shall submit an application on forms provided by the Division and either:

1) All of the following:

A) pay the required fee; and

B) provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200 of this Part; earned within the 2 years immediately preceding the restoration.

2) If restoring after active military service, a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of a license as an esthetician that has been expired for 5 years or more shall submit an application on forms provided by the Division along with either:

1) All of the following:

A) Verification of employment attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;

B) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;

C) ~~A complete work history showing all employment since the Illinois license lapsed or was placed on inactive status; D)~~A completed Restoration Questionnaire;

D)~~E)~~ Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and

E)~~F)~~ The required fee set forth in Section 1175.100; or

2) If restoring from active military service, a copy of the applicant's DD-214 and the current renewal fee.

c) An applicant for restoration who has not maintained a lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 125 hour esthetics refresher course from an approved cosmetology or esthetics school or pass the

esthetics licensure examination pursuant to Section 1175.710 within 2 years prior to or within 2 years after application for restoration. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of continuing education.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.735 Restoration − Esthetics Teacher

a) A person applying for restoration of a license as an esthetics teacher or esthetics clinic teacher that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division. An applicant shall also submit evidence of successful completion of 20 hours of continuing education in accordance with Section 1175.1210 earned within the 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100. If restoring after active military service, an applicant shall submit a copy of the applicant's Honorable Discharge form (DD-214) and the current renewal fee.

b) A person applying for restoration of a certificate as an esthetics teacher or esthetics clinic teacher that has been expired for 5 years or more shall submit an application on forms provided by the Division, along with either:

1) All of the following:

A) Verification of employment as an esthetics teacher or esthetics clinic teacher in another jurisdiction within the 5 years preceding application for restoration;

B) A certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;

C) Evidence of successful completion of 20 hours of continuing education earned within 2 years immediately preceding restoration;

D) ~~A complete work history showing all employment since the Illinois~~

~~esthetics teacher or esthetics clinic teacher license lapsed; E)~~A completed Restoration Questionnaire~~restoration questionnaire~~; and

E)~~F)~~ The required fee set forth in Section 1175.100; or

2) If restoring after active military service, a copy of the applicant's DD-214 form and the current renewal fee.

c) An applicant for restoration of an esthetics teacher license who has not maintained a lawful esthetics teaching practice (as determined by the laws of that jurisdiction) in another jurisdiction shall submit official transcripts showing successful completion of a 125 hour teacher refresher course from an approved esthetics or cosmetology school or pass the esthetics teacher examination in accordance with Section 1175.710 within 2 years prior to application for restoration. An applicant who completes this refresher course shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of an esthetics clinic teacher license who has not maintained an active teaching practice in another jurisdiction shall submit official transcripts showing successful completion of a 60 hour teacher refresher course or passage of the examination set forth in Section 1175.710 within 2 years prior to or within 2 years after application for restoration of a license. Those who successfully complete a 60 hour refresher course or take the examination shall not be required to complete continuing education before restoring a license.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART H: ESTHETICS SCHOOLS

Section 1175.805 Cosmetology Schools Approved to Teach Esthetics

a) Existing cosmetology schools that wish to provide esthetics instruction shall:

1) provide 200 square feet of space to accommodate 5 work stations and a maximum of 10 students. If attendance exceeds 10 on the clinic floor at any time, an additional 40 square feet is required for each additional work station required by subsection (a)(4)(B) of this Section. The use of this space shall not reduce the square footage for the conduct of an approved~~approval~~ cosmetology school below the minimum requirements

set forth in this Part.

2) File an application with the Division, on forms provided by the Division, which shall include:

A) A detailed floor plan;

B) A signed copy of fire inspection report from the local fire authority within 6 months prior to application giving approval for use of the site as a school;

C) A financial statement prepared by a licensed certified public accountant licensed by the Division pursuant to the Illinois Public Accounting Act who is not an employee of the school, indicating sufficient current finances exist to operate the school for at least 3 months;

D) A copy of the enrollment agreement to be used by the school;

E) A copy of the esthetics curriculum;

F) A listing of all esthetics and cosmetology teachers, including their teacher license numbers, who will be in the school's employ;

G) A copy of the school's official transcript; and

H) The required fee set forth in Section 1175.100.

3) When the items listed in subsection (a)(2) have been received, the Division shall inspect the school premises, prior to school approval, to determine compliance.

4) In addition, the school shall have the following:

A) At least one facial chair for every 2 students enrolled.

B) At least one work station or position for every 2 students.

C) Every work station shall have 1 set of facial equipment to include

manual, mechanical, or electrical apparatus as follows:

i) Steamer

ii) Brushing

iii) Vacuum/spray machine

iv) Glass electrode or high frequency current

v) Disencrustation machine

vi) One magnification lamp

vii) Woods lamp.

D) Provide an esthetics curriculum in accordance with Sections 1175.835 and 1175.840.

b) Cosmetology schools approved to teach esthetics shall be required to comply with all provisions in this Part except for Section 1175.810(a) and (b).

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.815 Enrollment Agreements and Refund Policy

a) All licensed esthetics schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.

b) All licensed esthetics schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain ~~no more than~~ the application and*

registration fee, not to exceed $100 and~~*plus*~~ *the cost of any books or materials* that *have been provided by the school and retained by the student* (Section 3B-13(b) of the Act). ~~The cost of books for purposes of refunds is the cost of the books charged to the student, not the cost of the books to the school.~~

3) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee, not to exceed $100, 10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school and retained by the student.

4) When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee, not to exceed $100 and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with subsection (c) of this Section.

c)~~2)~~ For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds~~shall be made in the following manner~~:

PERCENTAGE OF A SCHEDULED ~~TIME TO TOTAL TIME OF~~ COURSE COMPLETED	AMOUNT OF ~~TOTAL~~ TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART J: NAIL TECHNOLOGY

Section 1175.1001 Examination – Nail Technician

a) Eligibility. Each applicant must meet the following requirements:

1) Is at least 16 years of age.

2) Pursuant to Section 3C-2 of the Act:

A) Is beyond the age of compulsory school attendance or has a certificate of graduation from a school providing secondary education or the recognized equivalent of that certificate; and

B) Is a graduate of a cosmetology or nail technology school approved by the Division to teach nail technology in accordance with Subpart K of this Part, that includes a program of 350 hours in the study of nail technology extending over a period of not less than 8 weeks nor more than 2 consecutive years.

b) Application. Each applicant shall file an application for examination, on forms provided by the Division, at least 45 days prior to an examination date. The application shall include:

1) An official transcript showing successful completion of the required program outlined in subsection (a)(2)(B) and a passing grade on the final examination administered by the school as set forth in Section 1175.1145; or, for those retaking the Division examination after 2 unsuccessful attempts, official transcripts showing successful completion of remedial training (60 hour refresher course) as required by Section 3C-7 of the Act;

2) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents; and

3) ~~A complete work history since graduation from a nail technology school or a cosmetology school approved to teach nail technology; and 4)~~The required fee set forth in Section 1175.100 of this Part.

c) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology school or nail technology school.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.1005 Examination – Nail Technology Teacher or Nail Technology Clinic Teacher

a) Eligibility. Each applicant must meet the following requirements pursuant to Section 3C-3 of the Act prior to filing an application for the nail technology teacher examination:

1) Be at least 18 years of age;

2) Have graduated from high school or its equivalent;

3) Hold a current license as a cosmetologist or nail technician;

4) For nail technology teacher, either:

A) Have completed a 500 hour program of teacher training in an approved cosmetology or nail technology school and have at least 2 years of full time experience as a practicing nail technician; or

B) Have completed a 625 hour program of teacher training in a school of cosmetology approved in accordance with Section 1175.1105 or school of nail technology approved in accordance with Section 1175.1100; and

5) For nail technology clinic teacher, have completed a 250 hour program of clinic teacher training in an approved cosmetology or nail technology school or within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, as approved by the Division, prior to submitting an application for examination.

b) Application. Each applicant shall file an application, on forms provided by the Division, at least 45 days prior to the examination date. The application shall include:

1) Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if a different name appears on supporting documents;

2) The required fee set forth in Section 1175.100;

3) For nail technology teacher, either:

A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of a 500 hour program of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part and 2 employment verification forms showing at least 2 years of full-time experience as a practicing nail technician; or

B) An official transcript from an approved school of nail technology or cosmetology, showing successful completion of a 625 hour program of teacher training as outlined in Section 1175.535 or 1175.1140 of this Part;

4) For nail technology clinic teacher:

A) An official transcript from an approved school of nail technology or cosmetology showing successful completion of a program of 250 hours of clinic teacher training; or

B) Proof that the teacher, within 5 years preceding the examination, has obtained a minimum of 2 years of practical experience working at least 30 full time hours per week as a licensed nail technician and has completed an instructor's institute of 20 hours, approved by the Division, prior to submitting an application for examination.

5) ~~A complete work history since graduation from a nail technology or cosmetology school; 6)~~A copy of the applicant's current Illinois nail technology or cosmetology license; and

6)~~7)~~ If the applicant is licensed in another state, a certification of licensure from the state of original licensure and from the state in which the applicant predominantly practices and is currently licensed.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.1015 Application for Licensure

a) Applicants for licensure based on successful completion of the examination shall submit to the Division:

1) A completed and signed licensure application that the applicant will receive with the notification of successful completion of the examination;

2) Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if different from that shown on pre-printed licensure application; and

3) The required fee as set forth in Section 1175.100.

b) Any cosmetology teacher licensed in Illinois who is applying for a nail technology teacher's license shall not be required to take the examination set forth in Section 1175.1005. An application shall be submitted to the Division that includes:

1) A copy of his/her current cosmetology and cosmetology teacher license; and

2) ~~A complete work history since completion of teacher training; and 3)~~The required fee set forth in Section 1175.100.

c) Nothing in this Part requires a licensed cosmetologist or licensed cosmetology teacher to obtain a license to practice or to teach nail technology.

d) Esthetics teachers licensed in Illinois who are applying for a nail technician teacher's license will not be required to take the examination set forth in Section 1175.1010. An application shall be submitted to the Division that includes:

1) A copy of his/her current esthetics teacher license;

2) A copy of his/her current nail technician license;

3) ~~A complete work history since completion of esthetics teacher training; 4)~~Either:

A) Proof of two years experience as a nail technician; or

B) An official transcript verifying completion of 250 Post-Graduate School Training that includes all subjects in the basic esthetics curriculum in Section 1175.1140, including theory and practice. Presentation of material must include the concepts that are intended to be taught and the skills to be acquired during the various phases of basic education; and~~.~~

4)~~5)~~ The required fee set forth in Section 1175.100.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.1020 Endorsement

a) Nail Technician

1) An applicant currently licensed as a nail technician in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:

A) A certification from the jurisdiction of original licensure stating:

i) A brief description of any licensure examination taken and the scores received; and

ii) Whether the applicant's file contains any record of disciplinary actions taken or pending;

B) Official transcripts from the school attended by the applicant showing the program completed and the hours received with the school seal affixed;

C) Certification of current licensure if other than original licensure;

D) ~~A complete work history showing all employment since graduation from nail technology school to present; E)~~Proof of any name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on attached documents;

E)~~F)~~ The required fee set forth in Section 1175.100; and

F)~~G)~~ Successful completion of the Illinois Nail Technician Licensure Examination.

2) An applicant who has graduated from a nail technology program in another jurisdiction with less than 350 hours may only acquire a maximum of 50 hours of nail technology training from a licensed Illinois cosmetology or nail technology school.

3) If the nail technology school from which the applicant graduated has closed, verification of education hours must come from the original state of licensure.

b) An applicant currently licensed as a nail technology teacher or nail technology clinic teacher in another jurisdiction and who is seeking licensure in Illinois by endorsement shall file an application, on forms provided by the Division, that shall include:

1) A certification from the jurisdiction of original licensure stating:

A) A brief description of any licensure examination taken and the scores received; and

B) Whether the applicant's file contains any record of disciplinary action taken or pending;

2) Official transcripts from the school attended by the applicant showing the program completed and the hours received with the school seal affixed;

3) Certification of current licensure if other than original licensure;

4) One of the Following~~following~~:

A) Two Verification of Employment forms submitted by the applicant who completed at least a 500 hour program of teacher training. A nail technology teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or

B) Two Verification of Employment forms shall be submitted by the applicant who completed at least a 250 hour program of clinic teacher training. A nail technology clinic teacher applicant shall submit verification of 2 years of lawful practice as a nail technician or cosmetologist; or

C) Two Verification of Employment forms shall be submitted by the applicant for a nail technology teacher or nail technology clinic teacher license who is applying on the basis of 3 years of lawful practice as a nail technology teacher in another jurisdiction;

5) ~~A complete work history showing all employment since graduation from basic nail technology school to present; 6)~~Proof of name change (i.e., marriage license, divorce decree, affidavit or court order) if name is other than that shown on any of the documents submitted;

6)~~7)~~ The required fee set forth in Section 1175.100; and

7)~~8)~~ Successful completion of the Illinois Nail Technician Teacher Licensure Examination.

c) An applicant for licensure as a nail technician who is licensed in another jurisdiction shall be given 75 hours of educational credit for every 12 month period during which he/she was lawfully employed as a nail technician. To obtain credit for work experience, the applicant shall submit verification of employment in support of the work experience on forms provided by the Division. A certification of licensure from the jurisdiction in which the lawful practice is claimed must also be submitted.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.1030 Restoration – Nail Technician

a) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for less than 5 years shall submit an application on forms provided by the Division and:

1) Pay the required fee as set forth in Section 1175.100; and

2) Provide evidence of successful completion of 10 hours of continuing education in accordance with Section 1175.1200(c).

b) A person applying for restoration of a nail technician license that has been expired or placed on inactive status for 5 years or more shall submit an application on forms provided by the Division along with:

1) Verification of employment, attesting to lawful practice in another jurisdiction within the 5 years preceding application for restoration;

2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed. An applicant for restoration who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology refresher course from an approved cosmetology or nail technology school or pass the examination set forth in Section 1175.1010~~1175.1001~~ within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 10 hours of continuing education;

3) ~~A complete work history showing all employment since the Illinois license lapsed; 4)~~A completed Restoration Questionnaire;

4)~~5)~~ Evidence of successful completion of 10 hours of continuing education earned within the 2 years immediately preceding restoration; and

5)~~6)~~ The required fee as set forth in Section 1175.100.

c) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

d) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

Section 1175.1035 Restoration – Nail Technology Teacher or Nail Technology Clinic Teacher

a) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired or been on inactive status for less than 5 years shall submit an application on forms provided by the Division. An applicant shall also submit evidence of successful completion of 20 hours of continuing education in accordance with Sections 1175.1200 and 1175.1210 earned within 2 years immediately preceding the restoration and the required fee set forth in Section 1175.100.

b) A person applying for restoration of a nail technology teacher or nail technology clinic teacher license that has been expired for 5 years or more shall submit an application on forms provided by the Division along with:

1) Verification of employment as a nail technology teacher or nail technology clinic teacher in another jurisdiction within the 5 years preceding application for restoration;

2) Certification from the appropriate licensing authority in the jurisdiction in which lawful practice is claimed;

3) ~~A complete work history showing all employment since the Illinois license lapsed; 4)~~A completed Restoration Questionnaire;

4)~~5)~~ Evidence of successful completion of 20 hours of continuing education earned within the 2 years immediately preceding restoration; and

5)~~6)~~ The required fee as set forth in Section 1175.100.

c) An applicant for restoration of a nail technology teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful

completion of a 125 hour nail technology teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes this refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

d) An applicant for restoration of a nail technology clinic teacher license who has not maintained lawful practice (as determined by the laws of that jurisdiction) in another jurisdiction shall also submit official transcripts showing successful completion of a 60 hour nail technology clinic teacher refresher course from an approved cosmetology or nail technology school or pass the teacher examination set forth in Section 1175.1010 within 2 years prior to or within 2 years after the restoration application. An applicant who completes the refresher course or takes the examination shall not also be required to complete 20 hours of continuing education.

e) If restoring after active military service, the applicant shall submit a copy of his/her Honorable Discharge form (DD-214) and the current renewal fee.

f) If an applicant takes and fails the examination, the license will not be restored until such time as he/she has successfully completed the examination.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART K: NAIL TECHNOLOGY SCHOOLS

Section 1175.1115 Enrollment Agreements and Refund Policies

a) All licensed nail technology schools shall have enrollment agreements that meet the requirements of Section 3B-12 of the Act.

b) All licensed nail technology schools shall implement refund policies pursuant to Section 3B-13 of the Act and this Part.

1) When notice of cancellation is given within 5 days after the date of enrollment, all application and registration fees, tuition, and any other charges shall be refunded to the student.

2) *When notice of cancellation is given after the fifth day following enrollment but before the completion of the student's first day of class attendance, the school may retain* ~~*no more than*~~ *the application and registration fee,* not to exceed $100 and~~*plus*~~ *the cost of any books or materials* that *have been provided by the school and retained by the student* (Section 3B-13(b)). ~~The cost of books for purposes of refunds is the cost of the books charged to the student, not the cost of the books to the school.~~

3) When notice of cancellation is given after the student's completion of the first day of class attendance but prior to the student's completion of 5% of the course of instruction, the school may retain the application and registration fee, not to exceed $100, 10% of the tuition, other instructional charges or $300, whichever is less, and the cost of any books or materials that have been provided by the school and retained by the student.

4) When a student has completed 5% or more of the course of instruction, the school may retain the application fee and registration fee, not to exceed $100 and the cost of any books or materials provided by the school, but shall refund a part of the tuition and other instructional charges in accordance with the requirements of the school's regional or national accrediting agency, if any, or in accordance with subsection (c) of this Section.

c)~~2)~~ For students who enroll in and begin classes, the following schedule of tuition adjustment will be considered to meet the Division standards for refunds~~shall be made in the following manner~~:

PERCENTAGE OF A SCHEDULED ~~TIME TO TOTAL TIME OF~~ COURSE COMPLETED	AMOUNT OF ~~TOTAL~~ TUITION OWED TO THE SCHOOL
0.01% to 4.9%	10%
5% to 9.9%	30%
10% to 14.9%	40%
15% to 24.9%	45%
25% to 49.9%	70%
50% and over	100%

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART L: CONTINUING EDUCATION

Section 1175.1200 Sponsor Approval

a) Sponsor, as used in this Section, shall mean *accredited universities and colleges, industry or trade associations, corporate salons, franchise salons, independent salons, vocational and technical schools, cosmetology schools, and other entities* (Section 4-1.5(a) of the Act) that have been approved and authorized by the Division to coordinate and present continuing education courses or programs for cosmetologists, cosmetology teachers, estheticians, esthetics teachers, nail technicians or nail technology teachers.

b) A continuing education sponsor application shall be filed with the Division to be approved as a continuing education sponsor. The application shall include:

1) A copy of the Certificate of Attendance, which shall contain the following information:

A) The CE sponsor registration number, name and address;

B) Category of CE (cosmetology, nail technician, esthetics);

C) Name and license number of the participant;

D) Number of hours awarded; and

E) Course title and date of course.

2) A 3 hour CE course outline, including evidence of appropriate facilities, instructor qualifications and content of the course.

3) Name and address of the contact person responsible for all recordkeeping.

4) Certification that the sponsor will comply with all sponsor CE requirements set forth in this Subpart.

5) The required fee set forth in Section 1175.1004~~-1.5(c) of the Act~~.

c) A CE sponsor shall provide CE courses and programs that are organized programs of formal learning that contribute directly to a licensee's knowledge and ability to perform duties as a licensee. *No product sales shall be permitted during a continuing education program.* (Product sales/selling is any activity that involves a deal sheet or invoice or mention of prices or special deals. These~~Such~~ activities are prohibited during the presentation of continuing education programs.) *After the continuing education program is concluded and the certificates of attendance are distributed to the attendees, product sales shall be permitted.* (Section 4-1.5(e)(2) of the Act) A continuing education program or course must meet the following minimum requirements:

1) Be developed and presented by persons with education, training and/or practical experience in the subject matter to be presented.

2) Include a student evaluation of both instructor and the course.

3) Specify the course objectives, content, prerequisites, requirements, the licensure category for which the CE applies and the number of CE hours to be earned. This~~Such~~ information shall be specified in all promotional materials.

4) Be in the following subject areas for cosmetologists, estheticians and nail technicians:

A) Advanced product chemistry and chemical interaction;

B) The use of machines and implements;

C) Sanitary procedures;

D) Hazardous chemicals;

E) Exposure minimization;

F) Updated use of implements as they relate to applicable services under this Act;

G) Advanced knowledge of the anatomy of the skin, scalp, hair and/or

nails;

H) Human relations/communication skills; and

I) Management and marketing.

5) Be in the following subject areas for cosmetology, esthetics and nail technology teachers in addition to the areas set forth in subsection (c)(4) of this Section.

A) Teaching methodology;

B) Educational psychology;

C) Classroom management; or

D) Other teaching related courses.

6) Individual study courses (correspondence, audio or video courses) sponsored by an approved sponsor shall include an examination and a means of verification that the licensee has successfully completed the~~such~~ course. (See Section 1175.1210(e).)

d) All sponsors shall verify attendance at each CE course or program. A record of attendance shall be kept for no less than 5 years. Sponsors shall give each successful participant a record of completion at the end of the course or program. All records shall include the following information: name, address and license number for each participant, category of CE (cosmetology, nail technician, esthetics, teacher education), number of hours awarded, course title and date of course. *Sponsors may delegate recordkeeping duties to one of their members or member groups.* (Section 4-1.5(a))

e) CE sponsors shall be required to renew their approval every two years upon submittal of the renewal application and the required fee. The first renewal shall be December 31, 1997.

f) All CE programs given on or after October 1, 1996, must be given by a sponsor who has been approved by the Division to provide continuing education.

g) All sponsors approved by the Division as of December 31, 1995, will be required to submit an application, the required fee and meet the current requirements set forth in this Part and the Act to continue to provide continuing education programs on or after October 1, 1996. *An approved sponsor may subcontract with individuals and organizations to provide approved programs. These persons must meet the criteria established in Section 4-1.5(e)(1) and (2).* (Section 4-1.5(j)) Any time the sponsor subcontracts with a presenter, all advertisements, promotional materials and the Certificate of Attendance will bear the name, address and registration number of the sponsor. The name of the subcontractor may appear as the "Presenter" but no document shall imply that the subcontractor is registered as a CE sponsor.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

SUBPART M: SALON OR SHOP REGISTRATION

Section 1175.1300 Application for a Barber Shop or Cosmetology, Nail Technology~~Technician~~ or Esthetics Salon Certificate of Registration

a) Pursuant to Article IIID of the Act, all cosmetology, nail technology~~technician~~ or esthetics salons and barber shops shall obtain a certificate of registration from the Division in order to operate in Illinois. The owner~~A shop~~ shall file an application with the Division, on forms supplied the Division. The application shall include the following:

1) If the application is for a change of ownership, the salon or shop registration number of previous owner, a signed, dated statement from previous owner, and original salon or shop certificate registration;

2) Ownership structure: individual/sole proprietorship, corporation, limited liability company (LLC) or partnership;

3) Name,~~Shop name, street and city~~ address and telephone number of owner. If a corporation, LLC, or partnership, the name, address and telephone number of chief executive officer (CEO) or managing partner;

4) Federal employer identification number (FEIN) of owner ;

5)~~2)~~ Name,~~Shop owner's name, home~~ address and ~~home~~ telephone number of

salon or shop;

6) Franchise disclosure;

7) Name and license number of any owner, managing partner or CEO holding an Illinois license in any profession regulated under the Act;

~~3) If a partnership, a copy of the partnership agreement and all partners' home addresses and phone numbers;~~

8)~~4)~~ If an Illinois~~a~~ corporation, a copy of the entire Articles of Incorporation as filed with the Illinois Secretary of State~~ and a list of all corporate officers and managers~~;

9) If a foreign corporation, a copy of the entire Articles of Incorporation as filed with the jurisdiction where the corporation is registered and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;

10) If an LLC, a copy of the entire Articles of Organization as filed with the Illinois Secretary of State;

11) If a foreign LLC, a copy of the entire Articles of Organization as filed with the jurisdiction where the LLC is organized and a copy of the certificate of authority to transact business in Illinois as filed with the Illinois Secretary of State;

12) If a partnership, a copy of the signed and dated partnership agreement including the name of the partnership, business address and name of each partner;

13) If a franchise, a copy of the signed and dated franchise agreement showing that franchisee has been granted the right to use trade name, trademark, service name, service mark or any other right to the exclusive use of names or symbols;

14) If using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary

of State showing authorization to transact business under the assumed name.

~~5) If the applicant is licensed in another profession covered under the Act, a license number; and~~

~~6) If any owner, managing partner or CEO holds an Illinois license, a list of the names and license numbers.~~

b) Registration Requirements. The requirement to obtain a certificate of registration from the Division is only applicable to salons or shops offering cosmetology, esthetics, nail technology or barbering services. A separate certificate of registration is required for each salon or shop location. A ~~and a~~ separate application, fee and supporting documents shall be submitted to the Division. The Division may reject any application including a business name that states or implies a service that cannot be legally offered by the business, which is misleading to consumers, or is otherwise inconsistent with the purposes of the Act.

c) Change of Location. The owner shall file written notice with the Division at least 30 days in advance of the change of location of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, new address of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of registration and a $20 reprint fee. The Division shall reprint the certificate of registration with the new salon or shop address~~All registered shops/salons shall notify the Division of any change of address. The certificate of registration shall be returned to the Division and a new certificate of registration will be issued with the new address for a fee of $20~~.

d) Change of Ownership. When the ownership of a salon or~~the~~ shop changes, the new owner shall, within 5 working days after the date of sale, ~~be required to~~ file with the Division an affidavit stating that the sale is contingent on a ~~new application for a~~ certificate of registration being issued to the new owner. If this is not provided, the salon or shop must close and remain closed until a certificate of registration is issued to the new owner. The new owner shall obtain a certificate of registration from~~with~~ the Division as set forth in subsection (a) of this Section~~pursuant to Section 3D-5(c) of the Act~~.

e) Change of Name. The owner shall file written notice with the Division at least 30 days in advance of the change of name of a salon or shop. The notice shall include the owner's name and signature, date, FEIN, previous name of salon or shop, address of salon or shop, new name of salon or shop and effective date of change. The notice shall be accompanied by the original certificate of registration, a $20 reprint fee, and if using an assumed name, a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name~~All registered shops/salons shall notify the Division of any change of business name. The certificate of registration shall be returned to the Division and a new certificate of registration will be issued with the new name for a fee of $20~~.

f) Renewal. All certificates of registration shall expire on November 30 of even numbered years. A salon or shop may renew the certificate of registration during the 2 months preceding the expiration date by paying the required fee.

g) Restoration. An owner seeking restoration of a certificate of registration that has expired or been placed on inactive status shall file written notice with the Division. The notice shall include the owner's name and signature, date, FEIN, name of salon or shop, previous address of salon or shop, current address of salon or shop, and $40 fee. If using an assumed name, the notice shall also include a certificate from the county clerk's office where the assumed name is filed or a certificate from the Illinois Secretary of State showing authorization to transact business under the assumed name.

(Source: Amended at 35 Ill. Reg. 1888, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Illinois Public Accounting Act

2) Code Citation: 68 Ill. Adm. Code 1420

3) Section Number: 1420.75 — Adopted Action: New Section

4) Statutory Authority: Illinois Public Accounting Act [225 ILCS 450]

5) Effective Date of Amendment: January 20, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: October 22, 2010; 34 Ill. Reg. 15939

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: No substantive differences. Only four nonsubstantive, technical changes were made to the rulemaking.

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: Section 16(e) of the Act was amended to require firms and sole practitioners, as a condition of renewal for all renewals after July 1, 2012, to satisfactorily complete a peer review in the preceding 3-year period. This adopted rulemaking adds Section 1420.75 to fully implement the peer review process.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

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 1420
ILLINOIS PUBLIC ACCOUNTING ACT

Section
1420.10 Experience
1420.20 Application for Licensure as a Certified Public Accountant
1420.25 Application for Licensure as a Registered Certified Public Accountant
1420.30 Application for Licensure-Firm
1420.35 Temporary Practice
1420.40 Fees for the Administration of the Act
1420.50 Endorsement
1420.60 Restoration
1420.70 Continuing Professional Education
1420.75 Peer Review
1420.80 Renewals
1420.90 Annual Report of the Committee
1420.100 Conduct of Hearings (Repealed)
1420.110 Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. 9853, effective August 1, 2005; emergency amendment at 30 Ill. Reg. 16435, effective September 29, 2006; amended at 31 Ill. Reg. 3475, effective February 15, 2007; amended at 35 Ill. Reg. 1957, effective January 20, 2011.

Section 1420.75 Peer Review

a) Establishment of Peer Review Program

1) Pursuant to Section 16(e) of the Illinois Public Accounting Act (Act), the Division establishes a Peer Review Program to monitor a firm's and sole practitioner's compliance with applicable accounting, auditing and other attestation standards adopted by generally recognized standard-setting bodies. The program may include education, remediation, disciplinary sanctions or other corrective action in which performance does not comply with professional or regulatory standards.

2) The Division shall not require any firm or sole practitioner to become a member of any Peer Review Administrator.

b) Standards for Peer Reviews
The Division adopts the American Institute of Certified Public Accountants (AICPA) Standards for Performing and Reporting on Peer Reviews (2009, no later amendments or editions apply) and related Interpretations (2009, no later amendments or editions apply), 1211 Avenue of the Americas, New York NY 10036, for reviews commencing on or after January 1, 2009, and for public company audit firms the firm inspection standards required under the Sarbanes-Oxley Act of 2002 (SOX), as its minimum standards for review.

c) Peer Review Administrators

1) The Division, upon recommendation of the Public Accountant Registration Committee (Committee), approves as a Qualified Peer Review Administrator the AICPA, AICPA National Peer Review Committee, the Illinois CPA Society, other state CPA societies and other organizations that are fully involved in the administration of the AICPA Peer Review Program, the National Conference of CPA Practitioners (NCCPAP) and the Public Company Accounting Oversight Board (PCAOB).

2) A Peer Review Administrator not listed in subsection (c)(1) shall make an application to the Division, on forms prepared by the Division, to receive authorization to act as a Peer Review Administrator.

3) To qualify as a Peer Review Administrator, an entity must annually submit a peer review plan of administration to the Division for review and approval. The plan of administration must:

A) establish a Peer Review Report Committee (PRRC), and subcommittees as needed, and provide professional staff as needed for the operation of the peer review program;

B) establish a program to communicate to firms and sole practitioners participating in the peer review program the latest developments in peer review standards and the most common findings in the peer reviews conducted by the Peer Review Administrator;

C) establish procedures for resolving any disagreement that may arise out of the performance of a peer review;

D) establish procedures to resolve matters that may lead to the dismissal of a firm or sole practitioner from the peer review program;

E) establish procedures to evaluate and document the performance of each reviewer, which may lead to the disqualification of a reviewer who does not meet the AICPA standards;

F) require the maintenance of records of peer reviews conducted under the program in accordance with the record retention rules of the AICPA; and

G) provide reports on the results of the peer review program to the Division upon request.

4) A Peer Review Administrator shall submit its plan of administration on forms prepared by the Division. Peer Review Administrators listed in

subsection (c)(1) are exempt from the plan of administration submission requirements.

5) A Peer Review Administrator is subject to oversight by the Division for the purpose of carrying out the provisions of the Act.

d) Enrollment and Participation

1) For renewals on or after July 1, 2012, satisfactory completion of a peer review is required as a condition for renewal of a license for each firm or sole practitioner who provides services requiring a license under Section 8 of the Act. For purposes of this Section, satisfactory completion shall be defined as follows:

A) Peer reviews of firms and sole practitioners that are accepted by the PRRC without remedial or corrective actions shall be considered completed when accepted.

B) Peer reviews of firms and sole practitioners that are accepted by the PRRC subject to any identified remedial or correction actions shall be considered accepted on the date the firm or sole practitioner signs an acceptance letter from the PRRC agreeing to complete the remedial or corrective actions and shall be considered completed when the firm or sole practitioner completes the remedial or corrective actions to the satisfaction of the PRRC. The Division may grant renewal of a firm's or sole practitioner's license upon the acceptance of its peer review, rather than upon the completion of its peer review.

C) Pursuant to Section 16(g) of the Act, the Division may hold a hearing for any firm or sole practitioner that fails to satisfactorily complete a peer review or comply with any remedial or corrective actions determined necessary by the PRRC.

2) Each firm or sole practitioner required to participate under Section 16(e) of the Act shall enroll in the program of an approved Peer Review Administrator and shall comply with the review due date assigned by an approved Peer Review Administrator. It is the responsibility of the firm or sole practitioner required to complete a peer review to schedule and

satisfactorily complete a peer review prior to the expiration date set for renewal. Failure to schedule a peer review with an approved Peer Review Administrator in sufficient time to enable the Peer Review Administrator to accept the review, as determined by the Peer Review Administrator, by the renewal date shall not constitute an excuse for failure to satisfactorily complete the peer review required for renewal.

3) The Division may accept extensions granted by the Peer Review Administrator to complete a review, provided the Division is notified by the firm or sole practitioner within 20 days after the date that an extension is granted. Extensions exceeding 3 months beyond the original due date established by the Peer Review Administrator must be approved by the Division and only for reasonable cause. Reasonable cause shall be determined on an individual basis by the Division and be defined as an inability to fulfill the peer review requirements during the applicable prerenewal period due to:

A) full-time service by a sole practitioner in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) a temporary incapacitating illness of a sole practitioner documented by a statement from a currently licensed physician;

C) undue hardship (prolonged hospitalization, family illness, firm dissolution or reorganization); or

D) any other similar extenuating circumstances.

4) A firm or sole practitioner may choose from among the list of Qualified Peer Review Administrators in subsection (c) to administer its peer review; but must comply with all requirements of the Peer Review Administrator with which it is enrolled.

5) A firm or sole practitioner choosing to change to another Peer Review Administrator may do so provided that the firm or sole practitioner authorizes the previous Peer Review Administrator to communicate to the succeeding Peer Review Administrator any outstanding corrective actions related to the firm's or sole practitioner's most recent review. Any

outstanding actions must be cleared and the peer review satisfactorily completed in accordance with subsections (d)(1)(A) and (B) prior to transfer between Peer Review Administrators.

6) An out-of-state firm practicing in this State pursuant to a practice privilege provided for in Section 5.2(d) of the Act must comply with the peer review program of the state in which the firm is licensed.

7) An out-of-state firm practicing in this State pursuant to a practice privilege provided for in Section 5.2(d) of the Act from a state without a peer review program must comply with the peer review requirements set forth in Section 16(e) of the Act.

8) An out-of-state firm practicing in this State pursuant to a practice privilege provided for in Section 5.2(d) of the Act must submit proof of satisfactory completion of a peer review (or equivalent) and the out-of-state firm shall submit documentation of the satisfactory completion of a peer review at the request of the Division.

9) In the event a firm's or sole practitioner's practice is sold, dissolved or merged with the practice of one or more firms or sole practitioners, determination of successor or predecessor firms, peer review year-end and peer review due date, if any, will be determined by the Peer Review Administrator.

e) Effect of Successive Substandard Reviews

1) A firm or sole practitioner, or its successor, may have an accelerated review as required by the Peer Review Administrator if it receives two consecutive system or engagement reviews with a peer review rating of pass with deficiencies (formerly "modified").

2) A firm or sole practitioner, or its successor, shall have an accelerated review as required by the Peer Review Administrator if it receives two consecutive system or engagement reviews with a peer review rating of fail (formerly "adverse") or if it receives a rating of fail and a rating of pass with deficiencies within 2 consecutive system or engagement reviews.

3) If any accelerated review results in a peer review rating of pass with deficiencies or fail:

A) the firm or sole practitioner may complete attest engagements for which field work has already begun only if it engages a third party reviewer acceptable to the Division; and

B) the firm or sole practitioner shall not perform any other service requiring a license under Section 8 of the Act until given permission by the Division to resume practice. The Division may impose disciplinary or nondisciplinary guidelines and conditions for continued practice.

4) The Division in its discretion may require any firm or sole practitioner that has received a report with a peer review rating of pass with deficiencies or fail to be subject to remedial action as determined by the Division.

f) Peer Review Report Committee Qualifications and Responsibilities

1) Peer Review Report Committee members are subject to the qualifications and have the responsibilities outlined in the AICPA Standards for Performing and Reporting on Peer Reviews and related guidance.

2) Each PRRC member must comply with the confidentiality requirements of Section 16(f)(2) of the Act. The Peer Review Administrator may annually require its PRRC members to sign a statement acknowledging their appointments and the responsibilities and obligations of their appointments.

g) Division Access to Results of Firm's or Sole Practitioner's Peer Reviews

1) The Division may request from a firm or a sole practitioner any of the following peer review documents:

A) peer review report;

B) letter of response, if applicable;

C) acceptance letter;

D) letter signed by the reviewed firm accepting the peer review documents with the understanding that the firm agrees to take certain actions, if applicable;

E) letter notifying the reviewed firm that certain required actions have been completed, if applicable.

2) To comply with the Division's request in subsection (g)(1), the firm or sole practitioner must submit the requested documents to the Division within 45 days after the request, either by mail or electronically (e.g., by fax or email). In addition, the submission requirement may be met by allowing the documents to be made available to the Division via a state board access only website by the Peer Review Administrator (when that process is available).

(Source: Added at 35 Ill. Reg. 1957, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Real Estate Appraiser Licensing

2) Code Citation: 68 Ill. Adm. Code 1455

3)

Section Numbers:	Adopted Action:
1455.10	Amendment
1455.100	Amendment
1455.110	Amendment
1455.150	Amendment
1455.160	Amendment
1455.230	Amendment
1455.240	Amendment
1455.250	Amendment
1455.270	Amendment
1455.290	Amendment
1455.310	Amendment
1455.315	New Section
1455.320	Amendment
1455.350	Amendment
1455.360	Amendment
1455.370	Amendment
1455.390	Amendment
1455.400	Amendment
1455.410	Amendment
1455.420	Amendment
1455.440	Amendment
1455.450	Repealed
1455.460	Repealed
1455.470	Repealed
1455.480	Repealed
1455.490	Repealed

4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]

5) Effective Date of Rulemaking: January 20, 2011

6) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg.15669; October 15, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Non-substantive technical changes were made.

12) Have all 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

15) Summary and Purpose of Rulemaking: Public Act 96-844 made extensive updates and revisions to the Real Estate Appraiser Licensing Act; this rulemaking updates this Part to reflect and implement those changes.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement~~Reciprocity~~
1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Expiration Date
1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)
1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice
1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Qualifying~~Pre-License~~ Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying~~Pre-License~~ Education
1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Estate Trainee Appraiser~~, and State Licensed Real Estate Appraiser~~; Non-Resident Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section
1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section
1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change; Street Address
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section
1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct
1455.315 Supervisor and Trainee Requirements

SUBPART G: ADMINISTRATIVE PROVISIONS

Section
1455.320 Fees
1455.330 Granting of Variances

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1455.340 Duties of the Secretary

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section
1455.350 Education Provider Application; Requirements
1455.360 Qualifying~~Pre-License~~ Education Course Requirements of Education Providers
1455.370 Qualifying~~Pre-License~~ Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser
1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)
1455.390 Continuing Education Course Requirements of Education Providers
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
1455.410 Distance Education
1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education~~Pre-License~~ and Continuing Education Courses
1455.430 Continuing Education Reporting
1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section
1455.450 Appraiser Applicants − Transition Provisions (Repealed)
1455.460 Education Providers, Pre-License and Continuing Education Courses − Transition Provisions (Repealed)

SUBPART J: HEARINGS

Section
1455.470 Applicability (Repealed)
1455.480 Administrative Law Judges (Repealed)
1455.490 Disqualification of an Administrative Law Judge (Repealed)

1455.APPENDIX A Caption for a Case Filed by the Division
1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Applicant" means a person applying for licensure under this Act as a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser. Any applicant or any

person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal management company" means any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:

administers networks of independent contractors and/or employee appraisers to perform real estate appraisal assignments for clients;

receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request; or

otherwise serves as a third-party broker of appraisal management services between clients and appraisers. For the purposes of this Part, a corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity owned by one or more Illinois State Certified General Real Estate Appraisers or State Certified Residential Real Estate Appraisers holding more than 50% interest in the corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity is not an appraisal management company.

"Board" or "AQB" means the Appraiser Qualification Board.

"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by the Division.

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Department" means the Department of Financial and Professional Regulation.

"Direct supervision" means that an appraiser is directing and overseeing the production of each appraisal assignment pursuant to Section 1455.315.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"License" means a certificate of authority, permit or registration issued by the Division.

"Licensee" means a person who has been issued a license under the Act or this Part. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Supervising appraiser" means a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser in good standing with the Division. A supervising appraiser shall not have been subject to discipline within the last two years. The supervising appraiser shall possess a minimum of 2 years of experience as a practicing certified licensed appraiser. A State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser may engage in direct supervision of an Associate Real Estate Trainee Appraiser. A State Certified General Real Estate Appraiser may engage in direct supervision of a State Certified Residential Real Estate Appraiser.

"USPAP" the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) and incorporated by reference in Section 1455.240.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement~~Reciprocity~~

a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee as provided by Section 1455.320;

3) Proof of successful completion of the qualifying~~pre-license~~ education requirements as provided by Section 1455.150 of this Part;

4) A score report/application that provides proof of successful completion of the qualifying education and~~pre-license~~ experience requirements as provided by Subparts C and~~Subpart~~ D; and

5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).

b) Each applicant for an Associate Real Estate Trainee Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee as provided by Section 1455.320;

3) Proof of successful completion of the qualifying~~pre-license~~ education requirements as provided by Subpart C; and

4) A score report/application that provides proof of successful completion of

the examination authorized by the Division.

c) Each non-resident applicant for a State Certified General Real Estate Appraiser license or a State Certified Residential Real Estate Appraiser ~~real estate appraiser~~ license applying by endorsement~~issued pursuant to Section 5-30 of the Act from a jurisdiction with which the Division has a valid reciprocal agreement~~ shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee as provided by Section 1455.320; and

3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov.~~; and 4)Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), the Division shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by, the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.~~

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Expiration Date

a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on

which all questions have been answered;

2) The fee as provided by Section 1455.320; and

3) Proof of successful completion of the continuing education requirements as provided by Subpart C.

b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee and late penalty as provided by Section 1455.320; and

3) Proof of successful completion of the continuing education requirements as provided by Subpart C.

c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.

d) Any person who fails to submit a renewal application pursuant to this Section within 2 years after the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and this Part.

e) License renewals shall not be processed until proof of successful completion of continuing education is submitted and awarded credit by the Division. Licensees unable to provide satisfactory evidence of completed continuing education for the prescribed renewal cycle shall have their license automatically suspended.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Qualifying~~Pre-License~~ Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Estate Trainee Appraiser; Non-Resident QualifyingPre-License Education

a) Residential − No Experience Prior to July 1, 2006 − Application After December 31, 2007
An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.

1) 2500 hours of AQB Appraisal Experience;

2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;

3) Associates degree or equivalent as outlined by AQB; and

4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

b) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of qualifying educationpre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All qualifyingpre-license education requirements shall only be accepted from education providers and courses approved by the Division.

c) The Division may accept evidence of successful completion of qualifyingpre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for qualifyingpre-license education courses not licensed by the

Division shall submit to the Division:

1) An application provided by the Division requesting approval for qualifying~~pre-license~~ education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested qualifying~~pre-license~~ education credit, or any other evidence to be considered by the Division; and

3) The fee as provided in Section 1455.320.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser~~, and State Licensed Real Estate Appraiser~~; Non-Resident Continuing Education Approval

a) CE Credit

1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period. Continuing education credit will only be accepted from education providers and courses approved by the Division.

2) If a real estate appraiser was issued an initial license for less than 185 days prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license 185 days or more prior to the expiration, but less than two years, then 14 hours of approved continuing education is required.~~ A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part~~

~~shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.~~

3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days prior to the expiration date. A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent within 6 months after the effective date of USPAP. Those real estate appraisers issued a license more than 6 months after the effective date of USPAP shall complete the 7-hour National USPAP Update Course within 6 months after licensure.

b) CE Credit from Another Jurisdiction
The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:

1) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and

3) The fee as provided in Section 1455.320.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1455.230 Address Change; Street Address

It is the responsibility of the licensee to notify the Division in writing of a change of address within 15 days after the change. The~~A~~ licensee shall provide~~may use a Post Office Box number, e.g., P.O. Box 1001, as a mailing address, but must additionally notify the Division of~~ a street address of the licensee's residence or business location. The licensee's address shall not be a Post Office Box or a mailbox located within a retail postal business.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

a) Pursuant to Section 10-10 of the Act, the 2010~~2008~~ Uniform Standards of Professional Appraisal Practice (USPAP), effective January 1, 2010~~2008~~, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.

b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).

c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may ~~be~~ subject a licensee to discipline as provided for in the Act and this Part:

a) An appraiser shall identify an appraisal management company as the client if the appraisal management company is engaging the appraiser. If an appraisal management company is acting as an authorized agent for a financial institution, the appraiser shall identify the financial institution as the additional intended user.

1) An authorized agent is defined as one approved by the board of directors for the financial institution and who has a specified level of authority relating to the appraisal process.

2) An institution's board of directors is responsible for reviewing and adopting policies and procedures that establish and maintain an effective, independent real estate appraisal and evaluation program for all of its lending functions.~~In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.~~

b) If a financial institution is identified as an additional intended user, the appraiser shall ascertain the relationship between the client/authorized agent and the financial institution by doing one of the following:~~Work File~~

1) obtain a copy of the agreement between the client/authorized agent and the financial institution. This agreement shall set out the responsibilities and authority of the authorized agent~~An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users, true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP~~.

2) obtain a letter written by the client/authorized agent in which the agent sets forth its level of responsibility and authority. If the client/authorized agent cannot provide the appraiser with documentation identifying them

as a duly authorized agent for the financial institution, a statement must be included in the appraisal indicating that the report may not comply with the Interagency Appraisal and Evaluation Guidelines, adopted October 27, 1994 by the federal Office of the Controller of Currency (OCC), Federal Reserve Board (FRB), Federal Deposit Insurance Corporation (FDIC) and federal Office of Thrift Supervision (OTS)~~A work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to the Division within 30 days after request~~.

3) directly communicate with the financial institution to determine the scope of the appraisal assignment.

c) When an appraisal management company engages an appraiser by employment or contract for a specific assignment, the appraiser shall prominently display the appraisal fee received from the appraisal management company in the certification as follows: "The compensation for this appraisal assignment is $_____."~~An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.~~

~~d) When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.~~

~~e) Letter of Transmittal~~

~~1) An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.~~

~~2) For the purposes of this subsection (e), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.~~

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1455.270 Additional Education; Reporting Requirements

The Division may require a licensee, pursuant to a compliance agreement or order:

a) To complete additional continuing education or qualifying~~pre-license~~ education coursework; and

b) To provide any reports, records or other documents pertaining to appraisal activity that the Division may deem necessary to maintain standards of professional conduct, the competency of a licensee, and the protection of the public.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.290 Cooperation Required with the Division

Pursuant to Section 15-10(a)(17) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's appraisal practice or application for licensure. Full cooperation includes, but is not necessarily limited to providing to the Division within 30 days after its request:

a) A complete copy of a signed appraisal as it was transmitted to the client, including file memoranda, work files, supporting and/or verification documentation that are required to be maintained by the Act;

b) Continuing education certificates or experience/work log that are required to be maintained by the Act or this Part; or

c) A complete answer to any written interrogatory or request for clarification submitted to a licensee or applicant.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.310 Unprofessional Conduct

Dishonorable, unethical or unprofessional conduct includes, but is not limited to, the commission of any one of the following:

a) Aiding or assisting another in the violation of the Act or this Part;

b) Failing to satisfy a material term of a consent to administrative supervision order or consent order; ~~or~~

c) Aiding, assisting or facilitating another in using or appropriating credentials or a license for the purpose of preparing an appraisal report; or~~.~~

d) Delivering an appraisal report in a manner in which the appraiser knows, or should know, a true copy of the report will not be delivered to all intended users.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.315 Supervisor and Trainee Requirements

a) Requirements of a Supervising Appraiser

1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.

2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience shall be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.

b) Requirements of an Associate Real Estate Trainee Appraiser

1) An Associate Real Estate Trainee Appraiser shall provide to the Division in writing the name and address of each supervising appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.

2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:

A) Type of property;

B) Date of report;

C) Property description;

D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;

E) Number of actual work hours by the trainee on the assignment; and

F) The signature and State license number of the supervising appraiser.

(Source: Added at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

a) Initial application fee for appraiser license.

1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Trainee Appraiser shall be $225.

2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay $75, which shall include the National Registry fee.

b) Renewal application fee for appraiser license.

1) The application fee to renew a license as a State Certified General Real Estate Appraiser~~,~~ or a State Certified Residential Real Estate Appraiser ~~or~~

~~a State Licensed Real Estate Appraiser~~ shall be calculated at $250 per year, which shall include the National Registry fees.

2) The application to renew an Associate Real Estate Trainee Appraiser License shall be calculated at $150 per year.

3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser~~,~~ or an Associate Real Estate Trainee Appraiser~~, or a State Licensed Real Estate Appraiser,~~ shall be the sum of all lapsed renewal fees plus a $50 late fee.

c) Application fee for temporary practice permit.
The application fee for a temporary practice permit pursuant to the Act and this Part shall be $150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.

d) Initial application fee for a license as an education provider, a qualifying education~~pre-license~~ course, and a continuing education course.

1) The application fee for a license as an education provider shall be $1050, plus course application fees.

2) The application fee for a license for a qualifying education~~pre-license~~ course shall be $150.

3) The application fee for a license for a continuing education course shall be $100.

e) Application fee to renew a license as an education provider, a qualifying education~~pre-license~~ course, and a continuing education course.

1) The application fee to renew a license as an education provider shall be calculated at $550 per year.

2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a $50 late fee.

3) The application fee to renew a license as a qualifying education~~pre-license~~

course shall be calculated at $100 per year.

4) The application fee to renew a license that has expired as a qualifying education~~pre-license~~ course shall be the sum of all lapsed renewal fees plus a $50 late fee.

5) The application fee to renew a license as a continuing education course shall be calculated at $75 per year.

6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a $50 late fee.

f) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.

g) General~~.~~

1) All fees paid pursuant to the Act and this Part are non-refundable.

2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be $25.

3) The fee for a certification of a licensee's record for any purpose shall be $25.

4) The fee for a decorative wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.

6) Applicants for an examination as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.

7) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.

8) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be $1 per page.

9) The Division may charge an administrative fee not to exceed $2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 of this Part.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide qualifying education~~pre-license~~ and/or continuing education courses shall submit an application on forms provided by the Division along with the appropriate fee required by Section 1455.320.

b) The program of qualifying education~~pre-license~~ and/or continuing education for a licensed education provider shall:

1) Be approved by the provider's governing and/or supervising body;

2) Utilize qualified instructors to instruct such courses as, but not limited to:

A) qualifying~~pre-license~~ education courses for a State Certified

General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);

B) qualifying education~~pre-license~~ courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Trainee Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);

C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or

D) all instructors teaching USPAP courses shall be AQB certified instructors who also hold a current appraiser certification from a state; and

3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.

c) Facilities

1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.

2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.

3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.

4) No education provider shall maintain an office, or conduct education courses, in a private residence.

5) An education provider shall only conduct education courses in locations that are conducive to learning.

d) Administration

1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may indicate that it is licensed by, and the course of study has been approved and licensed by, the Division.

2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.

3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.

4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.

5) Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.

6) Each education provider shall notify the Division of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1455.360 Qualifying~~Pre-License~~ Education Course Requirements of Education Providers

a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.

b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.370 of this Subpart.

c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.

d) The Division shall only grant approval for courses that are a part of an overall qualifying~~pre-license~~ education program for each license category; e.g., an education provider must have a 75 hour qualifying education~~pre-license~~ program approved for an Associate Real Estate Trainee Appraiser, a 200 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 300 hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.

e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.370 Qualifying~~Pre-License~~ Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Trainee Appraiser

a) Qualifying~~Pre-license~~ education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of 300 classroom hours of instruction, which may include the 75 hour requirement for ~~a State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for~~ an Associate Real Estate Trainee Appraiser License, or the 200 hour requirement for a State Certified Residential Real Estate Appraiser License. The content for qualifying education~~pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.

b) Qualifying~~Pre-license~~ education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200 classroom hours of instruction, which may include the 75 hour requirement for ~~a State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for~~ an Associate Real Estate Trainee Appraiser License. The content for qualifying education~~pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for qualifying education~~pre-license instruction~~ courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.

c) Qualifying~~Pre-license~~ education course work to obtain a license as an Associate Real Estate Trainee Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:

1) influences on real estate value;

2) legal considerations in appraisal;

3) types of value;

4) economic principles;

5) real estate markets and analysis;

6) valuation process;

7) property description;

8) highest and best use analysis;

9) appraisal statistical concepts;

10) sales comparison approach;

11) site value;

12) cost approach;

13) income approach;

14) valuation of partial interests;

15) appraisal standards and ethics; and

16) other topics approved by the Division.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.390 Continuing Education Course Requirements of Education Providers

a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section 1455.400 of this Subpart.

b) Each education provider who seeks approval of a continuing education course shall submit to the Division an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.

c) An education provider who also offers qualifying~~pre-license~~ education courses may submit qualifying education~~pre-license~~ courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those qualifying education~~pre-license~~ courses that have been approved and

licensed by the Division as continuing education courses shall be approved for continuing education credit.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser~~, or State Licensed Real Estate Appraiser~~ shall include the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who holds a current appraiser certification by a state during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:

1) Ad valorem taxation;

2) Arbitration;

3) Courses related to practice of real estate appraisal;

4) Development cost estimating;

5) Dispute resolution;

6) Ethics and standards of professional practice;

7) Land use planning, zoning;

8) Management, leasing, timesharing;

9) Property development partial interests;

10) Real estate appraisal;

11) Real estate law, easements, legal interests;

12) Real estate litigation, damages, condemnation;

13) Real estate financing and investment;

14) Real estate appraisal related computer applications; and

15) Real estate securities and syndication.

b) Up to one-half of an individual's continuing education requirement may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. AQB Certified USPAP Instructors, who have taught the 7-hour National USPAP Update Course or its equivalent, as qualifying education or continuing education, within the current renewal cycle, are exempt from taking the 7-hour National USPAP Update Course as a student. AQB Certified USPAP Instructors may be granted a maximum of 7 hours of continuing education per renewal cycle for teaching the 7-hour National USPAP Update Course or its equivalent. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:

1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and

2) The fee provided by Section 1455.320.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.410 Distance Education

a) For qualifying~~pre-license~~ education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, e.g., CD ROM, on-line learning, correspondence courses, video conferencing, etc.

b) Distance education courses may be approved and licensed by the Division if:

1) the course is given by a licensed education provider;

2) the education provider is approved and licensed by the Division;

3) the distance education course meets the requirements for qualifying~~pre-license~~ education and continuing education as provided in the Act and this Part and criteria established by the AQB;

4) the education provider provides a means for a student to contact an instructor to answer questions.

c) If the course given is for continuing education credit, the education provider shall be required to submit to the Division, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination.

d) The education provider will be required to submit a policy indicating the manner in which distance education course examinations are to be taken. ~~Examinations shall be proctored by a representative of the education provider.~~ The policy must be approved by the Division.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education~~Pre-License~~ and Continuing Education Courses

a) All education provider and qualifying education~~pre-license~~ and continuing education course licenses shall expire on December 31 of even numbered years.

b) Every education provider who wishes to renew his, her or its license and qualifying education~~pre-license~~ and continuing education course licenses shall submit to the Division:

1) an application, provided by the Division, in which all questions have been answered;

2) any course materials must be submitted to the Division for review during the renewal application process; and

3) the fees as required by Section 1455.320.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved qualifying education~~pre-license~~ or continuing education course a certified transcript or certificate of completion. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

a) the student's name, address and license number (if applicable);

b) the name and license number of the education provider;

c) the name and license number of the course; and

d) the approved hours completed.

(Source: Amended at 35 Ill. Reg. 1967, effective January 20, 2011)

SUBPART I: TRANSITION PROVISIONS

Section 1455.450 Appraiser Applicants − Transition Provisions (Repealed)

~~a) An applicant for a State Certified General Real Estate Appraiser or a State Certified Residential Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite hours of pre-license education from courses previously approved and licensed by the Division, which license expired on or prior to December 31, 2002. Any course work taken~~

~~b) An applicant for an Associate Real Estate Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite 75 hours of pre-license education from courses previously approved and licensed for a State Licensed Real Estate Appraiser, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved and licensed under, the~~

~~Real Estate Appraiser Licensing Act of 2002 and this Part.~~

(Source: Repealed at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (Repealed)

~~a) All education providers and pre-license and continuing education courses approved and licensed with an expiration date of December 31, 2002 shall be accepted to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part at the discretion of the Division until December 31, 2002, e.g., a pre-license course previously approved and licensed by the Division to meet the requirements to sit for a State Licensed Real Estate Appraiser examination may be used to allow an applicant to sit for an Associate Real Estate Appraiser License.~~

~~b) Any initial application for license as an education provider or pre-license or continuing education course submitted after July 1, 2002 shall meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

~~c) Any approved and licensed education provider with a license expiration date of December 31, 2002 may renew his, her or its license, but must meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

~~d) Any existing approved and licensed pre-license or continuing education course with an expiration date of December 31, 2002 or later shall only be approved to be renewed if the course meets the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

~~e) Any education provider who must modify or amend a pre-license or continuing education course approved under a previous Act to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part shall submit the course as if it were an initial course application.~~

~~f) The Division shall waive the renewal fees for a period of two years for existing approved and licensed pre-license or continuing education courses with an expiration date of December 31, 2002 or later and renewed pursuant to subsection (d) of this Section.~~

(Source: Repealed at 35 Ill. Reg. 1967, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART J: HEARINGS

Section 1455.470 Applicability (Repealed)

~~a) This Subpart shall govern contested cases as defined in Sections 1-30, 1-35 and 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/1-30, 1-35 and 10-65].~~

~~b) This Subpart shall apply to all hearings conducted under the jurisdiction of the Division (Real Estate Appraisal Administration) and the Secretary. Except as otherwise provided in this Subpart, hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.~~

(Source: Repealed at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.480 Administrative Law Judges (Repealed)

~~In any contested case, the Secretary shall employ an attorney, licensed to practice law in Illinois, to serve as an Administrative Law Judge (ALJ). The ALJ has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The ALJ shall have all powers necessary to conduct a hearing, including the power to:~~

~~a) Administer oaths and affirmations;~~

~~b) Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized administrative law;~~

~~c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;~~

~~d) Rule upon offers of proof and receive relevant evidence;~~

~~e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct prehearing conferences;~~

~~f) Dispose of procedural requests or similar matters;~~

~~g) Continue the hearing from time to time when necessary;~~

~~h) Prepare for the Real Estate Appraisal Board written Findings of Fact, Conclusions of Law and Recommended Action for submission to the Secretary.~~

(Source: Repealed at 35 Ill. Reg. 1967, effective January 20, 2011)

Section 1455.490 Disqualification of an Administrative Law Judge (Repealed)

~~a) Any interested party to a proceeding may, following notice and an opportunity to object, move to disqualify the assigned Administrative Law Judge on the basis of bias or conflict of interest. An adverse ruling rendered against the party or its representative in any previous matters shall not, in and of itself, constitute sufficient grounds for disqualification under this Section. The Secretary shall determine this issue as part of the record of the case. When an ALJ is disqualified, or it becomes impractical for him/her to continue, another presiding officer may be assigned unless it is further shown that substantial bias will result from the assignment.~~

~~b) No motion for disqualification shall be permitted after any substantive ruling has been made on the case by the ALJ, unless it pertains to a conflict of interest not previously disclosed.~~

(Source: Repealed at 35 Ill. Reg. 1967, effective January 20, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3)

Section Numbers:	Adopted Action:
1465.20	Amendment
1465.30	Amendment
1465.35	Amendment
1465.40	Amendment
1465.41	Amendment
1465.45	Amendment
1465.60	Amendment
1465.70	Amendment
1465.75	Amendment
1465.80	Amendment
1465.85	Amendment
1465.90	Amendment
1465.95	Amendment

4) Statutory Authority: The Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]

5) Effective Date of Amendments: January 20, 2011

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 Notice of Proposal Published in Illinois Register: October 29, 2010; 34 Ill. Reg. 16642

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

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 Amendments: This adopted rulemaking implements Public Act 96-1315 by reversing the required number of hours in a speech language pathology assistant program that must be completed in general education and technical content areas (Section 1465.20). The rest is primarily clean-up. In Section 1465.40, the obsolete grandfather language for speech language pathology assistants is removed, while in Section 1465.41, criteria are added for the renewal of a temporary license. Various non-substantive changes are made, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also removed and other nonsubstantive, technical changes are made.

16) Information and questions regarding these adopted amendments 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 Amendments begins on the next page:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1465
THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY
AND AUDIOLOGY PRACTICE ACT

Section

1465.10 Application for Licensure Under Section 7 of the Act (Repealed)
1465.20 Approved Programs
1465.30 Professional Experience
1465.35 Supervision
1465.36 Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40 Application for Licensure
1465.41 Temporary License
1465.45 Jurisdiction
1465.50 Examination
1465.60 Endorsement
1465.70 Renewal
1465.75 Fees
1465.80 Restoration
1465.85 Continuing Education
1465.90 Granting Variances
1465.95 Professional Conduct Standards

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective July 28, 1995; emergency amendment at 21 Ill. Reg. 11785, effective August 7, 1997, for a maximum of 150 days; emergency expired January 3, 1998; amended at 22 Ill. Reg. 3879, effective February 5, 1998; amended at 22 Ill. Reg. 21978, effective December 1, 1998; amended at 27 Ill. Reg. 15530, effective September 19, 2003;

amended at 28 Ill. Reg. 14437, effective October 20, 2004; amended at 35 Ill. Reg. 2002, effective January 20, 2011.

Section 1465.20 Approved Programs

a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division~~the Department~~) shall approve a speech-language pathology or audiology program if it meets the following minimum criteria:

1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.

2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions.

3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.

4) The institution has an integrated curriculum plan that includes at least the following subject areas in professional education (60 semester hours required):

A) Basic Communication Processes

i) Anatomic and physiological bases

ii) Physical bases and processes of the production and perception of speech, language and hearing

iii) Linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing

B) Speech-Language Pathology/Audiology

i) Speech and language disorders

ii) Audiology

iii) Auditory and vestibular pathology

iv) Auditory and vestibular habilitation/rehabilitation

5) The institution has a clinical practicum that provides speech-language pathology students with 375~~350~~ hours of clinical experience supervised by a licensed speech-language pathologist or a minimum of 1500 hours clinical practicum supervised by an audiologist or a person who is ASHA certified or certified in audiology by the American Board of Audiology. The experience shall take place in at least 2 clinical settings (i.e., academic program, school setting, medical facility, community clinics).

b) The Division~~Department~~ shall approve a speech-language pathology assistant program if it meets the following minimum criteria:

1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.

2) The institution has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions.

3) The program director must be trained and hold a master's or doctoral degree in speech-language pathology, in audiology or in speech and hearing science.

4) The institution has an integrated curriculum plan that includes at least the following:

A) 24~~36~~ semester credit hours or its equivalent in general education;

B) 36~~24~~ semester credit hours or its equivalent in the following technical content areas:

i) an overview of normal processes of communication as relates to hearing, speech and language;

ii) an overview of communication disorders as relates to hearing, speech and language;

iii) instruction in speech-language pathology assistant-level service delivery practices, including basic audiometric screening;

iv) instruction in workplace behaviors to minimally include ethics, standards of employee conduct and speech-language pathology assistant duty restrictions;

v) cultural and linguistic factors in communication;

vi) observation; and

C) 100 hours of supervised field work experience supervised by a licensed speech-language pathologist at least 50% of the time when the student is engaged in contact with the patient or client.

c) ~~In determining whether a speech-language pathology assistant program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the American Speech-Language-Hearing Association. d)~~The Division~~Department~~ has determined that all speech-language pathology and audiology master's and doctoral degree programs accredited or approved by the Council on Academic Accreditation in Audiology and Speech-Language Pathology as of January 1, 2008~~2003~~ meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.30 Professional Experience

To meet the requirements of professional experience for licensure as a speech-language pathologist or audiologist as set forth in Section (8)(f) of the Act, the applicant's experience:

a) Shall be an equivalent of 9 months of full-time, supervised professional experience:

1) 30 hours or more per week over 9 months;

2) 25-29 hours per week over 12 months;

3) 20-24 hours per week over 15 months;

4) 15-19 hours per week over 18 months;

5) Less than 15 hours per week will not fulfill professional experience requirements;

b) Shall include direct client contact in at least 36 supervised activities, including but not limited to assessment/diagnosis/evaluation, screening, habilitation/rehabilitation and activities related to client management as it pertains to the practice of speech-language pathology or audiology as defined in Section 3 of the Act;

1) At least 18 of the 36 activities shall be on-site observations by the supervisor. One hour equals one on-site observation; no more than 6 hours can be accrued in one day.

2) The other supervised activities may be accomplished through correspondence and include conferences, evaluation of written reports or evaluations by professional colleagues;

c) Shall be part of an evaluation and therapy program located in a school, clinic, hospital, community hospital or other equivalent settings (e.g., nursing homes);

d) Shall be supervised by a licensed speech-language pathologist or licensed audiologist. For persons who obtain supervised experience in states or territories of the United States where licensure is not required, the supervisor may be a person who holds certification from the American Speech-Language-Hearing Association or the American Board of Audiology. The supervisor shall be responsible for direct and personal contact, and for monitoring, improving, evaluating and documenting the performance of the individual who is under his/her supervision; and

e) Shall begin after completion of the course work and clinical practicum education to meet the requirements for the master's or doctoral degree. In lieu of meeting the requirements set forth in subsections (a) through (d), the Division~~Department~~ shall accept a Certificate of Clinical Competence from the American Speech-Language-Hearing Association or certification from the American Board of Audiology that the applicant has completed the Clinical Fellowship required for certification as a speech-language pathologist or audiologist.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.35 Supervision

a) Pursuant to Section 3.5(a) of the Act, supervision of students in speech-language pathology and audiology programs means that the supervisor is on-site (but not necessarily in the same room as the student) whenever the student is performing practices normally done by a licensed speech-language pathologist or audiologist. Supervision of students requires that direct supervision must be done no less than 25% of the time for treatment and 25% of the time for diagnostics. The supervisor is directly responsible to the client for all actions of that student. For purposes of this Part, direct supervision means on site, in view of the supervisor. This Part does not apply to students in speech-language pathology assistant programs.

b) If a person has completed the academic and practicum work for a master's or doctoral degree in speech-language pathology ~~or audiology~~ and the individual is in the process of completing the equivalent of 9 months of supervised professional experience for his/her initial license, or the individual has finished that experience and is waiting for his/her application for licensure to be processed, supervision shall meet the requirements set forth in Section 1465.30.

c) Pursuant to Section 8.8 of the Act, a speech-language pathology assistant shall:

1) Practice only under the supervision of a licensed speech-language pathologist who has at least 2 years experience in addition to the supervised professional experience required under Section 8(f) of the Act. A speech-language pathologist who supervises a speech-language pathology assistant must have completed at least 10 clock hours of training in the supervision of speech-language pathology assistants.

A) The supervision training requirement shall be satisfied by completion of 10 hours of continuing education as defined in Section 1465.85(b).

B) Documentation of prior supervisory experience may be submitted to the Board of Speech-Language Pathology and Audiology (Board) with a request for its acceptance in lieu of the supervision training requirement. The Board retains the discretion to approve or deny the request.

2) Be under the direct supervision of a licensed speech-language pathologist at least 30% of the speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis during the first 90 days of initial employment as a speech-language pathology assistant. Thereafter, a speech-language pathology assistant must be under the direct supervision of a licensed speech-language pathologist at least 20% of the speech-language pathology assistant's actual patient or client contact time per patient or client on a weekly basis. Supervision of a speech-language pathology assistant beyond the minimum requirements of this subsection (c)(2) may be imposed at the discretion of the supervising speech-language pathologist. A supervising speech-language pathologist must be available to communicate with a speech-language pathology assistant whenever the assistant is in contact with a patient or client.

A) A speech-language pathologist who supervises a speech-language pathology assistant must document direct supervision activities. At a minimum, supervision documentation must provide:

i) information regarding the quality of the speech-language pathology assistant's performance of assigned duties; and

ii) verification that clinical activity is limited to duties specified in Section 8.7 of the Act.

B) A full-time speech-language pathologist may supervise no more than 2 speech-language pathology assistants. A speech-language pathologist who does not work full-time may supervise no more than one speech-language pathology assistant.

3) For purposes of this subsection (c), "direct supervision" means on-site, in-view observation and guidance by a speech-language pathologist while an assigned activity is performed by the speech-language pathology assistant.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.40 Application for Licensure

a) Each applicant for a speech-language pathology or audiology license shall file an application with the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), on forms provided by the Division. The application shall include:

1) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with Section 1465.20(a);

2) Passage of the PRAXIS examination set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association or from the American Board of Audiology pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Division from the testing service;

3) Certification, on forms provided by the Division, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;

4) ~~A complete work history since completion of a master's or doctoral degree program; and 5)~~The required fee as set forth in Section 1465.75 of this Part.

b) The Division, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3).

c) Each applicant for a speech-language pathology assistant license shall file an

application with the Division on forms provided by the Division. The application shall include:

1) Certification, on forms provided by the Division, of completion of an associate's degree from a speech-language pathology assistant program approved by the Division in accordance with Section 1465.20(b);

2) ~~A complete work history since completion of an associate's degree program; and3)~~The required fee as set forth in Section 1465.75 of this Part.

~~d) Until January 1, 2004, the Division, upon recommendation of the Board, will accept an application for license as a speech-language pathology assistant by a person holding a bachelor's degree in communication disorders who was employed to assist a speech-language pathologist on January 1, 2002. The application shall include:~~

~~1) Certification, on forms provided by the Division, of completion of a bachelor's degree in speech-language pathology.~~

~~2) A complete work history since completion of the bachelor's degree program.~~

~~3) Verification of employment as a bachelor's level speech-language pathology assistant on January 1, 2002.~~

~~4) The required fee as set forth in Section 1465.75 of this Part.~~

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.41 Temporary License

On or after July 1, 2005~~January 1, 2004~~, an applicant pursuing licensure as a speech language pathologist shall obtain a temporary license prior to beginning the supervised professional experience as specified in Section 1465.30. The application shall include:

a) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with Section 1465.20(a);

b) Passage of the PRAXIS examination set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Division from the testing service;

c) ~~A complete work history since completion of a master's or doctoral degree program;d)~~Certification on forms provided by the Division demonstrating that a licensed speech-language pathologist has agreed to supervise the professional experience of the applicant; and

d~~e~~) The required fee set forth in Section 1465.75 of this Part.

e) The temporary license may be renewed one time only for a 12 month period in the following situations:

1) Serving full-time in the Armed Forces;

2) An incapacitating illness documented by a currently licensed physician; or

3) Any other similar extenuating circumstances.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.45 Jurisdiction

Any individual who holds a speech-language pathology assistant license issued by the Division~~Department~~ must abide by the Speech-Language Pathology and Audiology Practice Act and this Part regardless of employment setting.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.60 Endorsement

a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Division, on forms provided by the Division, that includes:

1) Certification, on forms provided by the Division, of a master's or doctoral degree from a program approved by the Division in accordance with

Section 1465.20;

2) Certification, on forms provided by the Division, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;

3) Proof of successful completion of the examination set forth in Section 1465.50 of this Part;

4) The Division, upon recommendation of the Board, will accept a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board or certification in audiology from the American Board of Audiology, in lieu of the documents required in subsections (a)(2) and (3);

5) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:

A) The time during which the applicant was licensed; and

B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending;

6) ~~A complete work history since completion of a master's or doctoral degree program; and 7)~~The required fee ~~as~~ set forth in Section 1465.75 of this Part.

b) The Division may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Division, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification in speech-language pathology or audiology from the American Speech-Language-Hearing Association or certification in audiology from the American Board of Audiology;

education, training, and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to speech-language-hearing; and any other attribute the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary (Director) accepts as evidence that the applicant has outstanding and proven ability in speech-language-hearing. The Division shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

c) A person licensed as a speech-language pathologist or audiologist under the laws of another state, who has made application to the Division for a license to practice, may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Division, whichever is sooner. The person must hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology. In order to qualify under this subsection, there shall be no discipline or pending discipline against the applicant from the state or territory of the United States in which the applicant was originally licensed or any state in which the applicant is currently licensed.

d) Application

1) An applicant for a license as a speech-language pathology assistant who is licensed under the laws of another state or territory of the United States shall file an application with the Division, on forms provided by the Division, that includes:

A~~1~~) Certification, on forms provided by the Division, of completion of an associate's degree from a speech-language pathology assistant program approved by the Division in accordance with Section 1465.20(b);

B~~2~~) ~~A complete work history since completion of an associate's degree program;3)~~The required fee set forth in Section 1465.75 of this Part; and

C4) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:

iA) The time during which the applicant was licensed; and

iiB) Whether the file of the applicant contains any record of any disciplinary actions taken or pending.

2) The Division may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application. The Division shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.70 Renewal

a) Every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee. In order to renew a license, a speech-language pathology or audiology licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. Beginning with the October 31, 2007 renewal, in order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section1465.85.

b) It is the responsibility of each licensee to notify the DivisionDepartment of any change of address. Failure to receive a renewal form from the DivisionDepartment shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

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Section 1465.75 Fees

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

a) Application Fees~~.~~

1) The fee for application for initial speech-language pathologist or audiologist license by examination is $90. ~~In addition, applicants for any examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.~~

2) The fee for application as a speech-language pathology assistant is $45.

3) The fee for application for a person licensed as a speech-language pathologist or audiologist under the laws of another state or territory of the United States or of a foreign country or province is $100.

4) The fee for a temporary license as a speech-language pathologist is $75.

b) Renewal Fees~~.~~

1) The fee for the renewal of a speech-language pathologist or audiologist license shall be calculated at the rate of $50 per year. In addition to the renewal fee, an audiologist shall, at renewal, pay a Hearing Instrument Consumer Protection Fee of $45 as provided in Section 14(b-5) of the Act.

2) The fee for the renewal of a speech-language pathology assistant license shall be calculated at the rate of $25 per year.

3) The fee for the renewal of a temporary license as a speech-language pathologist shall be $50.

c) General Fees~~.~~

1) The fee for the restoration of a license other than from inactive status is $50~~$20~~ plus payment of all lapsed renewal fees.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is $20.

4) ~~The fee for rescoring an examination shall be the cost to the Division of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored. 5)~~The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

5~~6~~) The fee for a roster of persons licensed as speech-language pathologists or audiologists in this State shall be the actual cost of producing the roster.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.80 Restoration

a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of the fees pursuant to Section 1465.75 of this Part. In order to restore a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.

b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the fee pursuant to Section 1465.75 of this Part. In order to restore a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. In order to restore a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85.

c) A person seeking restoration of a speech-language pathology or audiology license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division~~Department~~, together with the fee required by Section 1465.75 of this Part and be scheduled for an interview before the Board. In order to restore a license, a licensee will be required to complete 20 hours of continuing education in accordance with Section 1465.85. The person shall also submit either:

1) Sworn evidence of active practice in another United States jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 11(f) of the Act; or

3) Proof of successful completion of the PRAXIS~~NESPA~~ examination in accordance with Section 1465.50 of this Part within one year prior to application for restoration of a speech-language pathology or audiology license.

d) A person seeking restoration of a speech-language pathology assistant license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division~~Department~~, together with the fee required by Section 1465.75 of this Part and be scheduled for an interview before the Board. In order to restore a license, a licensee will be required to complete 10 hours of continuing education in accordance with Section 1465.85. The person shall also submit either:

1) Sworn evidence of active employment as a speech-language pathology assistant in another United States jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to be employed during the term of active employment as a speech-language pathology assistant; or

2) An affidavit attesting to military service as provided in Section 11(f) of the Act.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division~~Department~~ because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:

1) Provide information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Division~~Department~~, an applicant shall have the license restored.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.85 Continuing Education

a) Continuing Education Hours Requirements

1) In~~Beginning with the October 31, 2001 renewal and every renewal thereafter, in~~ order to renew a speech-language pathology or audiology license, a licensee will be required to complete 20 hours of continuing education in accordance with this Section. In~~Beginning with the October 31, 2007 renewal and every renewal thereafter, in~~ order to renew a speech-language pathology assistant license, a licensee will be required to complete 10 hours of continuing education in accordance with this Section.

2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.

3) CE requirements shall be the same for licensed speech-language pathologists and licensed audiologists. Individuals who hold a license as a speech pathologist and as an audiologist will be required to complete 20 hours of continuing education for each license held. ~~An audiologist who has met the continuing education requirements of the Hearing Instrument Consumer Protection Act during the prerenewal period shall be deemed to have met the continuing education requirements for renewal of the audiologist license.~~

4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.

5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.

6) Speech-language pathologists and audiologists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

b) Approved Continuing Education (CE)

1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at, or participation in, a program or course (~~"~~program~~"~~) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3) and (4).

2) CE credits may be earned for completion of a distance learning~~correspondence~~ course that is offered by an approved sponsor who meets the requirements set forth in subsection (c). Each distance learning~~correspondence~~ course shall include an examination.

3) CE credit may be earned through postgraduate training programs in speech-language pathology or audiology (e.g., extern, residency or fellowship programs) or completion of speech-language pathology or audiology related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

4) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of speech-language pathology and audiology. The preparation of each published paper, book chapter or professional presentation dealing with speech-language pathology or audiology may be claimed for a maximum

of 5 hours of CE credit. A presentation must be before an audience of speech-language pathologists, audiologists or related professionals. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

A) American Speech-Language-Hearing Association and its affiliates;

B) American Academy of Audiology and its affiliates;

C) Illinois Speech-Language-Hearing Association and its affiliates.

D) Illinois Academy of Audiology and its affiliates;

E) Any other accredited college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Division~~Department~~ in accordance with subsection (c)(2) to coordinate and present continuing education courses and programs in conjunction with this Section.

2) An entity, not listed in subsection (c)(1), seeking approval as a CE sponsor shall submit an application, on forms supplied by the Division~~Department~~, along with a $500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

A) Certification:

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

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

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

iv) That each sponsor shall submit to the Division~~Department~~ written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;

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

3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of speech-language pathology or audiology;

B) Foster the enhancement of general or specialized speech-language pathology or audiology practice and values;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the course objectives, course content and teaching methods to be used; and

E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be

completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified, but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the approved sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all licensed speech-language pathologists, licensed audiologists and licensed speech-language pathology assistants and not be limited to members of a single organization or group.

7) To maintain approval as a sponsor, each shall submit to the Division~~Department~~ by October 31 of each odd-numbered year a renewal application, a $250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and license number, if applicable, of the sponsor;

B) The name and address of the participant;

C) A brief statement of the subject matter;

D) The number of hours attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

9) The sponsor shall maintain attendance records for not less than 5 years.

10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division~~Department~~, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Division~~Department~~ receives assurances of compliance with this Section.

12) Notwithstanding any other provision of this Section, the Division~~Department~~ or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).

2) The Division~~Department~~ may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Division's~~Department's~~ random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

e) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a $25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the $25 processing fee plus a $10 per hour late fee not to exceed $150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division~~Department~~ a renewal application along with the required fee set forth in Section 1465.75 of this Part, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division~~Department~~, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division~~Department~~ shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;

B) An incapacitating illness documented by a statement from a currently licensed physician;

C) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Division~~Department~~.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.90 Granting Variances

a) The Director ~~of the Department~~ may grant variances from this Part~~these rules~~ in individual cases when~~where~~ he/she finds that:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board ~~of Speech-Language Pathology and Audiology~~ of the granting of the~~such~~ variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

Section 1465.95 Professional Conduct Standards

The Division~~Department~~ may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 16 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

a) Practicing, condoning, facilitating, or otherwise being involved in, any form of discrimination. The licensee should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical

handicap, or any other preference or personal characteristic, condition or status;

b) Engaging in any action that violates or diminishes the civil or legal rights of clients;

c) Engaging in the sexual exploitation of clients, students or supervisees;

d) Engaging in or condoning sexual harassment, which is defined as unwelcome deliberate or repeated comments, gestures or physical contacts of a sexual nature;

e) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged;

f) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information;

g) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency;

h) Failing to inform clients of the use of all experimental methods of treatment; safety precautions shall be adhered to by the licensee;

i) Failing to establish and maintain client records;

j) Deceptive, misleading or false representation. Licensees must assert and imply only credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in speech-language pathology or audiology;

k) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors;

l) Knowingly providing services to a client when the licensee's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems;

m) Permitting a student or supervisee under his/her supervision or control to perform, or permitting the student or supervisee to hold himself or herself out as competent to perform, services beyond the trainee's, intern's, or assistant's level of education, training and/or experience;

n) Allowing the student or supervisee to violate the rights of clients, permitting a trainee to violate confidentiality standards or failing to ensure that the client is informed that he/she is being treated by a student or supervisee;

o) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;

p) The Division~~Department~~ hereby incorporates by reference the "Code of Ethics" of the American Speech-Language-Hearing Association (2010~~2003~~), 2200 Research Boulevard~~10801 Rockville Pike~~, Rockville, Maryland 20850~~20852~~, and the "Code of Ethics" of the American Academy of Audiology (2009~~2003~~), 11730 Plaza American Dr., Suite 300, Reston, Virginia 20190, with no later amendments or editions.

(Source: Amended at 35 Ill. Reg. 2002, effective January 20, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3)

Section Numbers:	Adopted Action:
104.103	Amendment
104.106	New Section
104.209	Repealed
104.210	Amendment
104.221	Amendment
104.244	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 21, 2011

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: November 5, 2010; 34 Ill. Reg. 16890

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: Non-substantive changes in wording were made.

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 rulemakings currently in effect? No

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

15) Summary and Purpose of Amendments: This proposed rulemaking adds a new section to implement Public Act 96-1284, effective January 1, 2011, that allows a child support

obligor with a suspended license who has applied for a family financial responsibility driving permit and has been rejected, to appeal that permit rejection for a final administrative decision. In addition the proposed rulemaking simplifies appeals for non-custodial parents when the Division of Child Support Services uses professional license suspension/revocation as an enforcement tool.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER a: GENERAL PROVISIONS

PART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section
104.1 Assistance Appeals
104.10 Initiation of Appeal Process
104.11 Pre-Appeal Review
104.12 Notice of Hearing
104.20 Conduct of Hearings
104.21 Representation
104.22 Appellant Participation in Hearing
104.23 Evidentiary Requirements
104.30 Subpoenas
104.35 Amendment of Appeal
104.40 Consolidation of Appeals
104.45 Postponement or Continuation of Hearings
104.50 Withdrawal of Appeal
104.55 Closing of Hearing Record
104.60 Dismissal of Appeal
104.70 Final Administrative Decision
104.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section
104.100 Support Order, Responsible Relative and Joint Payee Petitions
104.101 Petition for Hearing
104.102 Conduct of Administrative Support Hearings
104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104 Conduct of Other Hearings

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders
104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits
104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section
104.200 Applicability
104.202 Definitions
104.204 Notice of Denial of An Application
104.206 Notice of Intent to Recover Money
104.207 Notice of Contested Paternity Hearing
104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement or to Revoke Alternate Payee
104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)
104.210 Right to Hearing
104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212 Prior Factual Determinations
104.213 Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215 Notice of Formal Conference
104.216 Formal Conference on Recovery of Money
104.217 Purpose of Formal Conference
104.220 Notice of Hearing
104.221 Issues at Hearings
104.225 Legal Counsel
104.226 Appearance of Attorney or Other Representative
104.230 Notice, Service and Proof of Service
104.231 Form of Papers
104.235 Discovery
104.240 Conduct of Hearings
104.241 Amendments
104.242 Motions

104.243 Subpoenas
104.244 Burden of Proof
104.245 Witness at Hearings
104.246 Evidence at Hearings
104.247 Cross-Examination
104.248 Disqualification of Hearing Officers
104.249 Genetic Testing in Contested Paternity Hearings
104.250 Official Notice
104.255 Computer Generated Documents
104.260 Recommendation of Peer Review Committee
104.270 Time Limits for Hearings
104.271 Continuances and Extensions
104.272 Withholding of Payments During Pendency of Proceedings
104.273 Continuation of Payments During Pendency of Proceedings
104.274 Denial of Payments for Services During Pendency of Proceedings
104.280 Record of Hearings
104.285 Failure to Appear or Proceed
104.290 Recommended Decision
104.295 Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section
104.300 Authority
104.302 Definitions
104.304 Department Actions Against Nursing Homes Facilities
104.310 Certification
104.320 Joint Administrative Hearing
104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section
104.400 Suspected Intentional Violation of the Program
104.410 Advance Notice of Administrative Disqualification Hearing
104.420 Postponement of Hearing
104.430 Administrative Disqualification Hearing Procedures

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

104.440 Failure to Appear
104.450 Participation While Awaiting a Hearing
104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days;

emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. 16797, effective October 6, 2008; amended at 33 Ill. Reg. 6283, effective April 15, 2009; amended at 35 Ill. Reg. 2030, effective January 21, 2011.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section 104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments

a) Hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned federal or State income tax refunds or other joint federal or State payments shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the following terms as used in Section 104.102~~therein~~ are redefined:

1) "administrative support order" shall mean determinations of past-due support or of failure of a licensee to comply with a subpoena or warrant in a paternity or child support proceeding or of share of jointly-owned federal or State income tax refunds or other joint federal or State payments.

~~2) "liability" shall mean past-due support or share of jointly-owned federal or State income tax refunds or other joint federal or State payments.~~

2~~3~~) "responsible relative" shall also mean joint payee.

b) Upon receipt of a hearing request from a responsible relative or joint payee concerning:

1) an advance notice of intercept, the Department shall, if the request concerns a joint federal or State income tax refund or other joint federal or State payment, inform the responsible relative or joint payee of the steps necessary for the joint payee to secure his or her proper share of the refund or payment, as stated in the advance notice.

2) an amount already intercepted, the Department shall refer the responsible relative or joint payee to the Internal Revenue Service, if the request concerns a joint federal income tax refund.

c) Within 45 days after the receipt of a notification from a state intercepting a federal income tax refund for which~~that~~ the responsible relative has requested an administrative review in this State, the Department shall complete the procedures set forth in subsection (a)~~ above~~. The Department shall notify the submitting state promptly of the decision and notify the Department of Health and Human Services of the deletion of the amount referred for intercept.

(Source: Amended at 35 Ill. Reg. 2030, effective January 21, 2011)

Section 104.106 Conduct of Hearings on Petitions for Family Financial Responsibility Driving Permits

a) Hearings on petitions filed by responsible relatives aggrieved by the Department's determination regarding a request for issuance of a family financial responsibility driving permit under 89 Ill. Adm. Code 160.70(m) shall be:

1) de novo, and the Department's decision on the petition shall be independent of the prior determination; and

2) governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part shall refer to the responsible relative who petitions as set out in subsection (b).

b) The following additional rules shall govern:

1) A request for an appeal must be filed in the regional or central office of the Division of Child Support Services at the address furnished in the Department's notice of determination.

2) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.

3) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues under appeal by Title IV-D responsible relatives.

4) If the responsible relative is an Illinois resident, the hearing shall be conducted in the responsible relative's county of residence. If the responsible relative is not an Illinois resident but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the responsible relative nor the client is an Illinois resident, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Services. If a responsible relative is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Illinois Public Aid Code [305 ILCS 5/11-8.2], present his or her case through depositions and witnesses. In addition, a responsible relative may request to participate in the hearing by telephone, at his or her own expense.

5) Documents certified by a clerk of the court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)

6) In addition to the responsible relative, the Division of Child Support Services may request and receive a continuance for good cause shown (for example, illness or other circumstance that prevents continued participation in the normal course of the hearing).

7) Following the hearing, the Director of the Department shall make a Final Administrative Decision. A copy of the decision shall be mailed to each interested party and the parties' representatives, if any. The Department shall take appropriate action implementing the decision within 30 days after its release.

(Source: Added at 35 Ill. Reg. 2030, effective January 21, 2011)

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section 104.209 Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action (Repealed)

~~If the Department intends to certify past-due support owed by a responsible relative to a State licensing agency or failure to comply with a subpoena or warrant and the licensing agency intends to take disciplinary action, the Department and the licensing agency shall notify the responsible relative in writing, setting forth:~~

~~a) the reasons for the intended actions;~~

~~b) a statement of the right to request a hearing;~~

~~c) a statement of the time, place and nature of the hearing, if one is requested;~~

~~d) a statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~e) a reference to the Sections of the statutes and rules involved; and~~

~~f) a statement of the right to prevent certification and disciplinary action by payment of the past-due support in full or by entering into a payment plan acceptable to the Department, or in cases involving failure to comply with a subpoena or warrant, by complying with the subpoena or warrant.~~

(Source: Repealed at 35 Ill. Reg. 2030, effective January 21, 2011)

Section 104.210 Right to Hearing

a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:

1) the Department's decision to deny an application (as provided in Section 104.204);

2) the Department's intent to recover money (as provided in Section 104.206); or

3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement or revoke an alternate payee (as provided in Section 104.208).~~; or~~

~~4) the Department's intent to certify past-due support owed by a responsible relative to, or failure to comply with a subpoena or warrant from, a State licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).~~

b) A request for hearing must be received by the Department within 10 days after the date on which the vendor or alternate payee received the Department's notice~~Notice~~.

c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.

d) If the~~such a~~ request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted in the notice~~Notice~~ as the basis for that decision shall be a final and binding administrative determination.

e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor or alternate payee requests a hearing, that~~such a~~ request shall not delay the effective date of action set forth in the notice~~Notice~~. In all other actions initiated pursuant to Section~~Sections~~ 104.204 or 104.208(a), (d) or (e), the action shall not take place until the final administrative decision has been issued.

f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), the~~such~~ request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

(Source: Amended at 35 Ill. Reg. 2030, effective January 21, 2011)

Section 104.221 Issues at Hearings

a) The sole issue at a hearing in which~~where~~ the basis for denial of an application pursuant to 89 Ill. Adm. Code 140.14(d) is that the vendor does not have a necessary license, certificate or authorization shall be whether the vendor has such a license, certificate or authorization.

b) The sole issue at a hearing in which~~where~~ the basis of the denial of an application is as set forth in 89 Ill. Adm. Code 140.14(b) shall be whether the vendor has demonstrated, according to the factors listed in that Section, in light of the prior activities, that he or she should be admitted to the Medical Assistance Program.

c) The sole issue at a hearing in which~~where~~ the basis for termination is as set forth in 89 Ill. Adm. Code 140.16(a)(2) shall be whether the appropriate licensing, certifying or authorizing agency has determined that the vendor does not have a necessary license, certification or authorization.

d) The sole issue at a hearing requested by a previously suspended vendor that is being terminated pursuant to 89 Ill. Adm. Code 140.19(b) shall be whether the vendor has corrected the deficiencies on which the suspension was based.

e) At a hearing conducted pursuant to Subpart D of this Part, the sole relevant time with respect to the existence of the violations of the Department's requirements alleged in the notice shall be the date or dates in the notice.

~~f) The only issues at a hearing initiated pursuant to Section 104.209 are whether the responsible relative has or is applying for a license, the amount, if any, of delinquent child support owed pursuant to a support order entered by a court or administrative body, whether the responsible relative is more than 30 days delinquent, and, if applicable, whether the responsible relative failed to comply with a subpoena or warrant.~~

f~~g~~) The only issue at a hearing initiated pursuant to 89 Ill. Adm. Code 140.16(c) is whether the vendor is not in compliance with State income tax requirements, child support requirements of Article X of the Public Aid Code, or educational loans guaranteed by the Illinois Student Assistance Commission.

(Source: Amended at 35 Ill. Reg. 2030, effective January 21, 2011)

Section 104.244 Burden of Proof

a) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.14 shall be on the Department if the application was denied because the vendor engaged in activities that~~which~~ constitute grounds for termination or was denied pursuant to 89 Ill. Adm. Code 140.14(c). The burden of proof shall be on the applicant if the application was denied because of:

1) a determination that a previously terminated or barred vendor cannot reasonably be expected to meet the requirements of the Department; or

2) a determination that based on the activities that~~which~~ served as the basis for terminating or barring a vendor, the application should not be approved.

b) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.15 or Subpart D of this Part shall be on the Department.

c) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.16 shall be on the Department.

d) The burden of proof in hearings conducted pursuant to 89 Ill. Adm. Code 140.32 shall be on the party seeking special permission, and in hearings conducted pursuant to 89 Ill. Adm. Code 140.19(b) shall be on the vendor.

e) In the case of any new matter introduced in connection with any affirmative defense, the burden of proof with respect to that new matter~~thereto~~ shall be upon the party that~~which~~ alleges the~~such~~ new matter.~~ In hearings initiated pursuant to Section 104.209, a party alleging that the support order referenced in the notice has subsequently been modified shall have the burden of producing a certified copy of the modified order.~~

f) The standard of proof with respect to all hearings conducted pursuant to this Part~~these rules~~ shall be a preponderance of the evidence.

(Source: Amended at 35 Ill. Reg. 2030, effective January 21, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Child Support Services

2) Code Citation: 89 Ill. Adm. Code 160

3)

Section Numbers:	Adopted Action:
160.70	Amendment
160.77	Repealed

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 21, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials 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: November 5, 2010; 34 Ill. Reg. 16903

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: No substantive changes were made.

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 these amendments replace any emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
160.60	Amendment	34 Ill. Reg. 17134; November 12, 2010
160.61	Amendment	34 Ill. Reg. 17134; November 12, 2010

15) Summary and Purpose of Amendments: This proposed rulemaking amends rules to implement Public Act 96-1284, effective January 1, 2011, which provides that following suspension of the obligor's driver's license for failure to pay child support, the Department of Healthcare and Family Services may direct the Secretary of State to issue a family financial

responsibility driving permit under the purposes and limitations set forth in this rule. In addition the proposed rulemaking simplifies appeals for non-custodial parents when the Division of Child Support Services uses professional license suspension/revocation as an enforcement tool.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT SERVICES

SUBPART A: GENERAL PROVISIONS

Section
160.1 Incorporation by Reference
160.5 Definitions
160.10 Child Support Enforcement Program
160.12 Administrative Accountability Process
160.15 Fees for IV-D Non-TANF Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause for Failure to Cooperate with Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
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SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.64 Compromise of Assigned Obligations
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Section
160.70 Enforcement of Support Orders
160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry
160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011.

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

a) Income Withholding

Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases, and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].

b) Federal and State Income Tax Refunds and Other Payments

1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the

State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due such relatives.

2) The Department shall submit past-due support amounts to:

A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with federal instructions as follows:

i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than $150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of $150 for TANF, AFDC and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and

ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than $500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of $500; however, amounts under this subsection (b)(2)(A)(ii) may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.

B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:

i) in active IV-D cases, past-due support owed in an amount

not less than one month's support obligation or $25, whichever is less;

ii) in inactive IV-D TANF or AFDC and IV-D foster care cases, past-due support owed in any amount; and

iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of those circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for intercept, and that any additional past due support that accumulates will be subject to collection by the Department without further notice;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:

i) a redetermination by the Department or, after such redetermination,

ii) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and

D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the

refund that may be payable to that spouse, in the case of a joint federal income tax return.

4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.

5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by requesting:

A) a hearing by the Department within 30 days after the date of mailing of the notice; or

B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.

6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.

7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

8) The Department shall notify:

A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;

B) the Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;

C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and

D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

9) The Department shall:

A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and

B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, such equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion refunds and payments in matters where the intercepted funds have not yet been transferred to the Department.

10) The Department shall, as promptly as possible, apply collections it receives as a result of intercept under this subsection (b) as follows:

A) federal income tax refunds first to satisfy any IV-D TANF or AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D non-TANF past-due support; and

B) other federal and State payments in accord with distribution provisions in Subpart F of this Part.

11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:

A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;

B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his share of a joint tax refund.

c) Unemployment Insurance Benefits

1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters wherein the relative has accumulated a past-due support amount equal to a one-month support obligation.

2) The Department shall take the following action:

A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.

B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.

C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:

i) the amount of the income withholding order; or

ii) fifty percent of the Unemployment Insurance Benefit.

D) receive amounts deducted direct from DES.

E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.

F) post each collection to the Department's payment record.

G) apply each collection to the current support obligation, then to past-due obligations.

H) provide a redetermination within 180 days after the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly deducted amounts.

3) The Department of Employment Security shall take the following action:

A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.

B) pay all amounts deducted direct to the Department.

d) Contempt of Court and Other Legal Proceedings

1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2) of this Section.

2) Contempt proceedings shall not be used in the following instances:

A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:

i) receiving public assistance;

ii) mentally or physically disabled;

iii) incarcerated;

iv) out-of-the-country;

v) deceased; or

vi) otherwise situated making such action unproductive.

B) other legal or administrative remedies are more appropriate under the circumstances.

3) Contempt and other legal proceedings shall be used to:

A) establish the amount of past-due support;

B) obtain a judgment for purposes of:

i) imposition of a lien against real estate,

ii) levy upon real estate and personal property, or

iii) registration in another state;

C) secure an order for lump sum or periodic payment of the past-due support or judgment;

D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;

E) obtain full or partial payment of past due support through incarceration;

F) ascertain the responsible relative's source and amount of income or location and value of assets;

G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;

H) secure other enforcement relief; and

I) obtain any combination of the above.

4) During the course of contempt or other legal proceedings to enforce support, if it shall appear that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].

5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support

1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].

2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:

A) the past-due amount is at least $3,500; and

B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.

3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy or memorandum of judgment in the county where the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]).

4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII]) when the relative has a known equity that is not less than $3,500 in excess of any statutory exemption.

f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support

1) Liens against real estate

A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:

i) the amount of past-due support is at least $3,500; and

ii) the responsible relative has an interest in real estate against which a lien may be claimed.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative is located. The notice shall inform the responsible relative and the Recorder or Registrar of Titles of the following:

i) the name and address of the responsible relative;

ii) a legal description of the real estate to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative; and

v) the right to prevent action against the real property by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a hearing by the Department.

C) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).

D) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

E) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

F) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative has a known equity in the real estate that is not less than $3,500 in excess of any statutory exemption.

2) Liens against personal property

A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

i) the amount of past-due support is at least $1,000;

ii) the responsible relative has an interest in personal property against which a lien may be claimed; and

iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least $300.

B) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative is located, the sheriff of the county in which goods or chattels of the responsible relative are located, or any person or entity indebted to or holding personal property of the responsible relative or who may be liable for payment of money in connection with a claim or cause of action of the responsible relative. The notice shall contain the following:

i) the name and address of the responsible relative;

ii) a description of the account or personal property to be levied;

iii) the amount of past-due support to be satisfied by the levy;

iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative;

v) the right of the responsible relative to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by contesting the determination that past-due support is owed or the amount of past-due support by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and

vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal

property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

C) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:

i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24];

ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit those assets within five days after being served with a Notice to Surrender Assets by the Department;

iii) state that the financial institution may charge the responsible relative's account a fee of up to $50, and that the amount of any fee be deducted from the account before remitting any assets from the account to the Department; and

iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy.

D) The form for the response to Notice of Lien or Levy provided for under subsection (f)(2)(C)(iv) of this Section shall include

provisions for the financial institution to complete stating:

i) the amount of assets in the responsible relative's account;

ii) the amount of the fee to be deducted from the account;

iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;

iv) the name and address of any joint owners of the account; and

v) the amount of assets surrendered and remitted to the Department.

E) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant to this subsection (f).

F) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

G) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.

H) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.

I) The Department shall notify the Clerk of the Court of the county in

which the child support order was entered of any amount collected for posting to the court payment record.

J) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).

g) Security, Bond or Other Guarantee of Payment

1) Except as provided in subsections (g)(2) and (3) of this Section, the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security, bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section 10-17.4 of the Illinois Public Aid Code [305 ILCS 5/10-17.4].

2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security, bond or give some other guarantee of payment. Except where the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.

3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a prayer for an order requiring the responsible relative to post security, bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.

h) Past-Due Support Information to Consumer Reporting Agencies

1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A) of this Section:

   A) the name, last known address and Social Security Number of the responsible relative; and

   B) the terms and amount of past-due support that has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies, which advance notice shall inform the relative of the following:

   A) the IV-D case name and identification number;

   B) the past-due support amount that will be reported;

   C) the date past-due support will be reported; and

   D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:

A) a request for:

i) a redetermination, or

ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the:

i) advance notice, or

ii) notice of redetermination or hearing results.

6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

i) High-Volume Automated Administrative Enforcement in Interstate Cases

1) The Department shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of such enforcement activity to the requesting state.

2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states, and seize those assets through levy or other appropriate processes.

3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:

A) Include information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.

B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.

4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.

5) The Department shall maintain records of:

A) The number of requests for assistance received by the Department.

B) The number of cases for which the Department collected support in response to a request and the actual amount of support collected.

j) Past-Due Support Certified to the Illinois Department of Revenue, to municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State

1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code [305 ILCS 5/10-17.9]), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code [305 ILCS 5/10-17.3]) or to another state's IV-D agency for administrative enforcement where the responsible relative has property in the other state.

2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:

A) past-due support is owed for a child or for a child and the parent with whom the child is living;

B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3) of this Section;

C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and

D) the responsible relative is not deceased.

3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, which advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be submitted for collection;

C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and

D) that the responsible relative may avoid certification by establishing a satisfactory repayment plan as determined by the Department.

4) Factors for a satisfactory repayment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due amount;

C) the amount of current child support obligations; and

D) the individual's ability to pay.

5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state, the following descriptive information on the responsible relative:

A) name;

B) Social Security Number;

C) IV-D identification number; and

D) the past-due support amount.

6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.

7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by making a written request for a hearing by the Department within 30 days after the date of mailing of the notice.

8) A written request for hearing made within 30 days after the date of mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6) of this Section.

9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.

10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.

11) The Department shall:

A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support

obligation; or

B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, which is still in the possession of the Department.

k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports

1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds $2,500:

A) the name, last known address and Social Security Number of the responsible relative; and

B) the terms and amount of past-due support that has accumulated under the order for support.

2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services, which advance notice shall inform the relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount that will be certified;

C) the date past-due support will be certified; and

D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.

3) The Department shall provide the responsible relative with notice of the

results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.

4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.

5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:

A) a request for:

i) a redetermination, or

ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or

B) payment in full of the amount of the past-due support stated in the:

i) advance notice, or

ii) notice of redetermination or hearing results.

6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to such agencies.

l) List of Responsible Relatives

1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code [305 ILCS 5/12-12.1] shall be developed as required by this subsection (l).

2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing $5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:

A) the name of the responsible relative;

B) the responsible relative's last known address; and

C) the amount of past-due support as of a given date, expressed within a range (for example, $50,000-$100,000), that has accumulated under the support order.

3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.

4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past-due support amount as of a given date;

C) the earliest date by which past due support information will be published;

D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing no later than 10 days before the date of publication stated in the advance notice; and

E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.

5) Factors for a satisfactory payment plan will include, but are not limited to:

A) the amount of past-due support owed;

B) the amount to be paid toward the past-due support;

C) the amount of the current support obligations; and

D) the responsible relative's ability to pay.

6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.

7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:

A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or

B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection.

m) Certification ~~of Past-Due Support~~ to the Illinois Secretary of State for Driver's License Suspension

1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code [305 ILCS 5/10-17.6] and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:

A) the amount of past-due support is at least $2500, and the responsible relative has not made a voluntary payment of support in the last 90 days; or

B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding. ~~the responsible relative has not made a voluntary payment in the last 90 days.~~

2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:

A) the IV-D case name and identification number~~the name and address of responsible relative~~;

B) the past due support amount and the amount of interest that will be certified~~the responsible relative's Recipient Identification Number~~;

C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;~~the responsible relative's Driver's License Number;~~

~~D) the amount of past-due support, including interest;~~

~~E) the fact that the responsible relative's name will be referred to the Secretary of State for suspension of the driver's license if the responsible relative fails to contact the Department within 15 days after the mailing date of Notice;~~

D)~~F)~~ the right of the responsible relative to prevent certification to the Secretary of State for driver's~~the~~ license suspension by payment of the past-due support amount and interest in full or by entering into a payment~~repayment~~ plan satisfactory to the Department or to contest the amount of past-due support and interest that is owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and~~.~~

E) the right of the responsible relative to prevent certification to the Secretary of State for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant or to contest the determination of the failure to comply with the subpoena or warrant by requesting a hearing by the Department within 15 days after the date of mailing by the Department.

3) Factors for an acceptable payment plan will include, but are not limited to:

A) the amount of past due support and interest owed;

B) the amount of current child support ordered to be paid; and

C) the responsible relative's ability to pay.

4)~~3)~~ The responsible relative's commencement of periodic payments on the past due support amount owed in compliance with a court or administrative order entered prior to the date of the Notice of Intent to Request Suspension of an Illinois driver's license shall be deemed by the Department to be a satisfactory payment~~repayment~~ plan.

5)~~4)~~ A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support and interest, or failure to comply with a subpoena or warrant, to the Secretary of State.

6)~~5)~~ The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

7) Following certification to the Secretary of State for driver's license suspension and upon request of the responsible relative, the Department shall direct the Secretary of State to issue a family financial responsibility driving permit in accordance with Section 10-17.6(b) of the Illinois Public Aid Code [305 ILCS 5/10-17.6(b)] and Section 7-702.1(b) of the Illinois Vehicle Code [625 ILCS 5/7-702.1(b)], when the following circumstances exist requiring the responsible relative to operate a motor vehicle:

A) between the responsible relative's residence and place of employment, or within the scope of employment related duties, as verified by the employer in writing; or

B) for the purpose of providing transportation for the responsible relative or a household member to receive alcohol treatment, other drug treatment, or medical care as verified in writing by the treatment center or physician that includes the duration of treatment; or

C) for the purpose of the unemployed responsible relative seeking employment.

8) When directing the issuance of a family financial responsibility driving permit for the purpose of seeking employment under subsection (m)(7)(C) of this Section, the Department shall require that:

A) the permit be limited to Monday through Friday between the hours of 8:00 a.m. and 12:00 p.m. (noon) unless the responsible relative provides written documentation showing that to so limit the hours of the permit would have an adverse effect on the responsible relative's ability to seek employment; and

B) the responsible relative provides to the Department a job search diary every 30 days showing contact with no fewer than 10 potential employers during a 30 day period.

9) The maximum duration of a family financial responsibility driving permit shall be one year from the date of issuance by the Secretary of State, with the ability of the responsible relative to request issuance of a new permit after the initial permit has expired.

10) The Department may direct the issuance of a family financial responsibility driving permit to the responsible relative only if no alternative means of transportation is reasonably available for the purposes stated in this subsection (m).

11) The Department shall direct the Secretary of State to cancel the family financial responsibility driving permit in the event the responsible relative violates the conditions of its issuance.

12) Any responsible relative aggrieved by the Department's determination on a request for issuance of a family financial responsibility driving permit may file a written request for hearing within 15 days after the date of mailing of the results of the determination to the responsible relative. The Department shall proceed in accordance with 89 Ill. Adm. Code 104.106 upon receipt of a request for hearing.

n) Certifying Past Due Support or Failure to Comply with a Subpoena or Warrant to State Professional, Occupational or Recreational Licensing Agencies

1) The Department shall issue a Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License to a responsible relative when the following circumstances exist:

A) the amount of past due support is at least $1,000, and the responsible relative has not made a voluntary payment of support in the last 90 days; or

B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding.

2) The Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall inform the responsible relative of the following:

A) the IV-D case name and identification number;

B) the past due support amount and the amount of interest that will be certified;

C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;

D) the right of the responsible relative to prevent certification to the licensing agency by payment of the past due support amount and interest in full or by entering into a payment plan satisfactory to the Department, or to contest the amount of past due support and interest owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and

E) the right of the responsible relative to prevent certification to the licensing agency for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant, or to contest the determination of the failure to comply with the subpoena or warrant by requesting a hearing by

the Department within 15 days after the date of mailing by the Department.

3) Factors for an acceptable payment plan will include, but are not limited to:

A) the amount of past due support and interest owed;

B) the amount of current child support ordered to be paid; and

C) the responsible relative's ability to pay.

4) The responsible relative's commencement of periodic payments on the past due support amount owed in compliance with a court or administrative order entered prior to the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall be deemed by the Department to be a satisfactory payment plan.

5) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall stay the Department from certifying past due support and interest or failure to comply with a subpoena or warrant to the licensing agency.

6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a timely written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.

o)~~n)~~ Debit Authorization for Obligors Who Are Not Subject to Income Withholding

1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account periodically in an amount equal to the amount of the child support obligation.

2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.

3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.

4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.

5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.

6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.

p)~~o)~~ Other Remedies
The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

(Source: Amended at 35 Ill. Reg. 2043, effective January 21, 2011)

Section 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)

~~a) Pursuant to routine data sharing agreements, the Department may receive from State licensing agencies information relating to license applications and renewals for purposes of identifying responsible relatives who are delinquent in complying with a support order or who have failed to comply with a subpoena or warrant in a paternity or child support hearing and have or are applying for a license or renewal of a license.~~

~~b) The Department shall certify to State licensing agencies past-due support owed by a responsible relative under a support order entered by a court or administrative~~

~~body of this or any other state or failure to comply with a subpoena or warrant when the responsible relative has or is applying for a license.~~

~~c) The Department and the State licensing agency shall provide the responsible relative with a joint notice of intended action prior to the Department certifying the past-due support information or failure to comply with a subpoena or warrant to the agency. The notice and any hearing shall be governed by 89 Ill. Adm. Code 104.200.~~

~~d) The Department shall be stayed from certifying information to a State licensing agency until a final administrative decision has been made by the Department.~~

~~e) The responsible relative can prevent certification and disciplinary action by payment in full of the past-due support amount or by entering into a payment plan acceptable to the Department. Factors for an acceptable payment plan will include but are not limited to:~~

~~1) the amount of past-due child support owed;~~

~~2) the amount of current child support obligations being paid; and~~

~~3) the individual's ability to pay.~~

~~f) The responsible relative can prevent certification and disciplinary action by complying with the subpoena or warrant in the paternity or child support proceeding.~~

(Source: Repealed at 35 Ill. Reg. 2043, effective January 21, 2011)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Standard Health Applications

2) Code Citation: 50 Ill. Adm. Code 2030

3)

Section Numbers:	Adopted Action:
2030.10	New Section
2030.20	New Section
2030.30	New Section
2030.40	New Section
2030.APPENDIX A	New Section
2030.APPENDIX B	New Section
2030.APPENDIX C	New Section

4) Statutory Authority: Implementing Section 359b and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359b and 401]

5) Effective Date of Rulemaking: January 21, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: October 15, 2010; 34 Ill. Reg. 15708

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version:

a) Section 2030.20, definitions of "Health insurance or health insurance coverage", "Individual health insurance coverage" and "Individual market": deleted all text and added ""Health insurance coverage", "individual health insurance coverage" and "individual market" shall have the meanings given the terms in the Illinois Health Insurance Portability and Accountability Act (Illinois HIPAA) [215 ILCS 97]".

b) Section 2030.30(d), last line: after "applications" added "pursuant to a reasonable process established by the carrier and clearly set forth on the carrier's website".

c) Section 2030.30(g), second and third lines: deleted all text after "date" and added "of the earliest signature".

d) Section 2030.30(h): deleted all text.

e) Section 2030.40(a): after (3), added "4) An administrative section need not be filed with the Department under this Section if the entire administrative section has been previously approved by the Department under a unique form filing number (and such approval remains in effect)."

12) Have all 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

15) Summary and Purpose of Rulemaking: On January 5, 2010, Governor Quinn signed into law the "Illinois Insurance Fairness Act" [Public Act 96-857] which, in part, provides for the creation of standardized health insurance applications for use by all carriers offering health benefit plans in the individual and small group markets. As mandated by the Act, a Working Group was formed, comprised of a diverse group of health care experts and consumer advocates, small business owners, insurance agents, and insurance company representatives, and tasked with the creation of these applications. The Working Group developed two standard health applications, one for employees of small businesses, and the other for individual and family health insurance coverage. Meetings of the Working Group were open to the public and the final draft applications were made available for public comment and revised accordingly.

The purpose of this Rule is to implement the standard health applications created by the Working Group. As envisioned by the Working Group, this Rule provides guidance for the use of the standard health applications by carriers, specifically establishing criteria for the required content, filing, and use of the standard health applications. This Rule also establishes criteria for use of the standard health applications electronically, as well as for its translation into other languages.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

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

Cindy Colonius, Supervisor, L/A&H Compliance Unit
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4572

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2030
STANDARD HEALTH APPLICATIONS

Section
2030.10 Purpose
2030.20 Definitions
2030.30 Illinois Standard Health Applications
2030.40 Administrative Sections
2030.APPENDIX A Illinois Standard Health Employee Application for Small Employers
2030.APPENDIX B Illinois Standard Health Application for Individual & Family Health Insurance Coverage
2030.APPENDIX C Certification of Compliance

AUTHORITY: Implementing Section 359b and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/359b and 401].

SOURCE: Adopted at 35 Ill. Reg. 2079, effective January 21, 2011.

Section 2030.10 Purpose

The purpose of this Part is to implement Section 359b of the Illinois Insurance Code that, in part, provides for the creation of a standard health application to be used by all carriers offering health benefit plans in the small group market and individual health insurance coverage in the individual market. This Part establishes criteria and provides guidance to carriers for the use of the standard health applications. This Part also establishes criteria for use of the standard health applications electronically, as well as for their translation into other languages.

Section 2030.20 Definitions

The following definitions shall apply to this Part:

> "Applicant" means, in connection with an application for a health benefit plan or health insurance coverage, any person requesting coverage, including, with respect to a small employer, the employer's individual employees and their dependents.

"Carrier" or "health insurance issuer" means any entity that provides health insurance in this State. For the purposes of this Part, carrier includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or any other entity providing a health benefit plan or health insurance coverage subject to State insurance regulation.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Health benefit plan" or "health plan" means any hospital or medical expense-incurred policy, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health benefit plan shall not include individual, accident-only, credit, dental, vision, Medicare supplement, hospital indemnity, long term care, specific disease, stop loss or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

"Health insurance coverage", "individual health insurance coverage" and "individual market" shall have the meanings given the terms in the Illinois Health Insurance Portability and Accountability Act (Illinois HIPAA) [215 ILCS 97].

"Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

Application of aggregation rule for small employers. All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 (26 USC 414(b)) shall be treated as one employer.

Employers not in existence in preceding year. In the case of an employer that was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer shall be based

on the average number of employees that it is reasonably expected the employer will employ on business days in the current calendar year.

Predecessors. Any reference in this Part to a small employer shall include a reference to any predecessor of that employer.

"Small employer carrier" means a carrier that offers health benefit plans covering employees of one or more small employers in this State.

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health benefit plan maintained by a small employer.

Section 2030.30 Illinois Standard Health Applications

a) Applicability. All small employer carriers shall use a version of the Illinois Standard Health Employee Application for Small Employers (Appendix A), and shall not use any alternative application form, in connection with a small employer's application for a new health benefit plan. All carriers offering health insurance coverage in the individual market shall use a version of the Illinois Standard Health Application for Individual & Family Health Insurance Coverage (Appendix B), and shall not use any alternative application form, in connection with an application for new individual health insurance coverage. Carriers not subject to this Part may use the standard health applications on a voluntary basis, subject to the requirements of this Part.

b) Filing and Use

1) No version of the standard health application, including an unmodified version of Appendix A or Appendix B, may be used by a carrier until the application is filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Carriers may use a standard health application upon filing with the Department if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C). An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.

2) Online versions of the standard health applications must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Filings shall include screen shots of every application page that an applicant could encounter when completing the online application, as well as a copy of a sample completed application as required by subsection (c)(1). Carriers may use online versions of the standard health application upon filing if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C). An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.

3) Versions of the standard health applications that have been translated into another language must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916. Carriers may use translated versions of the standard health applications upon filing if the filing is accompanied by:

A) a properly completed and executed officer's Certification of Compliance (Appendix C); and

B) documentation proving that the application is a certified translation and is contextually identical to Appendix A or Appendix B. An application shall not be considered as filed with the Department until the carrier receives notice from the Department indicating that the filing has been received and entered in the Department's filing system.

c) Form and Content. A standard health application filed pursuant to subsection (b) shall contain verbatim the text of Appendix A or Appendix B. A standard health application shall not vary from the format of Appendix A or Appendix B, including font size, use of bold character and underlining, line spacing, and the order of questions or sections within the application, except as provided in this subsection (c) and subsection (e)(1).

1) Online versions of the standard health applications may vary from the format of Appendix A or Appendix B to the extent the variation allows an

applicant to more easily complete and submit the online application. An electronic copy of the completed online application shall be made available to applicants for printing or saving upon completion, and the electronic copy shall be substantially similar to the form and content of Appendix A or Appendix B.

2) In order to allow applicants to apply for coverage from multiple carriers using a single application, a standard health application filed pursuant to subsection (b) shall not contain logos, addresses, or other carrier-specific information or identifiers, except that the carrier's NAIC number shall appear in the bottom right hand corner of each page.

3) Instruction #4 on page 1 of Appendix B shall only be included in online versions of the standard health applications.

4) A carrier's name may be preprinted in one of the six designated spaces for carrier names on page 1 of Appendix A or page 11 of Appendix B.

5) The format of a standard health application filed pursuant to subsection (b) of this Section may vary from the format of Appendix A or Appendix B in other ways at the discretion of the Director.

d) The Department will maintain a dedicated portion of its website to facilitate use of the standard health applications by both applicants and carriers. The website will also provide links to additional information about health insurance rights under State and federal law, as referenced throughout Appendix A and Appendix B, as well as an example of a properly completed question as referenced in Section F of Appendix B. PDF versions of the Illinois Standard Health Employee Application for Small Employers and the Illinois Standard Health Application for Individual & Family Health Insurance Coverage will be available for use or download from the Department's website. The PDF versions will allow applicants to complete and submit the standard health application to a carrier or carriers electronically, or to print the application out and complete by hand. All carriers subject to this Part shall allow for the electronic submission of the standard health applications pursuant to a reasonable process established by the carrier and clearly set forth on the carrier's website.

e) The Illinois Standard Health Employee Application for Small Employers (Appendix A) shall be used by small employer carriers for underwriting and

enrolling a new small employer group and for adding new enrollees to an existing small employer group health benefit plan. A carrier is not required to use the standard application when adding new enrollees to an existing small employer group health benefit plan if the carrier does not request information about the health status or health history of the individual employees or dependents to be added.

1) A small employer carrier that uses a separate enrollment form for adding new enrollees to an existing small employer group health benefit plan may modify the "To Be Completed by Employer" box of Appendix A as necessary.

2) Any such separate enrollment form for adding new enrollees to an existing small employer group health benefit plan must be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916.

f) Reciprocity. All carriers subject to this Part shall implement policies and procedures necessary to use the standard health applications. Applicants for a health benefit plan in the small group market may complete any version of the Illinois Standard Health Employee Application for Small Employers (Appendix A) filed by any carrier pursuant to subsection (b), or the version available on the Department's website (as described in subsection (d)), and no small employer carrier may refuse to accept or may discriminate in the processing of that standard health application. Applicants for health insurance coverage in the individual market may complete any version of the Illinois Standard Health Application for Individual & Family Health Insurance Coverage (Appendix B) filed by any carrier pursuant to subsection (b), or the version available on the Department's website (as described in subsection (d)), and no carrier offering individual health insurance coverage may refuse to accept or may discriminate in the processing of that standard health application.

g) The information contained within a completed standard health application shall be considered current by the carrier for a minimum of 60 days from the date of the earliest signature. For the period of time that the information contained within a standard health application is considered current, carriers may not require an applicant to complete a new standard health application. However, carriers may require an applicant to certify that the information contained in the completed standard health application is current. A carrier shall accept and utilize

information provided by an applicant subsequent to the date the applicant signed the completed application if the applicant is providing the carrier with additional or modified information.

Section 2030.40 Administrative Sections

a) Carriers subject to this Part may require applicants to complete, in addition to the standard health application, a separate administrative section as necessary to address plan selection, billing, and other carrier-specific needs related to the application and enrollment process. All such administrative sections shall be filed with the Department in accordance with the filing procedures established by 50 Ill. Adm. Code 916, and shall be subject to the following requirements:

1) Administrative sections shall not contain questions that inquire about the health status or health history of any applicant.

2) Administrative sections may be attached to the front or back of a standard health application, but shall constitute a separate and distinct section that may be detached from the standard health application. Administrative sections shall contain carrier-specific logos and addresses to distinguish those sections from the standard health applications.

3) Administrative sections shall comply with all applicable provisions of the Illinois Insurance Code and related laws and regulations.

4) An administrative section need not be filed with the Department under this Section if the entire administrative section has been previously approved by the Department under a unique form filing number (and such approval remains in effect).

b) Carriers may use administrative sections upon filing with the Department if the filing is accompanied by a properly completed and executed officer's Certification of Compliance (Appendix C).

A. Employee Information

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Section 2030.APPENDIX A Illinois Standard Health Employee Application for Small Employers

Illinois Standard Health Employee Application for Small Employers

INSURER USE ONLY
Policy/Group No.
Section No.
Effective Date
New Hire Waiting Period

For assistance in completing this application, please contact your employer or insurance agent. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance toll free at (877) 527-9431.

This standard application is intended to simplify your health insurance application process. You will only need to complete this one application, even when your employer has requested quotes from multiple insurance companies.

The information you provide in this application will be sent to the following insurance companies:
(**To be completed by employer)**

Insurer: _____ Insurer: _____ Insurer: _____
Insurer: _____ Insurer: _____ Insurer: _____

TO BE COMPLETED BY EMPLOYER

Employer Name:	Phone #:
Address:	

Reason for Enrollment (Mark all that apply)

New Enrollment: ☐ New Group ☐ Open Enrollment ☐ New Hire (Date: _____)
☐ Late Enrollee

Special Enrollment: ☐ Adoption ☐ Court Order ☐ Dependent Addition ☐ Divorce ☐ Domestic Partner
☐ Loss of Coverage ☐ Marriage ☐ Newborn ☐ Other Date of Event: _____/_____/_____

Employment Status: ☐ Active ☐ Retiree (Retirement Date: _____/_____/_____)
☐ Illinois Continuation ☐ COBRA
☐ Employee ☐ Dependent
Qualifying Event: _____
Start Date _____/_____/_____ Projected End Date _____/_____/_____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Name (Last)	(First)	(MI)
Job Title:	Hire Date:	Hrs/Week:
Marital Status: ☐ Married ☐ Single ☐ Divorced ☐ Widowed ☐ Domestic Partner		
Home Address:		Apt #:
City:	State:	Zip:
Home (or Cell) Phone: ( )	Business Phone: ( )	
Email Address (optional):		

B. Coverage Requested

Medical

Employee: ☐ Yes ☐ No Plan Choice:	Spouse/Domestic Partner: ☐ Yes ☐ No Plan Choice:	Child(ren): ☐ Yes ☐ No Plan Choice:

If you are **waiving (declining)** coverage for yourself or any member of your family, you must complete Section C below.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

C. Waiver of Coverage

Please complete this section only if **you are waiving (declining) coverage** for yourself or one or more of your family members.

I acknowledge that I have been given the opportunity to apply for group coverage available to me and my dependents through my employer.

I understand and agree:

- If I am declining coverage for myself, my spouse/domestic partner, or my dependent child(ren) because of other coverage, I may in the future be able to enroll myself, my spouse/domestic partner, or my dependent child(ren) provided that I request enrollment within 31 days after the other coverage ends.
- If I have a new spouse/domestic partner or child as a result of marriage, birth, adoption, or placement for adoption, I may be able to enroll myself and my new spouse/domestic partner or child provided that I request enrollment within 31 days after the marriage, birth, adoption, or placement for adoption.
- If I decide to request coverage in the future, for a reason other than the termination of other coverage or the addition of a new spouse/domestic partner or child, I may be considered a late enrollee, if applicable, or I may have to wait until the plan's next open enrollment period. I also understand that as a late enrollee, coverage for preexisting conditions may be excluded for up to a period of 18 months. This period may be offset by the time I, my spouse/domestic partner, or my dependent child(ren) was covered under a qualified health plan.

I certify that I was not pressured, forced, or unfairly induced by my employer, the agent, or the insurer(s) into waiving or declining the group coverage.

I **DO NOT** want, and hereby waive, coverage for (**initial** next to all that apply):

Medical for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Dental⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Vision⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Basic Life⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Dependent Life⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Voluntary Life⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Short-Term Disability⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)
Long-Term Disability⊗ for	[ ] Myself	[ ] My Spouse/Domestic Partner	[ ] My Dependent Child(ren)

⊗ If offered.

I am **declining** group coverage for the following reason(s): (**check** all that apply)

☐ Spouse/Domestic Partner's Employer Plan ☐ Individual Coverage (Non-Group Plan)

☐ COBRA/State Continuation ☐ Medicare or other Government Program

☐ Other (please explain): _____

If you are declining ALL coverage for ALL persons, please skip to the Acknowledgement & Signature section on page 10 of this application.

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

D. Individuals Requesting Coverage

List yourself and all eligible family members to be included under coverage.

- Please check with your employer or insurance agent about who may qualify as an eligible family member under the policy.
- Illinois' Young Adult Dependent Coverage law allows parents to cover children up to the age of 26, and up to age 30 for military veteran dependents, regardless of whether the child may be considered a dependent for tax or other purposes. For more information, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

Note: For purposes of this application, an "eligible military veteran" is a veteran who served in the active or reserve components of the U.S. Armed Forces, including the National Guard, and who received a release or discharge other than a dishonorable discharge.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Employee Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female
HMO only (if/when applicable): Primary Care Physician:		Physician ID:
Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female
HMO only (if/when applicable): Primary Care Physician:		Physician ID:
Dependent Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No		
HMO only (if/when applicable): Primary Care Physician:		Physician ID:
Dependent Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female

Eligible Military Veteran: ☐ Yes ☐ No		
HMO only (if/when applicable): Primary Care Physician:		Physician ID:
Dependent Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No		
HMO only (if/when applicable): Primary Care Physician:		Physician ID:
Dependent Name (Last) _____ (First) _____ (MI) _____		
Social Security Number:		Date of Birth: / /
Weight: lbs.	Height: ft. in.	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No		
HMO only (if/when applicable): Primary Care Physician:		Physician ID:

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

E. Current/Prior Coverage Information

Please indicate for EACH person listed on this application any health coverage, including Medicare or Medicaid, in effect within **24 months** prior to the proposed effective date of this coverage. Each person applying for coverage must be listed below. If no health care coverage was in effect within the **past 24 months**, please indicate **NONE.** If coverage is provided for a dependent from a previous marriage or relationship, please attach a copy of the court documentation showing who is responsible for the dependent(s)' health care coverage so that the insurer can determine whose coverage is primary.

Note: If you have had health care coverage within the last 63 days, your Pre-Existing Condition (PEC) waiting period limitation may be partially or completely waived. To determine if this applies to you, you must provide proof of prior coverage, such as a Certificate of Creditable Coverage from your previous insurer. Submission of prior coverage information does not automatically waive any PEC limitation. You will be subject to an automatic PEC Waiting Period of up to 12 months until the insurer receives evidence of prior coverage.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Employee Name (Last) _____ (First) _____ (MI) ____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None
Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____
Policyholder Name: _____ Insurer Name: _____
▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None
Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Policyholder Name: _____ Insurer Name: _____

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) ____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None

Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____

Policyholder Name: _____ Insurer Name: _____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None
Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____
Policyholder Name: _____ Insurer Name: _____
▶ Will the individual continue this coverage? ☐ Yes ☐ No

▶ **Prior Coverage (if any):** ☐ Group Medical ☐ Dental ☐ Individual Medical ☐ None
Dates of Coverage: From: _____/_____/_____ To: _____/_____/_____
Policyholder Name: _____ Insurer Name: _____

Medicare: If you or any family members listed on this application have Medicare coverage, please complete the following information.

Enrolling Individual Name (Last) _____ (First) _____ (MI) _____

Medicare ☐ Part A ☐ Part B ☐ Part D
Effective Date: _____/_____/_____
Reason for Medicare Entitlement: ☐ Age ☐ Disability ☐ ERSD ☐ Dual Enrollment

Medicare Number (please include alpha prefix):

Enrolling Individual Name (Last) _____ (First) _____ (MI) _____

Medicare ☐ Part A ☐ Part B ☐ Part D
Effective Date: _____/_____/_____
Reason for Medicare Entitlement: ☐ Age ☐ Disability ☐ ERSD ☐ Dual Enrollment

Medicare Number (please include alpha prefix):

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

F. Health Statement

Instructions:

1. The information you provide in this application is confidential. You should discuss with your employer if you prefer to submit the completed health statement directly to the insurance company or insurance broker.
2. The health information you provide below will be used by the insurance company to determine the price to charge your group for the coverage applied for and whether a Pre-Existing Condition Waiting Period(s) will apply to your coverage. Coverage for pre-existing conditions cannot be limited or excluded for dependents under the age of 19.
3. Each medical question below applies to all persons requesting coverage.
4. Answer the questions below with either Yes or No. If you answer Yes to any question,

you must provide additional information in Section G below.

5. Do not leave any question unmarked.
6. Neither your employer nor your insurance agent can waive these requirements or may authorize you to provide anything less than a complete and accurate response to each of the questions.
7. After you submit this application, the insurance company may call you to obtain additional confidential information needed to evaluate and aid the processing of your application.

1 For the following conditions, **within the past 5 years**, have you or any dependents for whom you are requesting coverage:

- Been tested for or diagnosed with;
- Had medical treatment recommended;
- Received medical treatment, including prescription medications; or
- Been hospitalized for any illness, injury, or health condition related to any of the categories listed below?

A.	Cardiovascular disease or heart attack, stroke, high blood pressure, or any other disease or disorder of the heart, arteries, blood, or blood vessels?	☐ Yes	☐ No
B.	Cancer or cancerous tumor?	☐ Yes	☐ No
C.	Asthma, emphysema, tuberculosis, or any other disorder of the lungs or respiratory system?	☐ Yes	☐ No
D.	Diabetes? If yes, check all that apply: ☐ Non-Insulin Dependent ☐ Insulin Dependent ☐ Insulin Pump	☐ Yes	☐ No
E.	Hepatitis, or any disorder of the liver, stomach, colon, or intestines?	☐ Yes	☐ No
F.	Growth disorder or a disorder of the pancreas?	☐ Yes	☐ No
G.	Chronic kidney stones, or other disorders of the kidney, prostate, or bladder?	☐ Yes	☐ No
H.	Reproductive organ disorders or infertility?	☐ Yes	☐ No
I.	Arthritis, or any other disorder of the joints, muscles, back, or bones?	☐ Yes	☐ No
J.	Mental or emotional disorder?	☐ Yes	☐ No
K.	Seizures/epilepsy, paralysis, or any other disorder of the brain or nervous system?	☐ Yes	☐ No
L.	HIV positive, AIDS, diseases associated with AIDS, lupus, or other disorder of the immune system?	☐ Yes	☐ No

	M. Alcohol, drug, or substance use or dependency?	☐ Yes	☐ No
	N. Organ or bone marrow transplant?	☐ Yes	☐ No
2	Are you, your spouse/domestic partner, or any dependent for whom you are requesting coverage currently pregnant?	☐ Yes	☐ No
	Due Date: _____/_____/_____ (MM/DD/YYYY)		
	If yes, are multiples (twins, triplets, etc.) expected?	☐ Yes	☐ No
	Are there any known complications, or is a cesarean section planned?	☐ Yes	☐ No
3	**Within the past 12 months,** have you or your spouse/domestic partner used any tobacco products? Employee:	☐ Yes	☐ No
	Spouse/Domestic Partner:	☐ Yes	☐ No
4	**Within the past 12 months**, has any applicant been prescribed medication (other than for the common cold or flu) that is **not indicated elsewhere in this application?**	☐ Yes	☐ No
5	**Within the past 5 years**, has any person applying for coverage been tested for or diagnosed with, had medical treatment recommended, received medical treatment, including prescription medications, or been hospitalized for **any illness, injury or health condition not indicated above?**	☐ Yes	☐ No

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

G. Additional Information

If you answered "Yes" to <u>any</u> of the questions above, you must complete this section.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____

Surgery, additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____

Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

Question Number: _____ Name of Individual: _____
Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

Question Number: _____ Name of Individual: _____
Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

Question Number: _____ Name of Individual: _____
Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

Question Number: _____ Name of Individual: _____
Condition/Diagnosis: _____ Date Diagnosed (MM/YYYY): _____
Treatment Received: _____
_____
Treatment ongoing? ☐ Yes ☐ No Last Treatment Date: _____
Surgery, additional tests or treatment recommended? _____
Medication Prescribed (if any): _____
_____ Currently taking medication? ☐ Yes ☐ No

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

H. Additional Coverage Options

You should complete this section <u>only</u> if your employer offers any of the additional coverage options below.

Employee

▶☐ **Dental:** ☐ PPO ☐ HMO
Dental HMO Office ID # (if applicable): _____
☐ **Vision** ☐ **Basic Life** ☐ **Dependent Life** ☐ **Voluntary Life:** Amount (if applicable): $_____
☐ **Short-Term Disability** ☐ **Long-Term Disability**
▶**Employee Class** (employer will provide you with this information if needed): _____
▶**Salary** (if requesting life or disability coverage): $_____
☐ Hourly ☐ Weekly ☐ Monthly ☐ Semi-monthly ☐ Annually

Spouse/Domestic Partner

▶☐ **Dental:** ☐ PPO ☐ HMO
Dental HMO Office ID # (if applicable): _____

☐ **Vision** ☐ **Basic Life** ☐ **Dependent Life** ☐ **Voluntary Life:** Amount (if applicable): $_____

☐ **Short-Term Disability** ☐ **Long-Term Disability**

Child(ren)

☐ **Dental:** ☐ PPO ☐ HMO

Dental HMO Office ID # (if applicable): _____

☐ **Vision** ☐ **Basic Life** ☐ **Dependent Life** ☐ **Voluntary Life:** Amount (if applicable): $_____

☐ **Short-Term Disability** ☐ **Long-Term Disability**

Beneficiary Information (if requesting life insurance)

Primary Beneficiary Name (Last, First, MI) _____

Relationship _____ Benefit % _____

Secondary Beneficiary Name (Last, First, MI) _____

Relationship _____ Benefit % _____

ILLINOIS STANDARD HEALTH APPLICATION – SMALL EMPLOYER

Employer Name _____ Employee Name _____

I. Acknowledgement & Signature

I understand, agree, and represent that:

- I have read this document or it has been read to me.
- The answers provided within this entire application for coverage are, to the best of my knowledge and belief, true and complete.
- Neither my employer nor the agent has the authority to waive a complete answer to any question, determine coverage or insurability, alter any contract, or waive any of the insurance carrier's other rights and requirements.
- I understand that if I intentionally omit or provide false information on or in relation to this application, then this policy may be cancelled retroactively, in which case any claim I submit may not be paid by the insurer. I understand that if I intentionally omit or provide false information on or in relation to this application that I may face legal liability, including legal action based on fraud.
- If this application for coverage is accepted, coverage will be effective on the date specified by the insurance carrier on the certificate of coverage/certificate of insurance.

I hereby enroll for benefits as indicated in Section B and Section H of this application, for which I am presently eligible or for which I may become eligible under my employer's group contract(s). If any deductions are required for this coverage, I authorize such deductions from my earnings. I reserve the

right to revoke this deduction authorization at any time upon written notice.

I understand that the information I have provided in this application will be used by the insurance carrier and its affiliates to make decisions regarding eligibility, enrollment, underwriting, and premium risk rating.

I understand that the medical information provided also includes my spouse/domestic partner and/or dependents' information.

I understand that I may be asked for authorization to disclose my medical, claim, or benefit records at a later time.

I understand that I should retain a duplicate copy of this application for my own records.

A photographic copy of this acknowledgment shall be as valid as the original.

I authorize the insurance carrier to electronically transmit the information contained herein.

If this application was taken over the phone or on the computer, I acknowledge that I, myself, have not actually signed this application but instead hereby authorize the insurance carrier to print “Electronically Acknowledged” on the signature line of the application and I agree that such printing shall be treated as a valid signature for all purposes of this form. I acknowledge that the insurance carrier has verified my identity for this purpose in accordance with any applicable law or regulation.

By signing below, I acknowledge that I have read and understand this document and I am signing of my own free will.

Employee Signature _____**Date** _____

⊗ For assistance in completing this application, please contact your employer or insurance agent. For information about your health care rights under state and federal law, and other resources, please contact the Illinois Department of Insurance’s Office of Consumer Health Insurance toll free at (877) 527-9431.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

Section 2030.APPENDIX B Illinois Standard Health Application for Individual & Family Health Insurance Coverage

Illinois Standard Health Application for Individual & Family Health Insurance Coverage

For assistance in completing this application, please contact your insurance agent or the insurance company directly. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance toll free at (877) 527-9431.

INSTRUCTIONS:

1. Any information you provide in this application is confidential.
2. The answers you provide in this application must be true and complete, to the best of your knowledge and belief. Do not leave any question unmarked.
3. An intentional misrepresentation may result in your policy being modified or terminated, or in claims being reduced or denied.
4. [For online version only] You should have the following information available, for each person requesting coverage:
   - Social Security Number, date of birth, and height/weight;
   - Information about any current or prior insurance coverage in effect within the last 12 months; and
   - Personal health information. If you do not have enough information to respond to a question, you should obtain any required information from your current or former health care provider(s).
5. For purposes of this application, the term "dependent" refers to any child up to age 26 (or age 30 for military veterans) for whom you are requesting coverage, regardless of whether the child may be considered a dependent for tax or other purposes. For information about Illinois' Young Adult Dependent Coverage law, which allows parents to cover children up to age 26, and up to age 30 for military veterans, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

A. Primary Applicant Information		
Name (Last)	(First)	(MI)
Residential Street Address:		Apt #:
City:	State:	Zip:
Mailing Address (if different):		Apt #:
City:	State:	Zip:

Primary Phone Number: ( )	Best time to call: ☐ Morning ☐ Afternoon ☐ Evening
Secondary Phone Number: ( )	Best time to call: ☐ Morning ☐ Afternoon ☐ Evening
Email Address (optional):	
Please check one of the following boxes: ☐ New Application ☐ Dependent Addition ☐ Plan Change ☐ Reinstatement	
Requested Effective Date: _____ (Coverage not in force until the insurance carrier approves your application and determines the effective date.)	

B. Employment Information

Occupation:	Job Title:
Spouse/Domestic Partner's Occupation:	Job Title:
Currently employed? (optional) Self: ☐ Yes ☐ No Spouse/Domestic Partner: ☐ Yes ☐ No	

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

C. Persons Requesting Coverage

List all family members you wish to include under the policy. Insurance companies may have different rules about who may qualify as an eligible dependent. For more information regarding the available coverage, please check with your insurance agent or insurance carrier.

Note: For purposes of this application, an "eligible military veteran" is a veteran who served in the active or reserve components of the U.S. Armed Forces, including the National Guard, and who received a release or discharge other than a dishonorable discharge.

If additional space is required, please attach a separate sheet and be sure to sign and date that sheet.

Self Name (Last) _____ (First) _____ (MI) _____	
Social Security Number (for internal use only):	Date of Birth: / /
State of Birth (country if born outside the U.S.):	Gender: ☐ Male ☐ Female
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) _____	
Social Security Number (for internal use only):	Date of Birth: / /
State of Birth (country if born outside the U.S.):	Gender: ☐ Male ☐ Female

Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	
Dependent Name (Last) _____ (First) _____ (MI) _____	
Relationship to Applicant:	Date of Birth: / /
Social Security Number (for internal use only):	Gender: ☐ Male ☐ Female
Eligible Military Veteran: ☐ Yes ☐ No	
Percentage of time annually spent outside of Illinois for residence, work, or school:	

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

D. Current/Prior Coverage Information

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

For EACH person listed on this application, please indicate any public health insurance coverage (for example, Medicare, HFS Medical Card, All Kids, Family Care, or other federal and state programs) or private health insurance in effect within the **last 12 months**. Each person applying for insurance must be listed below. If health insurance coverage was not in effect within the **last 12 months**, please indicate **NONE**.

Self Name (Last) _____ (First) _____ (MI) _____

- **Current/Most Recent Coverage:**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____
- Is the issuance of this coverage **replacing** your existing coverage? * ☐ Yes ☐ No

- **Prior Coverage (if any):**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

Spouse/Domestic Partner Name (Last) _____ (First) _____ (MI) ___

- **Current/Most Recent Coverage:**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____
- Is the issuance of this coverage **replacing** your existing coverage? ⊗ ☐ Yes ☐ No

- **Prior Coverage (if any):**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

Dependent Name (Last) _____ (First) _____ (MI) _____

- **Current/Most Recent Coverage:**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____
- Is the issuance of this coverage **replacing** your existing coverage? ⊗ ☐ Yes ☐ No

- **Prior Coverage (if any):**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

Dependent Name (Last) _____ (First) _____ (MI) _____

- **Current/Most Recent Coverage:**
  ☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
- **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED RULES

▶ Is the issuance of this coverage **replacing** your existing coverage? ⊗ ☐ Yes ☐ No

▶ **Prior Coverage (if any):**
☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
▶ **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:**
☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
▶ **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____
▶ Is the issuance of this coverage **replacing** your existing coverage? ⊗ ☐ Yes ☐ No

▶ **Prior Coverage (if any):**
☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
▶ **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

Dependent Name (Last) _____ (First) _____ (MI) _____

▶ **Current/Most Recent Coverage:**
☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
▶ **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____
▶ Is the issuance of this coverage **replacing** your existing coverage? ⊗ ☐ Yes ☐ No

▶ **Prior Coverage (if any):**
☐ None ☐ Medicare ☐ Other Public ☐ Private (Insurer: _____)
▶ **Dates of Coverage:** From: _____/_____/_____ To: _____/_____/_____

⊗ If answering **"YES"** please carefully read the following notice.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT & HEALTH INSURANCE
According to information you have furnished, you intend to lapse or otherwise terminate existing accident and health insurance and replace it with a policy to be issued by the insurance carrier. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.
3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the

application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the insurance carrier to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, re-read it carefully to be certain that all information has been properly recorded.

4. It is recommended that you do not terminate your present contract until you are certain that your application for the new contract has been approved by the insurance carrier.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately)_____

E. Health Statement

The federal **Genetic Information Nondiscrimination Act** prohibits health insurers from asking for and using **"genetic information"** when deciding whether to offer coverage and how much to charge for coverage. For more information on the Genetic Information Nondiscrimination Act, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.

Instructions:

1. Each medical question below applies to each person requesting coverage.
2. Answer the questions below by checking Yes or No. If you answer Yes to any question, you must provide additional information in Section F below.
3. Do not leave any question unmarked.

Limited Privacy Available: Persons age 18 or older may submit a signed and dated separate health statement. The information provided in such separate health statement(s) will likely be disclosed to the primary applicant.

1 For any of the following conditions, **within the past FIVE (5) years**, has anyone applying for coverage:

- Been diagnosed with;
- Had treatment or testing recommended;
- Received treatment, including prescription medications; or
- Been hospitalized for any illness, injury, or health condition listed below?

If answering "YES," check all that apply.

A. **Heart/Circulatory Conditions/Disorders:** ☐ Yes ☐ No

▶ **Heart:** ☐ Heart attack ☐ Chest pain ☐ Heart murmur ☐ Irregular heartbeat
☐ High/elevated blood pressure⊗ ☐ High/elevated cholesterol⊗
⊗ If applicable, please provide last known blood pressure or cholesterol reading in Section F.

▶ **Circulatory:** ☐ Anemia ☐ Bleeding/clotting disorder ☐ Varicose/spider veins ☐ Phlebitis

B. **Lymphatic Conditions/Disorders:** ☐ Yes ☐ No

☐ Lymphadenopathy ☐ Enlarged lymph nodes ☐ Disease of the spleen

C. Cancer/Tumors/Growths: ☐ Yes ☐ No

☐ Cancer ☐ Tumors ☐ Cysts ☐ Polyps ☐ Lumps ☐ Other abnormal growths

D. Respiratory Conditions/Disorders: ☐ Yes ☐ No

☐ Asthma ☐ Bronchitis ☐ Emphysema ☐ Sleep apnea ☐ Pneumonia ☐ Tuberculosis
☐ Chronic obstructive pulmonary disease (COPD)

E. Intestinal/Digestive Conditions/Disorders: ☐ Yes ☐ No

☐ Acid reflux ☐ Ulcers ☐ Hernia *(indicate type)* ☐ Colitis ☐ Hemorrhoids ☐ Rectal bleeding ☐ Gallstones
☐ Irritable bowel syndrome ☐ Chronic diarrhea ☐ Hepatitis *(indicate type)* ☐ Elevated liver function test
☐ Jaundice ☐ Cirrhosis ☐ Gallbladder infection or inflammation ☐ Pancreatitis ☐ Crohn's disease

F. Urinary Conditions/Disorders: ☐ Yes ☐ No

☐ Kidney infection ☐ Kidney stones ☐ Bladder infection ☐ Cystitis ☐ Urinary reflux
☐ Urinary tract infection

G. Metabolic/Endocrine Conditions/Disorders: ☐ Yes ☐ No

☐ Diabetes ☐ Thyroid disorder ☐ High/low blood sugar ☐ Adrenal, pituitary, or other glandular disorder
☐ Chronic fatigue syndrome ☐ Obesity/weight loss surgery

H. Brain/Nervous System Conditions/Disorders: ☐ Yes ☐ No

☐ Seizures ☐ Migraine headaches/Chronic severe headaches ☐ Head injury ☐Paralysis ☐ Epilepsy
☐ Tremor ☐ Stroke or TIA ☐ Multiple sclerosis ☐ Parkinson's ☐ Restless leg syndrome
☐ Lou Gehrig's disease (ALS)

I. Immune System Conditions/Disorders: ☐ Yes ☐ No

☐ HIV positive ☐ AIDS ☐ Diseases associated with AIDS

J. Musculoskeletal Conditions/Disorders: ☐ Yes ☐ No

☐ Arthritis ☐ Gout ☐ Lupus ☐ Herniated disc ☐ Temporomandibular joint disorder (TMJ)
☐Carpal tunnel syndrome ☐ Disease/disorder of the back or spine ☐ Other bone or joint disorder

K. Mental/Behavioral/Emotional Conditions/Disorders: ☐Yes ☐ No

☐ Depression ☐ Anxiety disorder ☐ Attention deficit disorder ☐ Chemical imbalance
☐ Bi-polar disorder ☐ Obsessive compulsive disorder ☐ Eating disorder

L. Allergies: ☐ Yes ☐ No

☐ Allergies in any form ☐ Hay fever ☐ Hives ☐ Anaphylaxis

M. Eye Conditions/Disorders: ☐ Yes ☐ No

☐ Glaucoma ☐ Cataracts ☐ Strabismus (crossed eyes) ☐ Detached retina

N. Ear Conditions/Disorders: ☐ Yes ☐ No

☐ Hearing disorder ☐ Ear infection ☐ Loss of hearing

O. Nasal Conditions/Disorders: ☐ Yes ☐ No

☐ Deviated septum ☐ Adenoiditis ☐ Sinusitis

P. Throat Conditions/Disorders: ☐ Yes ☐ No

☐ Tonsillitis ☐ Strep throat

Q. Skin Conditions/Disorders: ☐ Yes ☐ No

☐ Acne ☐ Psoriasis ☐ Eczema ☐ Keratosis ☐ Pre-cancerous lesions ☐ Herpes ☐ Melanoma

R. Congenital Abnormalities/Developmental Disorders: ☐ Yes ☐ No

▶ Congenital Abnormality: ☐ Cleft palate/lip ☐ Club foot ☐ Heart/lung/kidney defect or malformation
▶ Developmental Disorder: ☐ Pervasive development disorder ☐ Down's syndrome
☐ Autism spectrum disorder ☐ Learning disability

S. Reproductive System Conditions/Disorders: ☐ Yes ☐ No

▶ **Female**: ☐ Infertility ☐ Abnormal menstrual bleeding ☐ Abnormal PAP smear ☐ Endometriosis
☐ Ovarian cyst ☐ Sexually transmitted disease ☐ Human papillomavirus (HPV)
☐ Pregnancy complications ☐ Uterine fibroid ☐ Breast infection or inflammation
▶ Is any female applicant currently pregnant, an expectant parent, or in the process of adopting?
☐ **Yes** ☐ **No**
▶ **Male**: ☐ Infertility ☐ Erectile dysfunction ☐ Sexually transmitted disease ☐ Prostate disorder
☐ Gynecomastia
▶ Is any male applicant an expectant parent or in the process of adopting? ☐ **Yes** ☐ **No**

T. Other Conditions: ☐ Yes ☐ No

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Within the **past 5 years**, has anyone applying for coverage been diagnosed with, had treatment or testing recommended, received treatment, including prescription medications, or been hospitalized for **any illness, injury, or health condition not indicated elsewhere in this application?**
Note: You must include any illness, injury, or health condition related to one of the categories above, even if your specific illness, injury, or condition is not listed above.

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately)_____

Within the past FIVE (5) YEARS:		
2 Has anyone applying for coverage received treatment or had treatment recommended for drug or alcohol abuse, or been convicted of a drug or alcohol related offense (including a DUI)?	☐ Yes	☐ No
3 **Other than indicated elsewhere on this application**, has anyone applying for coverage had an implant (e.g., breast, chin, or penile implant), internal fixation (e.g., pins, plates, rods, screws), prosthesis, pacemaker, heart valve replacement, shunt, or monitoring device?	☐ Yes	☐ No
4 Has anyone applying for coverage had testing performed and are currently **waiting for results**, or been advised to have treatment, testing, counseling, therapy, or surgery which has **not yet been performed**?	☐ Yes	☐ No

Within the past TWELVE (12) MONTHS:		
5 Has anyone applying for coverage experienced unexpected weight gain or loss of more than 20 pounds?	☐ Yes	☐ No
6 Has anyone applying for coverage used any tobacco product (such as cigarettes, snuff, chewing tobacco, or any nicotine substitution product)? ▶ If yes, indicate who: ☐ Primary Applicant ☐ Spouse/Domestic Partner ☐ Dependent Children	☐ Yes	☐ No
7 Has anyone applying for coverage participated in any dangerous or extreme sport activities, including, but not limited to: organized automobile/motorcycle/powerboat racing, skydiving, bungee jumping, ultralight flying, scuba diving, hang gliding, or outdoor rock/mountain climbing?	☐ Yes	☐ No

If yes, indicate:

Who & Which Activity	When/How Often	Do you plan continued participation?	
		☐ Yes	☐ No
		☐ Yes	☐ No
		☐ Yes	☐ No

8 **Other than indicated elsewhere on this application**, has any person applying for coverage **EVER** been treated, hospitalized, or had surgery for:

- bypass? ☐ Yes ☐ No
- angioplasty? ☐ Yes ☐ No
- stent? ☐ Yes ☐ No
- aneurysm? ☐ Yes ☐ No
- valve replacement? ☐ Yes ☐ No
- cancer? ☐ Yes ☐ No
- stroke? ☐ Yes ☐ No
- congenital abnormality? ☐ Yes ☐ No
- organ or bone marrow transplant? ☐ Yes ☐ No

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately)_____

9 For **EACH** person applying for coverage, complete the following information regarding his/her **last physical exam** (including checkups):

Self Name:_____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N
Spouse/Domestic Partner's Name: _____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N
Dependent's Name:_____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N
Dependent's Name:_____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N
Dependent's Name:_____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N
Dependent's Name:_____ Exam Date (MM/YY):____/____ Routine preventive care/wellness visit? ☐ Y ☐ N

10 For **EACH** person applying for coverage, provide the following current information regarding his/her **height and weight**:

Self Name:_____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____
Spouse/Domestic Partner's Name: _____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____
Dependent's Name:_____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____
Dependent's Name:_____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____
Dependent's Name:_____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____
Dependent's Name:_____ Height (Feet/Inches):_____/_____ Weight (in pounds): _____

F. Additional Information

If you answered "YES" to any of the questions in Section E, you must provide additional information below. For an example of how to fill out this section, please visit the Illinois Department of Insurance website at www.insurance.illinois.gov.
Attach a separate sheet for additional information if necessary.

Question Number: _____ Name of Individual: _____

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Condition/Diagnosis: _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Physician Name _____

Phone # (_____)_____ City & State _____

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately)_____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No First & Last Treatment Date:_____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Physician Name _____

Phone # (_____)_____ City & State _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Physician Name _____

Phone # (_____)_____ City & State _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Physician Name _____

Phone # (_____)_____ City & State _____

Question Number: _____ Name of Individual: _____

Condition/Diagnosis: _____

Treatment Received: _____

_____

Treatment ongoing? ☐ Yes ☐ No First & Last Treatment Date: _____

Additional tests or treatment recommended? _____

Medication Prescribed (if any): _____

_____ Currently taking medication? ☐ Yes ☐ No

Physician Name _____

Phone # (_____)_____ City & State _____

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

DEPENDENT NAME (If submitted separately)_____

G. Prescription Information within the Last Twelve (12) Months

Within the past 12 months, has anyone applying for coverage been prescribed medication (other than for the common cold or flu) that is **not indicated elsewhere in this application**? ☐ Yes ☐ No

Attach a separate sheet for additional information if necessary.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Name of Individual: _____

Name of Medication_____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? ☐ Yes ☐ No

Physician Name: _____

Phone # (_____)_____ City & State _____

Name of Individual: _____

Name of Medication_____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? ☐ Yes ☐ No

Physician Name: _____

Phone # (_____)_____ City & State _____

Name of Individual: _____

Name of Medication_____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? ☐ Yes ☐ No

Physician Name: _____

Phone # (_____)_____ City & State _____

Name of Individual: _____

Name of Medication_____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? ☐ Yes ☐ No

Physician Name: _____

Phone # (_____)_____ City & State _____

Name of Individual: _____

Name of Medication_____

Reason for Taking: _____

First & Last Treatment Date: _____ Currently taking medication? ☐ Yes ☐ No

Physician Name: _____

Phone # (_____)_____ City & State _____

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

PRIMARY APPLICANT NAME _____ DATE _____

AFFIRMATION

Signature – Adult applicants must sign this form below. Parent or guardian signature is required for applicants under the age of 18. **By signing this form, you certify the following:**

1. I have read this entire application or it has been read to me.
2. No independent producer, agent, or employee of the insurer can change any part of this application or waive the requirement that I answer all questions completely and accurately.
3. I understand that if I intentionally omit or provide false information on or in relation to this application, then this policy may be cancelled retroactively, in which case any claim I submit may not be paid by the insurer. I understand that if I intentionally omit or provide false information on or in relation to this application that I may face legal liability, including legal action based on fraud.
4. **All of the answers provided within this application are, to the best of my knowledge and belief, true and complete.** For more information, please visit the Illinois Department of Insurance's website at www.insurance.illinois.gov.

STATEMENT OF UNDERSTANDING

I understand and agree that:

- The information I have provided in this application will be used by the insurer to determine whether to extend coverage and the premium amount for such coverage.
- No coverage shall be in force until approved by the insurer. If approved, coverage will be in force as of the effective date determined by the insurer.
- This application will become part of the contract between the insurer and me.
- Except for a dependent up to the age of 19, coverage for preexisting medical conditions may be excluded or be subject to a waiting period of up to 24 months.
- I am entitled to a copy of this application and the Authorization to Use and Disclose Protected Health Information that is a part of this application upon request. I agree that a photographic copy shall be as valid as the original. A legible facsimile signature shall have the same force and effect as the original.
- I authorize the insurer to transmit the information contained herein electronically.

AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION

I. Protected Health Information

By signing this form, I authorize certain organizations and persons to use or disclose my protected health information. Protected health information includes, but is not limited to, hospital records, physician records, claim or benefit records, lab results, mental health records, as well as information regarding the use of drug, alcohol, HIV/AIDS, sexually transmitted disease, and reproductive health services. Protected health information may be written, oral, or electronic. This form does not permit the use or disclosure of psychotherapy notes.

II. Purpose of this Authorization Form

By signing this form, I authorize the use and disclosure of protected health information for the purposes of pre-enrollment underwriting or risk-rating of health insurance coverage, to determine eligibility for enrollment or benefits under a health plan, or to allow the insurer to conduct utilization review and

quality improvement activities ("Purpose").

III. Entities Authorized to Use and Disclose My Protected Health Information
Insurers: I hereby authorize the following insurers, their reinsurers, and their legal representatives ("Insurers") to receive, use, and disclose my protected health information for the Purpose listed above:

(Please list below the names of all the insurers to whom you are submitting this application.)

Insurer: _____ Insurer: _____ Insurer: _____
Insurer: _____ Insurer: _____ Insurer: _____

I authorize the Insurers to disclose my protected health information: between themselves, to reinsuring companies, and to insurance intermediaries or other persons or organizations performing business or legal services in connection with the Purpose above.

I further authorize any licensed physician, medical practitioner, health care provider, hospital, clinic, or other medical or medically related facility, insurance or reinsuring company, or other organization, institution, or person that has any record or knowledge of my health to disclose such information to the extent permitted by law to Insurers for the Purpose above.

I understand that protected health information described in this form may be used by, or disclosed to or by, organizations and persons who are not subject to federal or state privacy laws.

IV. Term of Authorization
I agree this Authorization shall be valid for two-and-one-half (2½) years from the latest signature date below.

V. Right to Revoke
I understand I may revoke this authorization at any time by giving advance written notice to Insurers. Revocation of this authorization form will not affect actions Insurers and others took in reliance on this form prior to the written notice of revocation.

If this application was taken over the phone or on the computer, I acknowledge that I, myself, have not actually signed this application but instead hereby authorize the insurance carrier to print "Electronically Acknowledged" on the signature line of the application and I agree that such printing shall be treated as a valid signature for all purposes of this form. I acknowledge that the insurance carrier has verified my identity for this purpose in accordance with any applicable law or regulation.

I HAVE READ AND CONSIDERED THE CONTENTS OF THIS FORM. BY SIGNING THIS FORM, I HEREBY AUTHORIZE THE USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION AS DESCRIBED IN THIS FORM.

_____Date _____
Primary Applicant (or Authorized Legal Representative) Signature

_____Date _____
Spouse / Domestic Partner Signature (ONLY if to be insured)

_____Date _____
Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

_____Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

_____Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

_____Date _____

Dependent Signature (ONLY if 18 or over and ONLY if to be insured)

For assistance in completing this application, please contact your insurance agent or the insurance company directly. For information about your health insurance rights under state and federal law, and other resources, please contact the Illinois Department of Insurance's Office of Consumer Health Insurance, toll free at (877) 527-9431.

ILLINOIS STANDARD HEALTH APPLICATION FOR INDIVIDUAL & FAMILY HEALTH INSURANCE COVERAGE

PRIMARY APPLICANT NAME _____ DATE _____

TO BE COMPLETED BY AGENT

I. Agent/Producer Information

I certify that:

1. All answers provided in this application were completed by or provided by the applicant.
2. I have reviewed this enrollment form to ensure that all required items have been completed.
3. I am not aware of any information not disclosed on this enrollment form relating to the health, habits, or reputation of any person listed on this enrollment form, which might have a bearing on the risk.

1. Producer/Writing Agent

Name:	ID#/Code:
Company:	Phone: ( )
Email:	
Producer Signature: Date Signed: (A faxed signature shall be valid as an original signature.)	

2. Agent/Managing Agent

Name:	ID#/Code:
Company:	Phone: ( )
Email:	
Agent Signature: Date Signed: (A faxed signature shall be valid as an original signature.)	

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

Section 2030.APPENDIX C Certification of Compliance

State of Illinois

Illinois Standard Health Application Certification of Compliance

Company: _____ Company FEIN: _____

Form Number(s): _____ Form Title(s):_____

I, _____, am a duly authorized officer of the above insurer, and do hereby certify that I am knowledgeable as to the current laws and regulations applicable to the policy form(s) identified above that are the subject of this filing (hereafter "the policy forms"), including Section 359b of the Illinois Insurance Code and Part 2030 of Title 50 of the Illinois Administrative Code governing the use of standard applications, and that the policy forms are in compliance with such laws and regulations. I further certify that this submission is complete and contains all materials required by applicable laws and regulations.

I understand that the Illinois Department of Insurance will rely on this certification in approving the policy forms listed above, and should it subsequently be determined that the policy forms listed above do not comply with the applicable laws and regulations or that this certification is materially false or incorrect, corrective and disciplinary action, including retroactive disapproval, as authorized by law, may be taken by the Department against the company and the officer that completed this certification.

Signature of Corporate Officer: _____

Signature of Company Compliance Officer: _____

Name (typed or printed):_____

Title: _____ Direct Telephone Number: _____

Date: _____

(This certification does not change an insurer's responsibility to comply with the Insurance Code. Failure to comply with all applicable provisions of the Code will cause an insurer to be subject to penalties ranging from suspension of authority to utilize the expedited process, discontinuation of authority to use of the form(s), examination, monetary penalties, or limitation or revocation of their certificate of authority. Insurers should be

aware that the assignment of such penalties will be liberal to ensure continued compliance with all Code requirements.)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds

2) Code Citation: 50 Ill. Adm. Code 4404

3)

Section Numbers:	Adopted Action:
4404.10	Amendment
4404.30	Amendment
4404.40	Amendment
4404.50	Amendment
4404.60	Amendment
4404.70	Amendment
4404.73	Amendment
4404.76	Amendment
4404.80	Amendment
4404.90	Amendment
4404.100	Amendment
4404.110	Amendment
4404.120	Amendment
4404.130	Amendment

4) Statutory Authority: Implementing Section 3-110 and 3-110.7 and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7]

5) Effective Date of Rulemaking: January 24, 2011

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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 27, 2010; 35 Ill. Reg. 12307

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: No substantive changes were made.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

12) Have all 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

15) Summary and Purpose of Rulemaking: Public Act 96-297, effective August 11, 2009, allows police officers to take a reduction in time in lieu of paying an additional contribution to transfer creditable service time from one Article 3 pension fund to another Article 3 pension fund. This option was not previously offered and is therefore not currently included in 50 Ill. Adm. Code 4404, which details the process of transferring creditable service time. The proposed amendments provide a formula for calculating the reduced time to be credited to the current pension fund and instructions on additional information to be given to the police officer and to the Pension Division.

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

Christina Goff, Public Pensions Division
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1779

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER aaa: PENSIONS

PART 4404
PORTABILITY OF CREDITABLE SERVICE TIME FOR
DOWNSTATE AND SUBURBAN POLICE PENSION FUNDS

Section
4404.10 Purpose
4404.20 Applicability
4404.30 Definitions
4404.40 Request and Recision Notifications
4404.50 Method for Calculation of the True Cost
4404.60 Current Fund Notification Requirement
4404.70 Prior Fund Notification Requirement
4404.73 Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund
4404.76 Calculation of the Amount Required to Reinstate Creditable Service if a Refund was Received
4404.80 Current Fund Payment Schedule, Determination of Creditable Service Time to be Credited and Notification to the Police Officer
4404.90 Final Authorization to Transfer or Withdraw
4404.100 Transfer of Creditable Service Time
4404.110 Failure to Pay, or Death of the Officer
4404.120 Forfeiture
4404.130 Current Pension Fund Reporting Requirements
4404.140 Failure to Comply
4404.ILLUSTRATION A DOI Information Request for an Officer's Creditable Service Transfer
4404.ILLUSTRATION B DOI Information Request for a Chief of Police's Creditable Service Transfer (Repealed)

AUTHORITY: Implementing Section 3-110 and 3-110.7, and authorized by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 16453, effective December 9, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 8391, effective May 4, 1998; amended at 24 Ill. Reg. 7287, effective April 26, 2000; amended at 35 Ill. Reg. 2120, effective January 24, 2011.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 4404.10 Purpose

The purpose of this Part is to set forth the underlying calculations involved concerning the transfer of money among the prior pension fund, the current pension fund and the officers; and the associated requirements to transfer ~~all~~ previously accumulated creditable service by an active member of an Article 3 police pension fund pursuant to Sections 3-110 and 3-110.7 of the Illinois Pension Code [40 ILCS 5/3-110 and 3-110.7].

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.30 Definitions

Active Member shall be defined as an officer that is in active service and a participant of a pension fund established pursuant to Article 3 of the Illinois Pension Code.

Creditable Service shall be defined by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110].

Current Pension Fund shall be defined as the pension fund where the officer is presently a Participant.

Date of Refund shall be defined as the date the officer received a refund from a pension fund pursuant to Section 3-124 of the Illinois Pension Code [40 ILCS 5/3-124].

Date of Transfer shall be defined as the date the officer's application for transfer of creditable service time is received by the current pension fund. [40 ILCS 5/3-110.7(a)(1)].

Director shall be defined as the Director of the Illinois Department of Insurance.

Participant shall be defined as a participating member, or deferred pensioner or annuitant, of a pension fund as provided in Article 3 of the Illinois Pension Code under which the pension fund is established [40 ILCS 5/3-101].

Pension Division shall be defined as the Public ~~Employee~~ Pension Division of the Illinois Department of Insurance.

Police Officer or Officer shall be defined by Section 3-106 of the Illinois Pension Code [40 ILCS 5/3-106].

Prior Pension Fund shall be defined as the pension fund from which the officer may transfer previously accumulated creditable service to the current pension fund.

Qualified Actuary shall be defined as either a member of the American Academy of Actuaries~~,~~ or an individual who has demonstrated to the satisfaction of the Director that he or she possesses the educational background necessary for the practice of actuarial science and~~,~~ who also possesses not less than 7 years of relevant actuarial experience.

Refund shall be defined as the amount of contributions an officer received pursuant to Section 3-124 of the Illinois Pension Code [40 ILCS 5/3-124].

True Cost shall be defined as the increase in the actuarial accrued liability or reserve amount, as applicable, calculated pursuant to Section 4404.50 of this Part and Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110], resulting from the transfer of creditable service from the prior pension fund to the current pension fund.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.40 Request and Recision Notifications

Any police officer who is an active member of an Article 3 police pension fund must submit a written request to his or her current pension fund board of trustees identifying, by date and time frame, the accumulated creditable service to be transferred from the prior police pension funds~~fund(s)~~ and the prior pension funds~~fund(s)~~. The police officer must also identify any creditable service time that~~which~~ the officer is required to reinstate pursuant to Section 3-110.7(b) of the Illinois Pension Code [40 ILCS 5/3-110.7(b)] in order for it to qualify as creditable service time to be transferred. When requesting to transfer accumulated creditable service, all accumulated creditable service with that prior pension fund must be transferred out of that prior pension fund.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.50 Method for Calculation of the True Cost

a) The qualified actuary shall provide the current pension fund with the actuarial accrued liability assuming continuation of active status, and the amount of reserve for each possible status that may apply to the officer as set forth in subsection (b) of this Section. The actuarial accrued liability and reserve amounts shall be computed utilizing the actuarial cost method and the same assumptions that were used for determining the most recent actuarial valuation for the current pension fund.

b) The possible status choices that~~which~~ may be considered, in addition to the requirement of remaining active as an officer until the completion of the transfer, are: retirement, deferred retirement, disability and withdrawal. For each applicable status choice, the actuary shall provide the current pension fund with two actuarial accrued liability, or reserve, amounts. The first amount shall be the actuarial accrued liability, or reserve, computed using the combined years of service in the current fund and previous funds~~fund(s)~~. The second amount shall be the actuarial accrued liability, or reserve, computed using only the years of service in the current fund. These amounts shall be computed as of the date the current pension fund receives the request for transfer of creditable service. The benefit amounts used in computing the actuarial accrued liability or~~, and~~ reserve, amounts shall be consistent with the years of service used in each separate actuarial accrued liability, or reserve, amount calculation. The true cost for each status shall be equal to the excess of the amount computed using the combined years of service in all funds over the amount computed using the years of service in the current pension fund.

c) The method of calculating the true cost of transferring creditable service time shall be dependent on the anticipated status of the officer as determined by the current pension fund at the time of the service transfer~~,~~ or immediately thereafter. It is the current pension fund's responsibility to determine the most likely status of the officer after the transfer of creditable service time.

d) The current pension fund board of trustees shall determine the true cost for the requested period of creditable service time with information provided to the current pension fund by either:

1) the Illinois Department of Insurance, upon written request submitted in the format prescribed by Illustration A of this Part. The Department will

return the information requested within 30 days after receipt of the~~such~~ request, if the Department's actuarial valuation was used for determining the most recent funding requirements of the current pension fund;~~,~~ or

2) the qualified actuary who was retained by the municipality or pension fund to determine the most recent actuarial valuation used for determining the funding requirements of the current fund.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.60 Current Fund Notification Requirement

Within 30 days after receipt of the police officer's request, the current pension fund shall provide written notification to both the requesting officer and the prior pension funds~~fund(s)~~ verifying receipt of the~~such~~ request. The current pension fund shall obtain verification of the creditable service time on record with the prior pension fund, as well as the amount the prior pension fund will transfer to the current pension fund as calculated pursuant to Section 4404.73 of this Part and the amount the police officer is required to pay the prior pension fund in order to reinstate service as calculated pursuant to Section 4404.76 of this Part, if applicable. At this time the current pension fund shall also provide written notification to the independent actuary or the Department of Insurance (DOI), as applicable, requesting the actuarial amounts to be used in the true cost determination. The request form prescribed by Illustration A of this Part must accompany the notification if the DOI is requested to perform the actuarial calculations.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.70 Prior Fund Notification Requirement

Within 30 days after receipt of the current pension fund's notification, the prior pension funds~~fund(s)~~ shall provide written notification, to both the requesting officer and the current pension fund, verifying receipt of the notification required by Section 4404.60 of this Part. The prior funds~~fund(s)~~ must also verify the creditable service time on record~~,~~ and identify the amount of money due to be transferred to the current fund on behalf of the officer as calculated pursuant to Section 4404.73 of this Part, specifically broken down into categories including employee contributions, employer contributions, and interest. In the event that a refund has been taken, the prior pension fund must also notify the officer and the current pension fund of the amount of money that is owed to the prior pension fund in order to reinstate that service time as calculated pursuant to Section 4404.76 of this Part. The prior fund's notification to the officer and the current pension fund must identify that portion of the amount owed for reinstatement that is

attributable to the refund received by the officer and that portion of the amount that is attributable to the interest on the refund.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.73 Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund

Upon receiving the notification from the current pension fund, as set forth in Section 4404.60 of this Part, the prior pension fund must notify the current pension fund of the amount of money that is to be transferred to the current pension fund upon the police officer's decision to transfer creditable service time. That amount shall equal:

a) The amounts actually contributed by, or on behalf of, the applicant to the fund as employee contributions, plus interest on those amounts at the rate of 6% per year, compounded annually, from the date of contribution to the date of transfer; and

b) An amount representing employer contributions, which is equal to the total amount determined under subsection (a) of this Section.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.76 Calculation of the Amount Required to Reinstate Creditable Service if a Refund was Received

If the officer received a refund from the prior pension fund upon leaving that pension fund, ~~in order to reinstate the accumulated creditable service~~ the officer must pay the prior pension fund the amount of the refund plus interest on the refund amount~~thereon~~ at the rate of 6% per year, compounded annually, in order to reinstate the accumulated creditable service. The interest shall be calculated from the date of refund to the date of transfer.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.80 Current Fund Payment Schedule, Determination of Creditable Service Time to be Credited and Notification to the Police Officer

Within 14 days after receipt of the prior pension funds~~fund(s)~~ notification, the current pension fund shall notify the requesting officer of:

a) The~~the~~ additional contribution needed from the officer to transfer the designated creditable service time as required by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110] should the officer elect to have all creditable service time earned in the prior fund credited to the current fund under 40 ILCS 5/3-110(d)(2), option (A). The additional contribution~~This figure~~ should represent the true cost necessary to transfer the designated creditable service time minus the amount payable by the prior pension funds~~fund(s)~~ as calculated pursuant to Section 4404.73 of this Part, leaving a balance payable by the officer to satisfy the true cost of effectively transferring the designated creditable service time. This additional contribution is in addition to any amount required to be paid by the officer to reinstate the prior creditable service when~~where~~ a refund had been received as calculated in Section 4404.76 of this Part. In addition, the current pension fund must:

1~~a~~) Specify the method of payment as either a lump sum or a schedule of payments, to include 6% annual interest on the declining balance, and any fees, not to exceed the 5 year statutory limit (see 40 ILCS 5/3-110(d)(3)), deemed acceptable by the current pension fund board of trustees and that payment must be made in full before the officer terminates service; and

2~~b~~) Notify the officer that once final authorization has been given pursuant to Section 4404.90 of this Part, the~~such~~ transfer cannot be reversed, and failure to satisfy the agreed to payment arrangement will result in a forfeiture of the employer paid portion and any accumulated interest on the designated creditable service time pursuant to Section 3-110.7 of the Illinois Pension Code [40 ILCS 5/3-110.7].

b) The amount of creditable service time that will be credited to the current pension fund should the officer elect to have the creditable service time earned in the prior pension fund and credited to the current fund reduced in lieu of payment of an additional contribution. The reduced amount of creditable service time to be credited to the current pension fund shall equal the portion of the creditable service time accumulated in the prior pension fund after applying to that creditable service time the ratio of the amount of monies transferred from the prior pension fund to the appropriate true cost amount as determined under Section 4404.50 of this Part. If the ratio of the amount transferred from the prior pension fund to the appropriate true cost amount is greater than one, only the amount of actual creditable service time accumulated in the prior pension fund is credited to the current pension fund. Any amount required to be paid by the

officer to reinstate the prior creditable service when a refund had been received as calculated in Section 4404.76 of this Part must still be paid to the prior pension fund.

$$\frac{\text{Service Credited}}{\text{To Current Fund}} = \frac{\text{Service Accumulated}}{\text{In Prior Fund}} \times \frac{\text{(Monies from Prior Fund)}}{\text{(Appropriate True Cost)}}$$

In addition, the current pension fund must notify the officer that, once final authorization has been given pursuant to Section 4404.90 of this Part, the transfer cannot be reversed. Creditable service time transferred out of the prior pension fund and not credited to the current pension fund is lost. It may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.90 Final Authorization to Transfer or Withdraw

a) Within 14 days after receiving notification from the current pension fund, which must include a payment schedule deemed acceptable to meet the additional amount due, if applicable, the officer must either:

1~~a~~) Provide an irrevocable written authorization to transfer creditable service time to the current pension fund~~,~~ and, if applicable, repay the prior fund any refund with interest; or

2~~b~~) Submit a written request to withdraw the initial application for transferring creditable service to the current pension fund; or

3~~c~~) If the officer fails to take action by the 15th day, pursuant to either subsection (a)(1)~~(a)~~ or (a)(2)~~(b)~~ of this Section, the initial request to transfer the designated creditable service time will be automatically withdrawn.

b) If an officer provides an irrevocable written authorization to transfer creditable service time, the officer must include in that letter whether the officer will:

1) pay the additional contribution to have all creditable service time earned in the prior pension fund credited to the current pension fund; or

2) have the creditable service time earned in the prior pension fund and credited to the current pension fund reduced in lieu of payment of an additional contribution.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.100 Transfer of Creditable Service Time

a) Within 7 days after final authorization from the officer has been received by the current pension fund, the current pension fund must forward a copy of the final authorization to the prior pension funds~~fund(s)~~.

b) Within 30 days after the prior pension funds receive~~fund(s) receives~~ a copy of the officer's final authorization and the repayment of any refund with interest, if applicable, the prior pension fund must transfer the designated creditable service time to the current pension fund along with the payment of all monies~~moneys~~ required to be transferred pursuant to Section 4404.73 of this Part.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.110 Failure to Pay, or Death of the Officer

a) In the event that the officer fails to pay the additional contributions required by the current pension fund to satisfy the effective transfer of the designated creditable service time deemed appropriate by the board of trustees and agreed to by the officer, if applicable, or the officer terminates service before the expiration of the statutory 5 year maximum:

1) The officer will receive an amount equal to the amounts actually contributed by, or on behalf of, the applicant to the prior pension fund as employee contributions~~,~~ and, if applicable, the amount of interest paid by the officer to the prior pension fund to reinstate creditable service as calculated under~~by~~ Section 4404.76 of this Part within 30 days after failure to meet the terms of the agreed to payment schedule; and

2) All partial payments made by the officer to the current fund.

b) In the event that the officer dies in service before payment of additional

contributions has been satisfied, if applicable, and prior to the 5 year statutory payment period maximum:

1) The surviving spouse has up to 6 months after the officer's death to pay the remaining balance due to satisfy the payment schedule; or

2) The surviving spouse shall be entitled to the same refund as specified in subsection (a) of this Section.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.120 Forfeiture

Transferred credit that is not granted due to failure to pay the additional contribution, if applicable, *within the required time is lost.*~~;~~ *It*~~it~~ *may not be transferred to another pension fund and may not be reinstated in the pension fund from which it was transferred.* [40 ILCS 5/3-110(d)(5)]

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

Section 4404.130 Current Pension Fund Reporting Requirements

Within 30 days after the designated creditable service time has been transferred to the current pension fund, the current pension fund must file a report with the Pension Division. The report must contain the following:

a) The name and FEIN of the current pension fund to which creditable service time was transferred;

b) The name and FEIN of the prior pension fund from which creditable service time was transferred;

c) The name and Social Security Number of the officer for whom creditable service time was transferred;

d) The beginning and ending dates for all periods of creditable service time transferred;

e) The reduced creditable service time credited to the current pension fund, if

applicable;

f~~e~~) The amount transferred from the prior pension fund, including a breakdown of the total to include:

1) The formula and assumptions used to determine the amount representing the officer's contributions, including the amount itself;

2) The formula and assumptions used to determine the amount of interest paid on the amounts in subsection (f)~~(e)~~(1) of this Section, including the amount itself;

3) The formula and assumptions used to determine the amount of interest paid by the officer to reinstate service, if any, including the amount itself;

4) The amount designated as the employer contribution; and

5) Any other assumptions used;

g~~f~~) The~~In addition, the report must also contain the~~ date that the designated creditable service time was transferred;

h~~g~~) The true cost of transferred creditable service time;

i~~h~~) If the actuarial accrued liability and reserve amounts used in determining the true cost of transferring creditable service time were calculated by a qualified actuary pursuant to Section 4404.50(d)(2) of this Part, ~~then~~ an actuarial certification must be filed by the current pension fund and must contain a statement that the actuarial accrued liabilities, or reserves, were calculated by the undersigned actuary in compliance with Section 4404.50(a), (b) and (c) of this Part; and

j~~i~~) The current pension fund must provide a copy of the agreed to payment schedule, if applicable, which must identify:

1) The total amount of contributions, including any fees or interest, needed from the officer to satisfy the effective transfer of the designated creditable service time;

2) The payment schedule itself; and

3) Any contributions paid by the officer.

(Source: Amended at 35 Ill. Reg. 2120, effective January 24, 2011)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Site-Specific Closures of Coal Combustion Waste Surface Impoundments

2) Code Citation: 35 Ill. Adm. Code 840

3)

Section Numbers:	Adopted Action:
840.100	New
840.102	New
840.104	New
840.106	New
840.108	New
840.110	New
840.112	New
840.114	New
840.116	New
840.118	New
840.120	New
840.122	New
840.124	New
840.126	New
840.128	New
840.130	New
840.132	New
840.134	New
840.136	New
840.138	New
840.140	New
840.142	New
840.144	New
840.146	New
840.148	New
840.150	New
840.152	New

4) Statutory Authority: Implementing Section 22 of the Environmental Protection Act [415 ILCS 5/22] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and authorized by Sections 10, 27, and 28 of the Illinois Environmental Protection Act (415 ILCS 5/10, 27, 28] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8]

5) Effective Date of Rules: January 21, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000.

"Methods for Chemical Analysis of Water and Wastes", March 1983, Doc. No. PB84-128677. EPA 600/4-79-020 (available on-line at http://nepis.epa.gov/).

"Methods for the Determination of Inorganic Substances in Environmental Samples", August 1993, Doc. No. PB94-120821 (referred to as "USEPA Environmental Inorganic Methods"). EPA 600/R-93-100 (available online at http://nepis.epa.gov/).

"Methods for the Determination of Metals in Environmental Samples", June 1991, Doc. No. PB91-231498. EPA 600/4-91-010 (available on-line at http://nepis.epa.gov/).

"Methods for the Determination of Metals in Environmental Samples Supplement I", May 1994, Doc. No. PB95-125472. EPA 600/4-94-111 (available on-line at http://nepis.epa.gov).

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water: Volume I", EPA 815-R-00-014 (August 2000) (available on-line at http://nepis.epa.gov).

“Practical Guide for Ground-Water Sampling", EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB (Doc. No. 955-001-00000-1), (available on-line at http://www.epa.gov/epaoswer/hazwaste/test/main.htm).

USGS. United States Geological Survey, 1961 Stout St., Denver, CO 80294, (303) 844-4169.

Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents, Book I, Chapter D2 (1976).

8) A copy of the adopted amendments, and any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal Published in Illinois Register: October 22, 2010; 34 Ill. Reg. 16188

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: In proceeding from its first-notice proposal to final adoption in this rulemaking docket, the Board has made a small number of nonsubstantive, technical changes, all at the request of JCAR.

In Sections 840.114, 840.120(d), 840.120(d)(1), 840.130(i), 840.130(j), 840.130(k), 840.144(b)(1), 840.144(b)(2), 840.144(b)(3), 840.144(e), 840.150(c)(7), 840.150(c)(9), 840.150(d)(7), 840.150(d)(8), and 840.150(d)(9), the Board added the phrase "of this Subpart" to clarify cross-references.

In Sections 840.128(a), 840.132, 840.134(a), and 840.138(a), the Board replaced language referring generally to the effective date of the regulations with a reference to the date of January 28, 2011.

In Section 840.146(a)(1), the Board replaced "Part" with "Subpart" to clarify a cross-reference.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements 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 Rules: For a more detailed description of this rulemaking, please see the Board's January 20, 2011 opinion and order adopting these rules. Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code 840.100 through 840.152, R09-21 (Jan. 20. 2011). Ameren Energy Generating Company

(Ameren) initiated this rulemaking by filing proposed rules under which it could close Ash Pond D, a surface impoundment managing coal combustion waste at its Hutsonville Power Station. Ameren stated that, although the Board's water pollution rules govern ash pond operation, existing waste regulations do not adequately address the closure of such surface impoundments. On September 22, 2009, Ameren and the Agency filed a joint rulemaking proposal, which the Board adopted for first notice without significant substantive amendments. The adopted regulations include requirements for a final cover system for Ash Pond D, a groundwater monitoring system and program, a groundwater collection trench to address off-site impacts, and procedures for Agency oversight of closure and post-closure care.

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

Timothy J. Fox
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R09-21 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER j: COAL COMBUSTION WASTE SURFACE IMPOUNDMENTS

PART 840
SITE-SPECIFIC CLOSURES OF COAL COMBUSTION
WASTE SURFACE IMPOUNDMENTS

SUBPART A: CLOSURE OF ASH POND D, HUTSONVILLE POWER STATION

Section
840.100 Purpose
840.102 Applicability
840.104 Definitions
840.106 Abbreviations and Acronyms
840.108 Incorporations by Reference
840.110 Hydrogeologic Site Investigation
840.112 Groundwater Monitoring System
840.114 Groundwater Monitoring Program
840.116 Groundwater Quality Standards
840.118 Demonstration of Compliance
840.120 Groundwater Collection Trench
840.122 Groundwater Discharge System
840.124 Final Slope and Stabilization
840.126 Final Cover System
840.128 Closure Plan
840.130 Contents of Closure Plan
840.132 Modification of Existing Permits
840.134 Completion of Closure, Closure Report and Certification of Completion of Closure
840.136 Post-Closure Maintenance of Cover System
840.138 Post-Closure Care Plan
840.140 Contents of Post-Closure Care Plan
840.142 Post-Closure Report and Certification of Completion of Post-Closure Care Plan
840.144 Recordkeeping and Reporting Requirements
840.146 Construction Quality Assurance Program
840.148 Review, Approval, and Modification of Closure Plan and Post-Closure Care Plan

840.150 Review and Approval of Closure Report and Certification of Completion of Closure, Post-Closure Report and Certification of Completion of Post-Closure Care Plan
840.152 Resource Conservation and Recovery Act

AUTHORITY: Implementing Section 22 of the Environmental Protection Act [415 ILCS 5/22] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and authorized by Sections 22, 27, and 28 of the Environmental Protection Act [415 ILCS 5/22, 27, and 28] and Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8].

SOURCE: Adopted in R09-21 at 35 Ill. Reg. 2134, effective January 21, 2011.

SUBPART A: CLOSURE OF ASH POND D, HUTSONVILLE POWER STATION

Section 840.100 Purpose

This Subpart provides for the closure of Ash Pond D located at the Hutsonville Power Station, 15142 East 1900 Avenue, Hutsonville, Crawford County, Illinois.

Section 840.102 Applicability

This Subpart applies exclusively to the closure and post-closure care of Ash Pond D, located at the Hutsonville Power Station.

Section 840.104 Definitions

Unless otherwise specified, the definitions of the Environmental Protection Act (Act) [415 ILCS 5] apply to this Subpart. The following definitions also apply:

"Agency" means the Illinois Environmental Protection Agency.

"Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients. [415 ILCS 55/3(b)]

"Ash Pond D" means the surface impoundment designated as Ash Pond D, located at the Hutsonville Power Station, 15142 East 1900 Avenue, Hutsonville, Crawford County, Illinois.

"Board" means the Illinois Pollution Control Board.

"Contaminant" means any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source. [415 ILCS 5/3.165]

"Hutsonville Power Station" or "Hutsonville site" means the electric generating station located at 15142 East 1900 Avenue, Hutsonville, Crawford County, Illinois.

"Lower zone of underlying aquifer" means the sands and gravels beneath the fine-grained surficial alluvium within the Wabash River bedrock valley.

"Off-site" means any property that is not part of the Hutsonville Power Station.

"On-site" means the same or geographically contiguous property constituting the Hutsonville Power Station.

"Operator" means the person responsible for the operation of Ash Pond D.

"Owner" means the person who owns Ash Pond D.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns. [415 ILCS 5/3.315]

"Professional engineer" means a person who has registered and obtained a seal pursuant to the Professional Engineering Practice Act of 1989 [225 ILCS 325].

"Professional geologist" means *a person licensed under the laws of the State of Illinois to practice as a professional geologist.* [415 ILCS 5/57.2]

"Site" means any location, place, tract of land and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder. [415 ILCS 5/3.460]

"Statistically significant" means the application of a Mann-Kendall analysis performed at 95 percent confidence to determine whether consecutive

groundwater sampling data showing greater or lesser concentrations of constituents is statistically significant.

"Upper zone of underlying aquifer" means surficial sands and sandstones overlying shale west of the Wabash River bedrock valley, and sand lenses within the surficial fine grained alluvium.

Section 840.106 Abbreviations and Acronyms

Agency	Illinois Environmental Protection Agency
CQA	Construction Quality Assurance
GMZ	Groundwater Management Zone
Mg\L	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
TDS	total dissolved solids

Section 840.108 Incorporations by Reference

a) The Board incorporates the following material by reference:

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161, (703) 605-6000.

"Methods for Chemical Analysis of Water and Wastes," March 1983, Doc. No. PB84-128677. EPA 600/4-79-020 (available on-line at http://nepis.epa.gov/).

"Methods for the Determination of Inorganic Substances in Environmental Samples," August 1993, Doc. No. PB94-120821 (referred to as "USEPA Environmental Inorganic Methods"). EPA 600/R-93-100 (available online at http://nepis.epa.gov/).

"Methods for the Determination of Metals in Environmental Samples," June 1991, Doc. No. PB91-231498. EPA 600/4-91-010 (available on-line at http://nepis.epa.gov/).

"Methods for the Determination of Metals in Environmental Samples Supplement I," May 1994, Doc. No. PB95-125472. EPA 600/4-94-111 (available on-line at http://nepis.epa.gov).

"Methods for the Determination of Organic and Inorganic Compounds in Drinking Water: Volume I," EPA 815-R-00-014 (August 2000) (available on-line at http://nepis.epa.gov).

"Practical Guide for Ground-Water Sampling," EPA Publication No. EPA/600/2-85/104 (September 1985), Doc. No. PB 86-137304, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB (Doc. No. 955-001-00000-1), (available on-line at http://www.epa.gov/epaoswer/hazwaste/test/main.htm).

USGS. United States Geological Survey, 1961 Stout St., Denver CO 80294, (303) 844-4169.

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," Book I, Chapter D2 (1976).

b) This Section incorporates no later editions or amendments.

Section 840.110 Hydrogeologic Site Investigation

The owner or operator of Ash Pond D must design and implement a hydrogeologic site investigation to determine the nature and extent of contamination originating from Ash Pond D and to develop hydrogeologic information for the uses set forth in this Section. If approved in the closure plan, any information from any hydrogeologic site investigation performed since 1999 may be used to satisfy the requirements of this Section. The uses of the hydrogeologic site investigation shall include, but not be limited to:

a) Providing information to define hydrogeology and to assess the groundwater impacts associated with Ash Pond D;

b) Providing information to perform a model to assess the groundwater impacts associated with closure of Ash Pond D; and

c) Providing information to establish a groundwater monitoring system.

Section 840.112 Groundwater Monitoring System

The owner or operator of Ash Pond D must design and install a groundwater monitoring system that enables it to monitor groundwater to evaluate post-closure groundwater quality and trends and to demonstrate compliance with the applicable groundwater quality standards at designated compliance points as set forth in Sections 840.116 and 840.118 of this Subpart. If approved in the closure plan, any groundwater monitoring well in operation since 1999 that complies with the requirements set forth in this Section may be used in satisfying the requirements of this Section.

a) Standards for monitoring well design and construction.

1) All monitoring wells must be cased in a manner that maintains the integrity of the bore holes.

2) Wells must be screened to allow sampling only at the specified interval.

3) All wells must be covered with vented caps, unless located in flood-prone areas, and equipped with devices to protect against tampering and damage.

b) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples to:

1) Represent the quality of background water that has not been affected by contamination from Ash Pond D;

2) Represent the quality of groundwater at the compliance point or points; and

3) Determine compliance with Sections 840.116 and 840.118 of this Subpart.

c) Monitoring wells must be located in statigraphic horizons that could serve as contaminant pathways.

d) The groundwater monitoring system approved in the closure plan must include a maintenance plan.

Section 840.114 Groundwater Monitoring Program

The owner or operator of Ash Pond D must develop a groundwater monitoring program that enables it to monitor groundwater to evaluate post-closure groundwater quality both on-site and off-site to demonstrate compliance with Sections 840.116 and 840.118 of this Subpart. The owner or operator must begin the groundwater monitoring program upon completion of the installation of the groundwater monitoring system in accordance with Section 840.112 of this Subpart and the approved closure plan. The groundwater monitoring program must comply with following requirements:

a) The owner or operator of Ash Pond D must monitor each well included in the groundwater monitoring system pursuant to Section 840.112 on a quarterly basis for the constituents identified in 35 Ill. Adm. Code 620.410(a) and (d) except radium-226 and radium-228. Any constituent that is not detectable in the down-gradient wells for four consecutive quarters or has a concentration that does not differ to a statistically significant degree from the concentration detected in the up-gradient wells for four consecutive quarters may be removed from the monitoring program in both the up-gradient and down-gradient wells with the exception of boron, iron, manganese, pH, sulfate, and TDS. The owner or operator must also monitor for the following: specific conductance, groundwater elevation, and monitoring well depth.

b) Five years after approval of the closure plan, the owner or operator of Ash Pond D may request modification of the post-closure care plan to reduce the frequency of groundwater monitoring to semi-annual sampling by demonstrating all of the following:

1) That monitoring effectiveness will not be compromised by the reduced frequency of monitoring;

2) That sufficient data has been collected to characterize groundwater; and

3) That concentrations of constituents monitored pursuant to subsection (a) of this Section at the down-gradient boundaries of the Hutsonville site show no statistically significant increasing trends that can be attributed to Ash Pond D.

c) If concentrations of constituents monitored pursuant to subsection (a) of this Section at the down-gradient boundaries of the Hutsonville site show no statistically significant increasing trends that can be attributed to Ash Pond D for the five years after reducing the monitoring frequency to semiannual, the owner

or operator of Ash Pond D may request modification of the post-closure care plan to reduce monitoring frequency to annual sampling by demonstrating all of the factors set forth in subsections (b)(1) through (b)(3) of this Section.

d) The owner or operator of Ash Pond D may discontinue groundwater monitoring upon Agency approval of the certified post-closure care report required by Section 840.142.

e) Sampling and analysis data from groundwater monitoring and decisions to remove any constituent from the monitoring program must be reported to the Agency as provided in Section 840.144(a) of this Subpart.

f) Representative samples from the groundwater monitoring system must be collected and analyzed in accordance with the procedures for groundwater monitoring and analysis set forth in the following documents, incorporated by reference at Section 840.108 of this Subpart, or other procedures approved by the Agency in the closure plan or post-closure care plan:

1) "Methods for Chemical Analysis of Water and Wastes";

2) "Methods for the Determination of Inorganic Substances in Environmental Samples";

3) "Methods for the Determination of Metals in Environmental Samples";

4) "Methods for the Determination of Metals in Environmental Samples − Supplement I";

5) "Methods for the Determination of Organic and Inorganic Compounds in Drinking Water: Volume I";

6) "Practical Guide for Ground-Water Sampling";

7) "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846), as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB;

8) "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents."

g) The owner or operator of Ash Pond D must establish a groundwater monitoring quality assurance program for sample collection, preservation and analysis.

Section 840.116 Groundwater Quality Standards

a) On-site, prior to the completion of the post-closure care period, the applicable groundwater quality standards at the Hutsonville site for concentrations of contaminants from Ash Pond D are the concentrations as determined by groundwater monitoring, if those concentrations exceed the numeric standards for Class I: Potable Resource Groundwater set forth in 35 Ill. Adm. Code 620.410. After completion of the post-closure care period, the on-site concentrations of contaminants from Ash Pond D as determined by groundwater monitoring, if those concentrations exceed the numeric standards for Class I: Potable Resource Groundwater set forth in 35 Ill. Adm. Code 620.410, are the applicable groundwater standards at the Hutsonville site if:

1) To the extent practicable, the exceedence has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned on-site;

2) Any threat to human health or the environment on-site has been minimized; and

3) An institutional control prohibiting potable uses of groundwater is placed on the Hutsonville site in accordance with the Uniform Environmental Covenants Act [765 ILCS 122] or an alternative instrument authorized for environmental uses under Illinois law and approved by the Agency. Existing potable uses of groundwater may be preserved as long as those uses remain fit for human consumption in accordance with accepted water supply principles.

b) Off-site, the applicable groundwater quality standards are the numeric standards for Class I: Potable Resource Groundwater set forth in 35 Ill. Adm. Code 620.410 in the upper zone of the underlying aquifer and the nondegradation standard of 35 Ill. Adm. Code 620.Subpart C in the lower zone of the underlying aquifer, unless a groundwater management zone (GMZ) has been established as provided in 35 Ill. Adm. Code 620.250 with the written permission of the affected owners for off-site or properties with groundwater contamination from Ash Pond D so that

monitoring wells may be installed and other corrective actions designed and implemented as necessary to achieve compliance with 35 Ill. Adm. Code 620.

1) A GMZ for off-site properties with groundwater contamination from Ash Pond D and any related design and construction activities must be proposed and approved in the closure plan or post-closure care plan or any modification of those plans, as appropriate.

2) Groundwater quality standards for an off-site GMZ are set forth at 35 Ill. Adm. Code 620.450(a)(4).

Section 840.118 Demonstration of Compliance

a) Compliance with the on-site and off-site groundwater quality standards set forth in Sections 840.116(a) and (b) of this Subpart:

1) Compliance with on-site groundwater quality standards will be achieved when no statistically significant increasing trend that can be attributed to Ash Pond D is detected in the concentrations of all constituents monitored in accordance with Section 840.114 of this Subpart at the down-gradient boundaries of the Hutsonville site for four consecutive years after changing to an annual monitoring frequency pursuant to Section 840.114(c).

2) Compliance with off-site groundwater quality standards:

A) Compliance with off-site groundwater quality standards set forth in Section 840.116(b) of this Subpart will be achieved when:

i) A statistically significant decreasing trend in concentrations of constituents monitored in accordance with Section 840.114 of this Subpart in the upper zone of the underlying aquifer at the down-gradient boundaries of the Hutsonville site is detected in the concentrations of all constituents monitored for a period of four consecutive years after changing to an annual monitoring frequency pursuant to Section 840.114(c);

ii) No statistically significant increasing trend that can be attributed to Ash Pond D is detected in concentrations of constituents monitored in accordance with Section 840.114 of this Subpart in the lower zone of the underlying aquifer at the down-gradient boundaries of the Hutsonville site for four consecutive years after changing to an annual monitoring frequency pursuant to Section 840.114(c); and

iii) All concentrations of constituents monitored in accordance with Section 840.114 of this Subpart are at or below the applicable groundwater quality standards as provided in Section 840.116(b) of this Subpart at the down-gradient boundaries of the Hutsonville site.

B) If a groundwater management zone for off-site properties with groundwater contamination from Ash Pond D is established as provided in Section 840.116(b) of this Subpart, the compliance points will be determined as set forth in the GMZ approved in the closure plan or post-closure care plan, as appropriate.

b) For purposes of demonstrating compliance:

1) The owner or operator of Ash Pond D must perform an annual trend analysis for each monitoring well located at the down-gradient boundaries of the Hutsonville site for all constituents monitored in accordance with Section 840.114 of this Subpart, based on a minimum of four consecutive samples, by applying Sen's Estimate of Slope.

2) If a groundwater management zone for off-site properties with groundwater contamination from Ash Pond D is established as provided in Section 840.116(b) of this Subpart, the demonstration of compliance will be determined as set forth in the GMZ approved in the closure plan or post-closure care plan, as appropriate.

c) Compliance with nondegradation standards during closure and post-closure care periods:

1) If the results of sampling and analysis show an increasing trend at any monitoring well located at the down-gradient boundaries of the

Hutsonville site, a Mann-Kendall analysis must be performed at 95 percent confidence to determine whether the increasing trend is statistically significant. The owner or operator of Ash Pond D must investigate the cause of a statistically significant increasing trend as determined under subsection (b) of this Section. If the statistically significant increasing trend occurs during post-closure care, the investigation must include more frequent inspection of the surface of the cover system and evaluation of background concentrations and the effectiveness of the groundwater collection trench required by Section 840.120 of this Subpart.

A) If an investigation performed in accordance with subsection (c)(1) of this Section attributes a statistically significant increasing trend to a superseding cause, the owner or operator of Ash Pond D must notify the Agency in writing, stating the cause of the increasing trend and providing the rationale used in that determination.

B) If there is no superseding cause for the statistically significant increasing trend and sampling frequency has been reduced pursuant to Section 840.114(b) or (c) of this Subpart to semiannual or annual sampling, the owner or operator must return to a quarterly sampling schedule. After four consecutive quarterly samples show no statistically significant increasing trend, the frequency of groundwater monitoring may be returned to either semiannual or annual, whichever frequency was utilized prior to the return to quarterly sampling.

C) For purposes of this subsection (c)(1), notifications concerning statistically significant increasing trends and revisions of the sampling frequency must be reported to the Agency in writing within 30 days after making the determinations, as provided in Section 840.144(f) of this Subpart.

2) If a statistically significant increasing trend is observed to continue over a period of two or more consecutive years and there are no superseding causes for the trend, the owner or operator must perform the following:

A) A hydrogeologic investigation; and

B) Additional site investigation, if necessary.

3) Based on the outcome of the activities required by subsection (c)(2) of this Section, the owner or operator of Ash Pond D must take action to mitigate statistically significant increasing trends that are causing, threatening or allowing exceedences of off-site groundwater quality standards as set forth in Section 840.116(b). These actions must be proposed as a modification to the post-closure care plan within 180 days after completion of the activities required by subsection (c)(2) of this Section.

Section 840.120 Groundwater Collection Trench

a) The owner or operator of Ash Pond D must design, install, and, consistent with any applicable wastewater discharge permit conditions, operate a groundwater collection trench along the south property boundary of the Hutsonville Power Station to prevent migration of groundwater impacted by Ash Pond D south of the property boundary.

b) Plans for the groundwater collection trench, including, but not limited to, a plan for operation and maintenance, must be approved by the Agency in the closure plan.

c) The groundwater collection trench must be constructed according to a construction quality assurance program that meets the requirements of Section 840.146 of this Subpart.

d) Once compliance with the groundwater quality standards set forth in Section 840.116 of this Subpart has been achieved in accordance with Section 840.118(a) of this Subpart, the owner or operator of Ash Pond D may discontinue operation of the groundwater collection trench.

1) Upon discontinuing operation of the groundwater collection trench, the owner or operator must perform four quarterly sampling of the groundwater monitoring system wells as identified in the post-closure care plan, or modification of that plan, to ensure compliance with the applicable groundwater quality standards set forth in Section 840.116 of this Subpart.

2) Results of the four quarterly samplings must be included in the post-closure report documentation. If compliance is not confirmed, operation of the groundwater collection trench and discharge system must be resumed.

Section 840.122 Groundwater Discharge System

a) Groundwater collected in the groundwater collection trench must be directed to an outfall for which the Hutsonville Power Station has NPDES authorization or to another option as approved by the Agency in the closure plan or post-closure care plan in accordance with applicable law, including, but not limited to, permit requirements.

b) The groundwater discharge system must be constructed according to a construction quality assurance program that meets the requirements of Section 840.146 of this Subpart.

c) Plans for the groundwater discharge system, including, but not limited to, a plan for operation and maintenance, must be approved by the Agency in the closure plan.

Section 840.124 Final Slope and Stabilization

a) All final slopes must be designed and constructed to a grade capable of supporting vegetation and minimizing erosion.

b) All slopes must be designed to drain runoff away from the cover and to prevent ponding.

c) Ash Pond D must meet the stability criteria of 35 Ill. Adm. Code 811.304.

d) The owner or operator may use coal combustion waste generated at the site in establishing the final grade and slope as provided below:

1) The earthen berms surrounding Ash Pond D must be regraded to eliminate any freeboard between the top of the berm and the adjacent surface of the coal combustion waste;

2) Additional coal combustion waste may be placed only directly on top of coal combustion waste that is already in place;

3) The maximum final slope must be no greater than 5 percent;

4) Any additional coal combustion waste used to establish the final grade and slope is considered coal combustion by-product, and its use does not require any independent approval pursuant to Section 3.135 of the Act [415 ILCS 5/3.135].

Section 840.126 Final Cover System

The owner or operator of Ash Pond D must design and install a final cover system for Ash Pond D. The final cover system must consist of a low permeability layer and a final protective layer.

a) Standards for the low permeability layer. The low permeability layer must be designed to minimize surface infiltration and must consist of a geosynthetic membrane cover and be constructed in accordance with the following standards:

1) The geosynthetic membrane must have a minimum thickness of 40 mil (0.04 inches) and, in terms of hydraulic flux, be equivalent or superior to a 3 foot layer of soil with a hydraulic conductivity of I x 10^{-7} centimeters per second.

2) The geosynthetic membrane must be placed over a prepared base free from sharp objects and other materials that may cause damage.

b) Standards for the final protective layer. The final protective layer must:

1) Cover the entire geosynthetic membrane.

2) Be at least 3 feet thick and must be sufficient to protect the geosynthetic membrane from freezing and minimize root penetration of the geosynthetic membrane.

3) Consist of soil material capable of supporting vegetation.

4) Be placed as soon as possible after placement of the geosynthetic membrane.

5) Be covered with vegetation to minimize wind and water erosion.

c) Construction Quality Assurance Program. The final cover system must be constructed according to a construction quality assurance program that meets the requirements of Section 840.146 of this Subpart.

Section 840.128 Closure Plan

a) Within 180 days after January 28, 2011, the owner or operator of Ash Pond D must prepare and submit to the Agency a closure plan for review and approval.

b) The owner or operator of Ash Pond D must maintain the closure plan onsite or at a location specified in the closure plan.

Section 840.130 Contents of Closure Plan

The closure plan must contain, at a minimum, the following information or documents:

a) Site map. The site map must identify all pertinent features and buildings at the Hutsonville Power Station and must clearly identify the following:

1) All of the surface impoundments located at the site;

2) All existing and proposed groundwater collection trenches associated with the operation or closure of Ash Pond D; and

3) All existing and proposed groundwater monitoring wells.

b) Description of Ash Pond D. The description of Ash Pond D must include all of the following information:

1) A description of the contents of Ash Pond D;

2) The estimated volume of material contained in Ash Pond D; and

3) An analysis of the structural integrity of Ash Pond D.

c) Description of the closure activities to be performed in accordance with this Subpart and any additional activities performed by the owner or operator to close Ash Pond D, including any dewatering.

d) Description and results of the hydrogeologic site investigation required by Section 840.110 of this Subpart.

e) Description of the groundwater trend analysis methods required by Section 840.118 of this Subpart.

f) Plans, specifications and drawings for the groundwater monitoring system required by Section 840.112 of this Subpart, including, but not limited to, a description of the maintenance plan required by Section 840.112(d).

g) Description of the groundwater monitoring program required by Section 840.114 of this Subpart, including, but not limited to, a description of the quality assurance program for sample collection, preservation and analysis.

h) Identification of the location of the monitoring wells used for trend analyses required by Section 840.118 of this Subpart.

i) Plans, specifications and drawings for the groundwater collection trench and discharge system set forth in Sections 840.120 and 840.122 of this Subpart.

j) Plans, specifications and drawings for the final slope design and construction and demonstration of compliance with the stability criteria required in Section 840.124 of this Subpart.

k) Plans, specifications and drawings for the final cover system required by Section 840.126 of this Subpart.

l) Estimates of the amount of time to complete closure, including an estimate of the time required for hydrostatic equilibrium of groundwater beneath Ash Pond D, the cost of closure, and the cost of post-closure care.

m) A proposal for a groundwater management zone as set forth in Section 840.116(b) of this Subpart, if applicable, and including, but not limited to, plans, specifications and drawings for any structures or devices that must be constructed.

n) Description of the Construction Quality Assurance program required by Section 840.146 of this Subpart, including, but not limited to, the sampling programs required by Section 840.146(b)(7).

o) Description of actions proposed to mitigate statistically significant increasing trends in accordance with Section 840.118(c) of this Subpart, if applicable, including, but not limited to, plans, specifications, and drawings for any structures or devices that must be constructed.

p) The signature and seal of the professional engineer supervising the preparation of the closure plan.

Section 840.132 Modification of Existing Permits

Within 180 days after January 28, 2011, the owner or operator of Ash Pond D must timely submit to the Agency an application to revise any State operating permit or NPDES permit issued by the Agency as required by Sections 840.120 and 840.122 of this Subpart, if necessary.

Section 840.134 Completion of Closure, Closure Report and Certification of Completion of Closure

a) The owner or operator must complete engineering and design activities for the closure of Ash Pond D within 180 days after January 28, 2011.

b) The owner or operator must complete closure of Ash Pond D within 18 months after the Agency's approval of the closure plan, unless the Agency approves an alternative timeline.

c) No later than 90 days after the completion of all closure activities required by this Subpart and approved in the closure plan, the owner or operator of Ash Pond D must prepare and submit to the Agency a closure report for review and approval. The report must include certification by a professional engineer that Ash Pond D has been closed in accordance with the approved closure plan required by Section 840.128 of this Subpart and the requirements of this Subpart. The report also must contain supporting documentation, including, but not limited to:

1) Engineering and hydrogeology reports, including, but not limited to, monitoring well completion reports and boring logs, all CQA reports, certifications, and designations of CQA officers-in-absentia required by Section 840.146 of this Subpart;

2) Photographs of the final cover system and groundwater collection trench and any other photographs relied upon to document construction activities;

3) A written summary of closure requirements and activities as set forth in the closure plan and this Subpart A;

4) Any other information relied upon by the professional engineer in making the closure certification; and

5) The signature and seal of the professional engineer supervising the implementation of the closure plan, the preparation of the closure report, and making the certification of completion of closure.

Section 840.136 Post-Closure Maintenance of Cover System

The owner or operator of Ash Pond D must maintain the surface of the cover system beginning immediately after construction until approval of the post-closure report by the Agency.

a) After closure, and until completion of the post-closure report, the owner or operator of Ash Pond D must conduct inspections of the cover system at the same time and frequency as the groundwater monitoring sampling schedule set forth in Section 840.114 of this Subpart.

b) The owner or operator of Ash Pond D must fill all rills, gullies, and crevices six inches or deeper. Areas identified as particularly susceptible to erosion must be recontoured.

c) The owner or operator of Ash Pond D must repair all eroded and scoured drainage channels and replace lining material, if necessary.

d) The owner or operator of Ash Pond D must fill and recontour all holes and depressions created by settling so as to prevent standing water.

e) The owner or operator of Ash Pond D must revegetate all areas in excess of 100 square feet, cumulative, with failed or eroded vegetation.

f) The owner or operator of Ash Pond D must repair all tears, rips, punctures, and other damage to the geosynthetic membrane.

g) The owner or operator must prevent the growth of woody species on the protective cover.

Section 840.138 Post-Closure Care Plan

a) Within 180 days after January 28, 2011, the owner or operator of Ash Pond D must prepare and submit to the Agency a post-closure care plan for review and approval.

b) The owner or operator must maintain the post-closure care plan onsite or at a location specified in the post-closure care plan.

Section 840.140 Contents of Post-Closure Care Plan

The post-closure care plan, or modification of the plan, must include, at a minimum, the following elements:

a) Description of the post-closure care activities required by Section 840.136 of this Subpart;

b) Description of the groundwater monitoring system required by Section 840.112 of the Subpart and a description of the maintenance plan for the groundwater monitoring system;

c) Description of the groundwater monitoring program required by Section 840.114 of this Subpart;

d) Identification of the location of the monitoring wells used for trend analyses required by Section 840.118 of this Subpart;

e) Description of the operation and maintenance that will be required for the groundwater collection trench and discharge system required by Sections 840.120 and 840.122 of this Subpart;

f) Description of the groundwater trend analysis methods required by Section 840.118 of this Subpart;

g) A proposal for a groundwater management zone as set forth in Section 840.116(b) of this Subpart, if applicable;

h) Description of actions proposed to mitigate statistically significant increasing trends in accordance with Section 840.118(c) of this Subpart, if applicable, and the operation and maintenance of any structures or devices; and

i) The signature and seal of the professional engineer supervising the preparation of the post-closure care plan.

Section 840.142 Post-Closure Report and Certification of Completion of Post-Closure Care Plan

Post-closure care must continue until a demonstration of compliance with the groundwater quality standards set forth in Section 840.116 has been approved by the Agency. The owner or operator of Ash Pond D must prepare and submit to the Agency for review and approval a post-closure report within 60 days after satisfying the requirements of the approved post-closure care plan and achieving the applicable groundwater quality standards as set forth in the plan and Sections 840.116 through 840.118 of this Subpart. The post-closure report must include certifications by a professional engineer that the standards and requirements set forth in this Subpart A and approved in the post-closure care plan have been met. A professional geologist may supervise post-closure care activities as appropriate under the Professional Geologist Licensing Act [225 ILCS 745]. The report also must contain supporting documentation, including, but not limited to:

a) Engineering and hydrogeology reports, including, but not limited to, documentation of compliance with the groundwater quality standards of this Subpart and results of the four quarterly samplings performed under Section 840.120 of this Subpart;

b) Photographs of the final cover system and groundwater collection trench and any other photographs relied upon to document construction activities;

c) A written summary of post-closure care requirements and activities as set forth in the post-closure care plan and this Subpart A and their completion;

d) Any other information relied upon by the professional engineer or professional geologist, as appropriate for the activity, in making the post-closure care certifications; and

e) The signature and seal of the professional engineer and professional geologist supervising the implementation of the post-closure care plan, and the signature and seal of the professional engineer supervising preparation of the post-closure report and making the certification of completion of the post-closure care plan.

Section 840.144 Recordkeeping and Reporting Requirements

a) The owner or operator of Ash Pond D must file an annual report with the Agency no later than January 31 of each year during the closure of Ash Pond D and for the entire post-closure care period. Once the requirements of Section 840.142 of this Subpart have been met, annual reports are no longer required. The owner or operator must submit groundwater sampling and analysis data and decisions to remove constituents from the monitoring program no later than 30 days after the sampling and analysis have been completed.

b) All annual reports must contain the following information:

1) Trend analyses required by Section 840.118(b) of all groundwater monitoring data generated by the groundwater monitoring program required by Section 840.114 of this Subpart;

2) A copy of any notice submitted to the Agency pursuant to Section 840.118(c)(1)(A) of this Subpart;

3) A discussion of any statistically significant increasing trends and actions taken to mitigate such trends in accordance with Section 840.118(c)(3) of this Subpart; and

4) The completed closure or post-closure activities performed during the preceding year.

c) The owner or operator of Ash Pond D must maintain onsite or at a location specified in the closure or post-closure care plan all monitoring data and trend analysis data for 10 years following generation of the data.

d) The owner or operator of Ash Pond D must maintain the closure plan until the end of the post-closure care period.

e) The owner or operator of Ash Pond D must maintain the post-closure care plan for 10 years following the certification of the post-closure report required by Section 840.142 of this Subpart.

f) All reports, plans, modifications and notifications required under this Subpart to be submitted to the Agency must be submitted in writing to the Bureau of Water, Division of Public Water Supplies, Attn: Hydrogeology and Compliance Unit, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 or electronically as authorized and directed by the Agency.

Section 840.146 Construction Quality Assurance Program

a) The following components must be constructed according to a construction quality assurance program:

1) Installation of the groundwater collection trench and discharge system required by Sections 840.120 and 840.122 of this Subpart;

2) Compaction of the final cover system subgrade and foundation to design parameters;

3) Application of final cover, including installation of the geomembrane; and

4) Construction of ponds, ditches, lagoons and berms.

b) The construction quality assurance program must meet the following requirements:

1) The operator must designate a construction quality assurance (CQA) officer who is an Illinois licensed professional engineer (LPE).

2) At the end of each week of construction of the final cover system until construction is complete, a summary report must be either prepared by the CQA officer or under the supervision of the CQA officer. The report must include descriptions of the weather, locations where construction occurred during the previous week, materials used, results of testing, inspection reports, and procedures used to perform the inspections. The CQA officer must certify the report. The owner or operator of the Hutsonville Power Station shall retain all weekly summary reports certified by the CQA

officer until the completion of the post-closure care period and must make those reports available at reasonable times for inspection and photocopying by the Agency.

3) The CQA officer must exercise judgment to certify the following:

A) That the bedding material contains no undesirable objects;

B) That the closure plan has been followed;

C) That the anchor trench and backfill are constructed to prevent damage to the geosynthetic membrane;

D) That all tears, rips, punctures, and other damage are repaired;

E) That all geosynthetic membrane seams are properly constructed and tested in accordance with manufacturer's specifications;

F) That the groundwater trench is constructed to intersect the water table;

G) That the groundwater trench is properly constructed to slope toward extraction points, and the extraction equipment is properly designed and installed;

H) That an appropriate operations and maintenance plan for the trench and extraction and discharge equipment is provided;

I) That proper filter material consisting of uniform granular fill, to avoid clogging, is used in construction; and

J) That the filter material as placed must possess structural strength adequate to support the maximum loads imposed by the overlying materials and equipment used at the facility.

4) The CQA officer must supervise and be responsible for all inspections, testing and other activities required to be implemented as part of the CQA program under this Section.

5) The CQA officer must be present to provide supervision and assume responsibility for performing all inspections of the following activities:

A) Compaction of the subgrade and foundation to design parameters;

B) Application of final cover, including installation of the geomembrane;

C) Installation of the groundwater collection trench and discharge system required by Sections 840.120 and 840.122 of this Subpart; and

D) Construction of ponds, ditches, lagoons and berms.

6) If the CQA officer is unable to be present to perform, as required by subsection (b)(5) of this Section, the CQA officer must provide, in writing, the reasons for his or her absence, a designation of a person who must exercise professional judgment in carrying out the duties of the CQA officer-in-absentia, and a signed statement that the CQA officer assumes full responsibility for all inspections performed and reports prepared by the designated CQA officer-in-absentia during the absence of the CQA officer.

7) The sampling program must be implemented as part of the CQA plan for all construction activities in order to ensure, at a minimum, that construction materials and operations meet design specifications.

A) The sampling program must be designed prior to construction.

B) The sampling program must be based upon statistical sampling techniques and must establish and specify criteria for acceptance or rejection of materials and operations.

Section 840.148 Review, Approval, and Modification of Closure Plan and Post-Closure Care Plan

The closure plan and post-closure care plan prepared and submitted to the Agency in accordance with Sections 840.128 and 840.138 of this Subpart, and any modifications to those plans, must be reviewed and approved by the Agency prior to implementation.

a) A closure plan satisfying the requirements of Section 840.130 of this Subpart, a post-closure care plan satisfying the requirements of Section 840.140 of this Subpart, and any modifications to approved plans must be submitted to the Agency for review and approval prior to implementation. The Agency will have 90 days from the receipt of a plan or proposed modification to conduct a review and make a final determination to approve or disapprove a plan or modification or to approve a plan or modification with conditions.

1) The Agency's record of the date of receipt of a plan or proposed modification to a plan will be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Agency or certified or registered mail.

2) Submission of an amended plan or amended modification to a plan restarts the time for review.

3) The owner or operator may waive the Agency's decision deadline upon a request from the Agency or at the owner's or operator's discretion.

b) A proposed modification to a closure plan or post-closure care plan must include the reason for the modification, all the information and supporting documentation that will be changed from or will supplement the information provided in the original or most recently approved plan, and the signature and seal of the professional engineer supervising the preparation of the proposed modification.

c) When reviewing a closure plan or modification, the Agency must consider:

1) Whether the plan or modification contains, at a minimum, all the elements required pursuant to Section 840.130 of this Subpart and has been accompanied by the information and supporting documentation necessary to evaluate the compliance of the proposed plan relative to the standards and requirements of this Subpart;

2) Whether the activities, structures and devices proposed are in accordance with the applicable standards and requirements of this Subpart and are otherwise consistent with generally accepted engineering practices and principles of hydrogeology, accepted groundwater modeling practices,

appropriate statistical analyses, and appropriate sampling techniques and analytical methods;

3) The likelihood that the plan or modification will result in the containment of the ash and associated contaminants and the attainment of the applicable groundwater quality standards set forth in Sections 840.116 and 840.118 of this Subpart;

4) Whether the plan or modification contains the required professional signatures and seals.

d) When reviewing a post-closure care plan or proposed modification, the Agency must consider:

1) Whether the plan or modification contains, at a minimum, all the elements required pursuant to Section 840.140 of this Subpart and has been accompanied by the information and supporting documentation necessary to evaluate the compliance of the proposed plan relative to the standards and requirements of this Subpart;

2) Whether the activities, structures and devices proposed will be completed, operated and maintained in accordance with the applicable standards and requirements of this Subpart and are otherwise consistent with generally accepted engineering practices and principles of hydrogeology, accepted groundwater modeling practices, appropriate statistical analyses, and appropriate sampling techniques and analytical methods;

3) The management of risk relative to any remaining contamination, including, but not limited to, provisions for the use of long-term restrictions on the use of groundwater as a potable water supply, if appropriate;

4) Whether the plan or modification contains the required professional signatures and seals.

e) Upon completion of the review, the Agency must notify the owner or operator in writing of its final determination on the plan or proposed modification. The notification must be made by certified or registered mail post-marked with a date stamp and with return receipt requested. The Agency's final determination will be

deemed to have taken place on the post-marked date that the notice is mailed. If the Agency disapproves a plan or modification or approves a plan or modification with conditions, the written notification must contain the following information, as applicable:

1) An explanation of the specific type of information or documentation, if any, that the Agency deems the owner or operator did not provide;

2) A list of the provisions of the Act, this Subpart, or other applicable regulations that may be violated if the plan or modification is approved as submitted;

3) A statement of the specific reasons why the Act, this Subpart, or other applicable regulations may be violated if the plan or modification is approved as submitted; and

4) A statement of the reasons for conditions if conditions are required.

f) If the Agency disapproves a plan or modification, approves a plan or modification with conditions, or fails to issue a final determination within the applicable review period, the owner or operator may, within 35 days after receipt of the final determination or expiration of the review period, file an appeal with the Board. Appeals to the Board are subject to review under Section 40 of the Act [415 ILCS 5/40].

Section 840.150 Review and Approval of Closure Report and Certification of Completion of Closure, Post-Closure Report and Certification of Completion of Post-Closure Care Plan

The closure report and post-closure report prepared and submitted to the Agency in accordance with Sections 840.134 and 840.142 of this Subpart must be reviewed and approved by the Agency prior to the completion of closure or post-closure care.

a) A closure report satisfying the requirements of Section 840.134 of this Subpart and a post-closure report satisfying the requirements of Section 840.142 of this Subpart must be submitted to the Agency for review and approval. Closure and post-closure activities will not be deemed complete until the reports are approved by the Agency.

b) Submission, review, and approval procedures and deadlines, notification requirements, and rights of appeal shall be the same as those set forth in Section 840.148 of this Subpart for closure plans and post-closure care plans.

c) When reviewing a closure report and certification of completion of closure, the Agency must consider whether the documentation demonstrates that the activities, structures and devices approved in the closure plan have been completed in accordance with this Subpart and the approved closure plan, including, but not limited to:

1) The performance of the hydrogeologic site investigation required by Section 840.110 of this Subpart;

2) The installation of the groundwater monitoring system required by Section 840.112 of this Subpart;

3) The installation of the groundwater collection trench and discharge system or alternative approved by the Agency as required by Sections 840.120 and 840.122 of this Subpart;

4) The construction of the final slope and compliance with the stability criteria required by Section 840.124 of this Subpart;

5) The installation of the final cover system required by Section 840.126 of this Subpart;

6) Compliance with the Construction Quality Assurance requirements of Section 840.146 of this Subpart;

7) The establishment of a groundwater management zone in accordance with Section 840.116(b) of this Subpart, if applicable;

8) The implementation of actions to mitigate increasing trends as required by Section 840.118(c) of this Subpart, if applicable; and

9) The presence of professional signatures and seals required by Section 840.134 of this Subpart.

d) When reviewing a post-closure report and certification of completion of post-closure care plan, the Agency must consider whether the documentation demonstrates that the activities, structures and devices approved in the post-closure care plan have been completed, operated and maintained in accordance with this Subpart A and the approved post-closure care plan, including, but not limited to:

1) The post-closure maintenance of the cover system required by Section 840.136 of this Subpart;

2) The maintenance of the groundwater monitoring system in accordance with Section 840.112(d) of this Subpart;

3) The implementation of the groundwater monitoring program required by Section 840.114 of this Subpart;

4) The operation and maintenance of the groundwater collection trench and discharge system, or alternative approved by the Agency, required by Sections 840.120 and 840.122 of this Subpart;

5) The performance of the groundwater trend analysis required by Section 840.118 of this Subpart;

6) The implementation of actions to mitigate increasing trends as required by Section 840.118(c) of this Subpart, if applicable;

7) Compliance with the requirements of the groundwater management zone as established pursuant to Section 840.116(b) of this Subpart, if applicable;

8) Compliance with the groundwater quality standards set forth in Sections 840.116(a) and 840.116(b) as demonstrated in accordance with Section 840.118 of this Subpart; and

9) The presence of professional signatures and seals required by Section 840.140 of this Subpart.

Section 840.152 Resource Conservation and Recovery Act

Nothing in this Subpart shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, or regulations adopted under that Act. To the extent that any rules adopted in this Subpart are less stringent than or inconsistent with any portion of RCRA applicable to the closure of Ash Pond D, RCRA will prevail.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Number: 130.325 — Adopted Action: Amendment

4) Statutory Authority: 35 ILCS 120/12; 35 ILCS 120/2-5(4); 35 ILCS 120/2-30; 20 ILCS 2505/2505-795

5) Effective Date of Amendment: January 24, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 15241; October 8, 2010

10) Has JCAR issued a statement of objection to this amendment? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation. 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? 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 rulemaking amends 86 Ill. Adm. Code 130.325, the Retailers' Occupation Tax provisions concerning the graphic arts machinery and equipment regulation. This rulemaking adds a sunset date for the graphic arts machinery and equipment exemption, as well as the additional requirement that in order to qualify for this exemption, the qualifying graphic arts machinery and equipment must

be used primarily in the production of tangible personal property for wholesale or retail sale or lease. This rulemaking also adds examples of activities that illustrate the new requirement.

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

Debra M. Boggess
Associate Counsel
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 REVENUE

PART 130
RETAILERS' OCCUPATION TAX

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130.105 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
130.111 Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
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SUBPART B: SALE AT RETAIL

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130.201 The Test of a Sale at Retail
130.205 Sales for Transfer Incident to Service
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Section
130.305 Farm Machinery and Equipment
130.310 Food, Soft Drinks and Candy
130.311 Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320 Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321 Fuel Used by Air Common Carriers in International Flights
130.325 Graphic Arts Machinery and Equipment Exemption
130.330 Manufacturing Machinery and Equipment
130.331 Manufacturer's Purchase Credit
130.332 Automatic Vending Machines

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130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340 Rolling Stock
130.341 Commercial Distribution Fee Sales Tax Exemption
130.345 Oil Field Exploration, Drilling and Production Equipment
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351 Aggregate Manufacturing

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130.440 Penalties
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SUBPART E: RETURNS

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130.501 Monthly Tax Returns – When Due – Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
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130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis

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130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
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SUBPART F: INTERSTATE COMMERCE

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130.601 Preliminary Comments
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SUBPART G: CERTIFICATE OF REGISTRATION

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130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
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130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use In Demonstration (Repealed)
130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2076	Sales to Purchasers Performing Contracts with Governmental Bodies
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2101	Sellers of Floor Coverings
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and Special Order Items
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps, Discount Coupons, Automobile Rebates and Dealer Incentives
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Tax Liability of Sign Vendors
130.2156	Vendors of Steam

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130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section
130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July l, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June l, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July l, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective

November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196,

effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.325 Graphic Arts Machinery and Equipment Exemption

a) General. Through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2014~~July 29, 2009~~, notwithstanding the fact that sales may be at retail, the Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts, both new and used and including that manufactured on special order to be used primarily in graphic arts production. The exemption extends to purchases by lessors who will lease the property for use primarily in graphic arts production. Taxpayers must certify the use of the equipment they are purchasing to their suppliers. (See subsection (i) of this Section.) By statute, this exemption was repealed June 30, 2003 (Public Act 93-~~00~~24; effective June 20, 2003). Pursuant to Public Act 93-~~0~~840, effective July 30, 2004, this exemption was reenacted without any specific sunset date. Subsequently, Public Act 96-116 added a sunset date for this exemption of

August 30, 2014. ~~Section 2-70 of the Retailers' Occupation Tax Act provides that, if a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit or deduction, a taxpayer shall not be entitled to take the exemption, credit or deduction beginning five years after the effective date of the Public Act creating the exemption, credit or deduction and thereafter. Because no sunset date or language excepting this exemption from the sunset provision was contained in Public Act 93-0840, the statutory sunset provision applies the five-year sunset. Beginning July 30, 2009, this exemption will no longer be available.~~

b) Graphic Arts Production. This term defines the types of entities eligible to claim this exemption. Beginning July 30, 2009, in addition to the requirements contained in subsection (b)(1)(A), an additional requirement was added as set forth in subsection (b)(1)(B). Provisions effective August 13, 1999 through June 30, 2003, and beginning again on September 1, 2004 through August 30, 2014~~July 29, 2009~~:

1) Graphic arts production has the following meanings and applications:

A) *Graphic arts production means printing, including ink jet printing, by one or more of the processes described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 of the North American Industry Classification System ("NAICS") published by the U.S. Office of Management and Budget, 1997 edition* (no subsequent amendments or editions are included). *Graphic arts production does not include the transfer of images onto paper or other tangible personal property by means of photocopying or final printed products in electronic or audio form, including the production of software or audio-books.* (Section 2-30 of the Act) Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511, and Group 512230 of Subsector 512 include printing upon apparel and textile products, paper, metal, glass, plastics, and other materials except fabric (grey goods). Printing upon grey goods is part of the process of finishing fabric and is included in the NAICS Textile Mills subsector in Industry 31331, Textile and Fabric Finishing Mills.

B) On and after July 30, 2009, in addition to the requirements contained in subsection (b)(1)(A), P.A. 96-116 imposes the additional requirement that the qualifying graphic arts machinery and equipment be used primarily in *the production of tangible personal property for wholesale or retail sale or lease. Persons engaged primarily in the business of printing or publishing newspapers or magazines that qualify as newsprint and ink, by one or more of the processes described in Groups 511110 through 511199 of subsector 511 of the North American Industry Classification System published by the U.S. Office of Management and Budget, 1997 edition, are deemed to be engaged in graphic arts production*. [35 ILCS 120/2-30]. This additional requirement extends to and applies to repair and replacement parts, both new and used and including equipment that is manufactured on special order to be used primarily in graphic arts production. The following are examples of activities that illustrate the new requirement that the machinery must also be used primarily (over 50%) in the production of tangible personal property for wholesale or retail sale or lease:

i) A company that purchases graphic arts machinery and equipment used to print materials for its internal consumption is not deemed to be engaged in graphic arts production because the printed materials it prints are not for sale.

ii) A manufacturer that prints catalogs of its products and distributes them without charge to potential customers is not deemed to be engaged in graphic arts production because the catalogs it prints are not for sale.

iii) A printer who prints bulletins as part of its sale of service to a church is engaged in graphic arts production.

iv) Printer A subcontracts with Printer B to print greeting cards that Printer A sells to retailers. Printer B is engaged in graphic arts production.

v) An engineering firm is conducting a seminar for local businesses and contracts with Printer to print materials that are distributed to seminar participants. Printer is engaged in graphic arts production because it is printing tangible personal property for sale as part of its sale of service.

vi) Company A is in the business of printing the local weekly newspaper that qualifies as newsprint and ink. (See Section 130.2105 for what qualifies as newsprint and ink.) Company A is engaged in graphic arts production.

vii) A retailer contracts with a printer to print holiday catalogs to be sold at retail. Printer is engaged in graphic arts production because it is printing tangible personal property for sale as part of its sale of service.

viii) A retailer prints its own sale fliers and distributes them to potential customers. Retailer is not engaged in graphic arts because it is not printing the fliers for sale.

ix) A manufacturer purchases graphic arts machinery and equipment to be used primarily for the production of office manuals and materials for internal use only. Occasionally, the manufacturer will print catalogs to be sold to promote its year-end inventory sale. The manufacturer is not engaged in graphic arts production because it does not use its equipment primarily (over 50%) in the production of tangible personal property for sale.

x) Book Binding. Company A is in the business of binding books in the personal collections of individuals and entities. A law firm contracts with Company A to rebind its collection of old law books. Company A is engaged in graphic arts production because it is engaged in an activity involving the binding, collating or finishing of the graphic arts product as part of its sale of service. (See subsection (c)(4)(C).)

xi) Company A is printing a "How To Manual" to be sold at retail and contracts with Printer to have the manual bound. Printer is engaged in graphic arts production both because the manual being bound is being printed to be sold, and, also, the activity involves the binding, collating or finishing of the graphic arts product as part of its sale of service.

xii) A law firm binds and collates its legal briefs and office manuals in-house. Law firm is not engaged in graphic arts production because the legal briefs and office manuals are not for sale.

C~~B~~) The North American Industry Classification System referenced in subsection (b)(1) can be obtained from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (Phone: 1-800-553-6847). The Department also maintains a copy of this information, which may be obtained upon request and at cost, from the Legal Services Office, 5-500, 101 West Jefferson Street, Springfield, Illinois 62794.

D~~C~~) The exemption applies to machinery and equipment used in graphic arts production processes, as those processes are described in the NAICS. While the NAICS subsectors referenced in subsection (b)(1)(A) describe types of graphic arts establishments that typically engage in graphic arts production, the exemption is not limited to qualifying machinery and equipment used by the establishments described in the NAICS, but rather, to qualifying machinery and equipment used in the printing processes described in the NAICS (for example, lithography, gravure, flexography, screen printing, quick printing, digital printing and trade services such as prepress and binding and finishing services). ~~The tangible personal property produced by graphic arts production need not be sold at retail in order for the exemption to apply. For instance, a company's purchase of qualifying graphic arts equipment used to produce its own printed materials qualifies for the exemption, even though the company is not in the business of selling printed materials at retail.~~

E~~D~~) The exemption includes printing by methods of engraving, letterpress, lithography, gravure, flexography, screen, quick and digital printing. It also includes the printing of manifold business forms, blankbooks, looseleaf binders, books, periodicals and newspapers. Included in the exemption are prepress services described in Subsector 323122 of the NAICS (e.g., the creation and preparation of negative or positive film from which plates are produced, plate production, cylinder engraving, typesetting and imagesetting). The exemption also includes trade binding and related printing support activities set forth in Subsector 323121 of the NAICS (e.g., tradebinding, sample mounting and postpress services, such as book or paper bronzing, edging, embossing, folding, gilding, gluing, die cutting, finishing, tabbing and indexing).

F~~E~~) "Digital printing and quick printing" mean the printing of graphical text or images by a process utilizing digital technology, as provided in subsection (b)(4) of this Section. It also includes the printing of what is commonly known as "digital photography" (e.g., use of a qualifying integrated computer and printer system to print a digital image). The exemption extends only to machinery and equipment, including repair and replacement parts, used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

2) Machinery means major mechanical machines or major components of machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment parts of machinery. Beginning August 23, 2001, equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

A) The exemption does not include hand tools, supplies such as rags, lubricants, adhesives, solvents, ink, dyes, chemicals except as

described in this subsection (b)(2), negatives, acids or solutions, fuels, electricity and steam or water. The exemption also does not include items of personal apparel, such as gloves, shoes, glasses, goggles, coveralls, aprons and masks.

B) This exemption does not include the sale of materials to a purchaser who manufactures those materials into an otherwise exempted type of graphic arts machinery or equipment.

C) Machinery and equipment does not include foundations or special purpose buildings to house or support graphic arts machinery and equipment.

D) Machinery and equipment does not include computer software unless purchased preinstalled in qualifying computer equipment. Computer software not purchased preinstalled in qualifying computer equipment, including upgrades or new software, is subject to tax.

3) Primary Use. The law requires that machinery and equipment be used primarily in graphic arts production.

A) Therefore, machinery that is used primarily in an exempt process and partially in a nonexempt manner would qualify for the exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the exemption.

B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.

4) By way of illustration and not limitation, the following activities will generally be considered graphic arts production:

A) Prepress or preliminary processes. Prepress or preliminary processes include the steps required to transform an original into a

state that is ready for reproduction by printing. Prepress or preliminary processes include typesetting, film production, color separation, final photocomposition (e.g., image assembly and imposition (stripping)) and platemaking. Prepress or preliminary processes include the manipulation of images or text in preparation for printing for the purpose of conforming those images to the specific requirements of the printing process being utilized. For example, the images must be conformed for a specific signature layout and formatted to a specific paper size. In addition, colors must be calibrated to the specific type of paper or printing process utilized, so that they conform to customer specifications. Prepress or preliminary processes do not, however, include the creation or artistic enhancement of images that will later be reproduced in printed form by a graphic arts process. For example, the creation of an advertisement pursuant to customer direction, or enhancement of a photograph received from a customer by adding a border, text or rearranging the placement of images in the photograph, is not the performance of a qualifying prepress or preliminary process. Prepress or preliminary processes can be performed at the printing facility, a separate prepress or preliminary facility, the customer's location, or other location. The following are examples of equipment used in qualifying prepress or preliminary activities:

i) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates; film processors; scanners; imposetters; RIP (raster image processor) equipment; proofing equipment; imagesetters, plate processors, helioklischographs and computer-to-plate and computer-to-press equipment.

ii) Computers that qualify include computers used primarily to receive, store and manipulate images to conform them to the requirements of a specific printing process that will later be performed. Computers used in connection with what is commonly referred to as "digital photography" will qualify if used primarily to format the graphic image that will be printed (e.g., used to format the size and layout of

images to be printed). If the computers are primarily used, however, to apply background colors, borders or other artistic enhancements, or to view and select particular digital images to be printed, they will not qualify for the exemption.

iii) Digital cameras do not qualify if they are used primarily to create an original image that will later be reproduced by a graphic arts process.

iv) Servers used primarily to transfer images and text to qualifying equipment qualify, but do not qualify if used primarily in a non-exempt activity (for example, servers used to maintain an in-house email system).

v) Scanners used primarily to input previously created images or text that will be reproduced by a graphic arts process qualify for the exemption.

B) The transfer of images or text from computers, plates, cylinders or blankets to paper or other stock to be printed. This process begins when paper is introduced on the press. Examples of qualifying equipment used in this activity include printing plates, printing presses, blankets and rollers, automatic blanket washers, scorers and dies, folders, punchers, stackers, strappers used in the pressroom for signatures, dryers, chillers and cooling towers. Laser or ink jet printers used to print on paper or other stock are also included in this exemption.

i) Equipment used to handle or convey printed materials between production stations in an integrated on-line graphic arts process is included in the exemption (e.g., a forklift or bindery cart will qualify for the exemption if it is primarily used to convey book covers that have been printed and cut to binding and finishing equipment).

ii) Computer equipment used to operate exempt graphic arts equipment also qualifies for the exemption.

iii) Equipment, such as transformers, used primarily to provide power to qualifying printing presses or bindery lines, qualifies for the exemption. Similarly, heating and cooling machinery or equipment used to produce an environment necessary for the production of printed material qualifies for the exemption. For example, humidity-control equipment used to reduce static during the printing process qualifies for the exemption.

C) Activities involving the binding, collating or finishing of the graphic arts product. Equipment used in these activities includes, for instance, binders, packers, gatherers, joggers, trimmers, selectronic equipment, blow-in card feeders, inserters, stitchers, gluers, spiral binders, addressing machines, labelers and ink-jet printers.

i) Machinery or equipment used to convey materials to packaging areas after the graphic arts product has been printed, bound and finished qualifies for the exemption. That equipment includes, for instance, conveyor systems, hoists or other conveyance mechanisms used to direct the final printed product into packaging areas.

ii) Machinery or equipment used to package materials after the graphic arts product has been printed, bound and finished qualifies for the exemption. Packaging equipment includes, for instance, cartoning systems, palletizers, stretch wrappers, strappers, shrink tunnels and similar equipment.

5) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:

A) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment. This includes hand tools, welding tools, racks, and other machinery and equipment used in the maintenance area.

B) The use of machinery and equipment (e.g., fork lifts, roll clamps and roll grabbers) to convey raw materials to the press does not

qualify for the exemption.

C) The use of machinery or equipment to convey materials to final storage or shipping areas. That equipment includes, for instance, fork lifts used primarily to place the packaged printed product into final storage or shipping areas.

D) The use of machinery or equipment to gather information, track jobs or to perform data-related functions prior to a qualifying prepress activity (e.g., computers used primarily to edit or create text, data, or other copy). That equipment includes items such as inventory tracking devices and bar-code readers.

E) The use of machinery or equipment to photocopy printed matter. A copier that is capable of printing images or text transmitted to it in digital form will qualify. However, a copier that produces photocopies by means of xerographic technology is subject to tax.

F) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, marketing, or personnel recruitment, selection or training. Waste disposal equipment (e.g., equipment used to contain and recapture paper dust) does not qualify for the exemption. However, for information regarding the pollution control exemption, see Section 130.335 of this Part. Similarly, baling equipment used to recycle paper waste does not qualify under this exemption. However, the manufacturing machinery and equipment exemption may be applicable. (See Section 130.330 of this Part.)

G) The use of machinery and equipment to prevent or fight fires or to protect employees, such as protective masks, respirators, first-aid kits, gloves, coveralls and goggles, or for safety, accident protection or first-aid, even though that machinery or equipment may be required by federal, State or local law.

H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, except

when the machinery or equipment is used to produce an environment necessary for the production of printed material.

6) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life and is converted to primarily nonexempt uses will become subject to the tax at the time of the conversion. The tax will be collected on that portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

7) Sales to Lessors of Graphic Arts Equipment. The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease that machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude these sales from his or her taxable gross receipts provided that the purchaser-lessor provides to him or her a properly completed exemption certificate and the information contained in the certificate would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.

8) Exemption Certification. Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production. So long as the retailer obtains a certificate of exemption that contains all the information required in this subsection (b)(8), the retailer need not verify that the equipment he or she sells is actually used as graphic arts production equipment. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction taken on the return.

c) Graphic Arts Production. Provisions in effect until August 13, 1999:

1) *Graphic arts production means printing by one or more of the common processes or graphic arts production services as those processes and services are defined in Major Group 27 of the U.S. Standard Industrial Classification Manual.* (Section 2-30 of the Act) The exemption includes printing by letterpress, lithography, gravure, screen, engraving and flexography and includes printing trade services as typesetting, negative production, plate production, bookbinding, finishing, looseleaf binder production and other services set forth in Major Group 27. The exemption extends only to machinery and equipment used in the act of production. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the graphic arts business.

2) Machinery means major mechanical machines or major components of machines contributing to graphic arts production. Equipment means any independent device or tool separate from any machinery but essential to the graphic arts production process; or any sub-unit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment or parts of machinery. The exemption does not include hand tools, supplies, lubricants, adhesives or solvents, ink, chemicals, dyes, acids or solutions, fuels, electricity, steam or water, items of personal apparel such as gloves, shoes, glasses, goggles, coveralls, aprons and masks, or such items as negatives, one-time use printing plates as opposed to multiple use cylinders or lithographic plates, dies, etc., that are expendable supplies. This exemption does not include the sale of materials to a purchaser who manufactures these materials into an otherwise exempted type of graphic arts machinery or equipment.

3) Machinery and equipment does not include foundations for or special purpose buildings to house or support graphic arts machinery and equipment.

4) Primary Use.

A) The law requires that machinery and equipment be used primarily in graphic arts production. Therefore, machinery that is used

primarily in an exempt process and partially in a nonexempt manner, would qualify for the exemption. However, the purchaser must be able to establish adequate records that the machinery or equipment is used over 50% in an exempt manner in order to claim the deduction.

B) The fact that particular machinery or equipment may be considered essential to the conduct of the business of graphic arts production because its use is required by law or practical necessity does not, of itself, mean the machinery or equipment is used primarily in graphic arts production.

C) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

i) Machinery and equipment to directly produce typesetting, negatives and plates including final photo-composition and color separation processes.

ii) The use of machinery and equipment to transfer images or text from type or plates or image carriers to paper or other stock to be printed.

iii) Equipment to collate, bind or finish the graphic arts product covered in subsection (c)(2).

iv) Large scale, fixed-position cameras used to photograph two dimensional copy to produce negatives or positives used in the production of plates.

D) By way of illustration and not limitation, the following activities will generally not be considered to be graphic arts production:

i) The use of machinery and equipment in general maintenance or repair work on production machinery or equipment.

ii) The use of machinery or equipment to store, convey, handle or transport materials.

iii) The use of machinery or equipment to place the printed product in the container package or wrapping in which the property is normally sold to the ultimate consumer of the property.

iv) The use of machinery or equipment to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other date-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier.

v) Xerographic or photocopying machines do not qualify for the exemption.

vi) Word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation, such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production.

vii) Computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer that generates an image that may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system that produces printing cylinders and computer-controlled digital typesetting equipment would qualify.

viii) The use of machinery or equipment in managerial, sales or other non-production, non-operational activities including disposal of waste, inventory control, production scheduling, purchasing, receiving, accounting, physical management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training.

ix) The use of machinery and equipment to prevent or fight

fires or to protect employees, such as protective masks, gloves, coveralls and goggles or for safety, accident protection or first-aid even though the machinery or equipment may be required by law.

x) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination.

E) An item of machinery or equipment that initially is used primarily in graphic arts production and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses, will become subject to the tax at the time of the conversion. The tax will be collected on the portion of the purchase price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

5) Sales to Lessors of Graphic Arts Equipment.
The statute provides for the purchase of graphic arts machinery and equipment by lessors who will lease the machinery and equipment for use in graphic arts production. Therefore, if the purchaser of the machinery or equipment leases the machinery and equipment to a lessee who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his or her taxable gross receipts provided that the purchaser-lessor provides to him or her a properly completed exemption certificate and the information contained therein would support an exemption if the sale were made directly to the lessee. Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in an exempt manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he or she was previously exempted.

6) Exemption Certification.
Purchasers wishing to claim the exemption must certify to their suppliers that the machinery and equipment will be used primarily for graphic arts production. Retailers must maintain the certificates in their books and records. The use of blanket certificates of exemption will be permitted. If a graphic arts producer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must maintain a copy of the certification in his or her records to support the deduction

taken on the return. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily in graphic arts production.

7) For the purpose of determining the portion of the proceeds or cost that may be excluded from tax, a sale of property will be deemed to be made as of the date of delivery of the property. If a single sale of property is made that calls for multiple deliveries unrelated to payments and a portion of the sold property is delivered when one fraction of the proceeds or cost is excludable and the remainder of the property is delivered when a different fraction of the proceeds or cost is excludable, the earliest date of delivery of any of the property will determine the portion of the proceeds or cost of the entire sale that may be excluded in computing the tax that is due on that entire sale. However, even when a contract provides for multiple deliveries, if a payment is closely related in time and quantity to the property delivered, the date of each delivery will determine the portion of the proceeds or cost that may be excluded in computing the tax that is due on that payment.

(Source: Amended at 35 Ill. Reg. 2169, effective January 24, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3)

Section Numbers:	Adopted Action:
1030.1	Amendment
1030.14	Amendment

4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]

5) Effective Date of Rulemaking: January 21, 2011

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 the Illinois Register: October 15, 2010; 34 Ill. Reg. 15789

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: No substantive changes were made between proposal and adoption. All nonsubstantive changes recommended by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
1030.92	Amendment	34 Ill. Reg. 18347; November 29, 2010

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act 96-1168, which requires the Secretary of State to allow holders of identification cards and driver's licenses to enter disabilities and special needs into the previously established emergency contact database. Participation is strictly voluntary.

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

Secretary of State
Brenda Glahn, Assistant General Counsel
298 Howlett Building
Springfield, IL 62756

217/785-3094

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

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section
1030.1 Definitions
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12 Identification Cards for the Homeless
1030.13 Denial of License or Permit
1030.14 Emergency Contact Database
1030.15 Cite for Re-testing
1030.16 Physical and Mental Evaluation
1030.17 Errors in Issuance of Driver's License/Cancellation
1030.18 Medical Criteria Affecting Driver Performance
1030.20 Classification of Drivers – References (Repealed)
1030.25 Safe Driver License Renewals
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Third-Party Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80 Driver's License Testing/Written Test
1030.81 Endorsements
1030.82 Charter Bus Driver Endorsement Requirements
1030.83 Hazardous Material Endorsement
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts − Written and/or Road Tests
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.91 Disabled Person Identification Card

1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Consular Licenses (Repealed)
1030.96 Seasonal Restricted Commercial Driver's License
1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98 School Bus Commercial Driver's License or Instruction Permit
1030.100 Anatomical Gift Donor (Repealed)
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
1030.140 Use of Captured Images
1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January

24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg.

11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011.

Section 1030.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Adjudication of Disability" − an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; *or*

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the

minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or

any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" − a Secretary of State employee with a supervisory position.

"Authorized Source" −

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" − the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

"Cited Driver" − a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" − *a license issued by a state* or other jurisdiction, in accordance with the standards contained in 49 CFR 383, *to an individual*, *that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

> *has a gross combination weight rating of* 11,794 kilograms *(26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or*
>
> *has a gross vehicle weight rating of* 11,794 kilograms *(26,001 pounds) or more; or*

is designed to transport 16 or more passengers, including the driver; or

is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5). [625 ILCS 5/6-500(6)]

"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].

"Competent Medical Specialist" − a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.

"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.

"Conviction" − A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].

"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" − the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" − any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" − a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" − the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" − the act of prohibiting or disallowing the privilege

to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" − the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" − the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

"Disability" − an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].

"Disqualification" − a disqualification means any of the following three actions:

> *the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;*
>
> *any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*
>
> *a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391.* [625 ILCS 5/1-115.3]

"Disseminating Agency" − an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

"Drive" − operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

"Driver" – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" − a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" − a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" − a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" − structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" − a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/ mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" − a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].

"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is

ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

"Good Cause" − examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]

"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

"Illinois Medical Advisory Board" or "Board" − a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" − a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" − a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" − a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" − the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafalo, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or

12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

"Moped" − a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]

"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

"Motor-Driven Cycle" − every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].

"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:

> *First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*
>
> *Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.* [625 ILCS 5/1-146]

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

"Nasal Vision Reading" – a field of vision 35º from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" − the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" − acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];

Current declaration page of a liability policy [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

Liability insurance binder [625 ILCS 5/7-602(d)];

Certificate of Insurance [625 ILCS 5/7-602(d)];

Payment receipt for a liability insurance premium [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

Current rental agreement [625 ILCS 5/7-602(e)];

Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance [625 ILCS 5/7-602(f)];

Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" − a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Registration Sticker" − a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively

owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" − the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by

state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

This definition shall not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other education facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]

"School Bus Commercial Instruction Permit" or "School Bus CIP" – an instruction permit, with a "J48" restriction that limits CMV operation to a school bus only, as defined in this Section.

"School Bus Commercial Driver's License" or "School Bus CDL" – a commercial driver's license with a "J48" restriction that limits CMV operation to a school bus only as defined in this Section.

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).

"SSOLV" − the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited

to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70º from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" − a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" − a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

"Third-Party Certifying Entity" − a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in

his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" − U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 35 Ill. Reg. 2197, effective January 21, 2011)

Section 1030.14 Emergency Contact Database

a) The Illinois Secretary of State shall establish an emergency contact database. Eligible participants are any person for whom an instruction permit, driver's license, or identification card record exists and can be authenticated on the Secretary of State driver's license and identification card database.

b) For the purposes of this Section, "emergency" is defined as a motor vehicle accident, accident involving another mode of transportation, a natural disaster, a criminal act, or similar unforeseen emergency circumstance in which a victim sustains injuries that render him or her unable to independently communicate with emergency contacts, contact information is not otherwise available, and immediate communication with a next of kin or other designated emergency contact is necessary in order to support the provision of needed emergency medical assistance or needed notification by law enforcement.

c) Participation in the emergency contact database shall be made available through the Secretary of State's official web site. The applicant/participant shall be responsible for initiation of participation in the database, and for modification of and deletion of an existing emergency contact record and disability and special needs information. Emergency contact records may otherwise be modified only to update applicant/participant name information if it is changed by the applicant/participant on the Secretary of State's driver's license and identification card database. Emergency contact records shall otherwise not be modified and shall otherwise only be deleted when the driver's license or identification record no longer exists on the Secretary of State's driver's license and identification card database.

d) No more than two contact persons may be selected by each applicant/ participant. The applicant shall be responsible for the accuracy and completeness of all information submitted.

e) The applicant/participant in the emergency contact database shall provide sufficient information to allow for authentication of the instruction permit, driver's license or identification card record, and shall provide sufficient information regarding each contact's name, address, telephone number if the contact has a telephone, and relationship to the applicant/participant to allow for the identification of and location of his/her chosen contacts by law enforcement accessing the database.

f) All requests to add, modify or delete a record in the emergency contact database, including disability or special needs information, shall be confidential. Information contained in the emergency contact database shall only be released to law enforcement in the course of official duties or pursuant to a court order. Law enforcement may share information contained in the emergency contact database, including disability and special needs information, with other public safety workers on scene, as needed to conduct official law enforcement duties.

g) A participant in the emergency contact database may indicate that the participant has a disability or special needs. A participant in the emergency contact database is not required to indicate a disability or special need.

(Source: Amended at 35 Ill. Reg. 2197, effective January 21, 2011)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3)

Section Numbers:	Adopted Action:
1.30	Amendment
1.420	Amendment
1.440	Amendment
1.462	Repeal

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Amendments: January 20, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes; see Sections 1.30(a)(1) and 1.420(s).

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: August 17, 2010; 34 Ill. Reg. 12760

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The definition for "grade 11" in Section 1.30(b)(4), as originally proposed, was replaced with one that defines grade 11 status based on credits earned rather than the years the student has been enrolled in high school.

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: The changes in Part 1 result from two separate actions: a federal monitoring finding regarding testing procedures at the high school level

and Public Act 96-1061, effective July 14, 2010, which eliminated the option for students to take a consumer education proficiency examination.

Testing Procedures. The Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001, requires school districts to measure the proficiency of high school students in at least language arts and mathematics at least once during grades 10 through 12. In Illinois, the PSAE is the assessment used by districts for accountability purposes under ESEA, and pursuant to Section 2-3.64 of the School Code, districts are to administer the test to students in grade 11.

In April 2010, monitors from the U.S. Department of Education (USDE) reviewed the agency's implementation of the accountability provisions of Title I, Part A, of ESEA, among other areas. In its spring 2010 Title I federal monitoring document, it cited Student Information System data as showing that approximately 8 percent of high school students had not been tested. As a result, USDE has directed the agency to take steps to ensure that all high school students are being assessed for accountability purposes, and Section 1.30 includes a definition for school districts to use to determine grade 11 status.

Consumer Education Proficiency Test. Last year, the agency introduced legislation (which became P.A. 96-1061) to eliminate the proficiency test, available since 1987, for several reasons: the annual cost for test administration and development is approximately $120,000; less than 2 percent of high school students take the test each year (an average of about 8,000 out of more than 600,000 high school students statewide); and the failure rate is extremely high (around 80 percent of the students who take the test each year fail). As a result of the test's elimination, Section 1.462 has been repealed and other references to the test have been removed from Sections 1.420 and 1.440.

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

Patrick Murphy, Division Administrator
Division of Educator and School Development
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/782-2948

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 a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

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1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
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STATE BOARD OF EDUCATION

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1.APPENDIX A Professional Staff Certification
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1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
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1.APPENDIX F Criteria for Determination – Student Performance and School

STATE BOARD OF EDUCATION

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Improvement (Repealed)
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

a) Development and Participation

1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036**.** (No later amendments to or editions of these standards are incorporated.)

2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.

3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.

4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law* [105 ILCS 5/Art. 27A]*, a school operated by a regional office of education under Section 13A-3 of the School Code* [105 ILCS 5/13A-3]*, or a public school administered by a local public agency or the Department of Human Services* shall be required to participate in the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).

A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code,

students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.

B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.

5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students' IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.

b) Assessment Procedures

1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.

4) Districts shall administer the Prairie State Achievement Examination (PSAE) or the Illinois Alternate Assessment (IAA), if applicable under

subsection (d) of this Section, to students in grade 11. (See Section 2-3.64 of the School Code.) For the purpose of this subsection (b)(4), grade 11 means the point in time when a student has earned the number of credits necessary for enrollment in grade 11, as determined by his or her school district in accordance with Sections 1.420(b) and 1.440 of this Part. A district shall not promote a student to grade 12 status until that student has taken either the PSAE or IAA, as applicable.

c) Accommodations
Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student's teacher, extra time is necessary in order for the student's performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.

d) Illinois Alternate Assessment
Students with the most significant cognitive disabilities whose IEPs~~Individualized Education Programs~~ identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.

e) Review and Verification of Information
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.

1) Within 10 days after the preliminary data for the Illinois Standards Achievement Test (ISAT) and the IAA are made available and within five days after preliminary data for the PSAE~~Prairie State Achievement Examination (PSAE)~~ are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:

A) that both its demographic and preliminary data are correct; or

B) that it is requesting rescoring of some or all portions of the assessment for specific students.

2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.

3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.

f) Reports of State Assessment Results

1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.

A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.

B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.

2) Each report shall include, as applicable to the receiving entity:

A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and

B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).

g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.

h) Classification of Scores
Each score achieved by a student on a regular or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".

1) Each score achieved by a student on a regular State assessment (i.e., the ISAT or the PSAE) shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.

2) Each score achieved by a student on the IAA shall be classified as "entry", "foundational", "satisfactory", or "mastery". Among these scores, those identified as "satisfactory" or "mastery" shall be considered as demonstrating proficiency.

i) Scores Relevant to Adequate Yearly Progress
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students in Grade 2 on the Terra Nova examination (CTB McGraw-Hill, 20 Ryan Ranch

Road, Monterey CA 93940 (2001)) shall also be considered "relevant scores" for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 35 Ill. Reg. 2230, effective January 20, 2011)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.

A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.

B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.

D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.

A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.

B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.

C) All teachers hold certificates that are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.

4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

A) the name of the building that is being recommended for closure;

B) the specific public health emergency that warrants the closure; and

C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the

student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam).

g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).

1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

1) Programs for extra classroom activities shall provide opportunities for all students.

2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].

2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education ~~or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1])~~ prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

4) Teachers instructing in consumer education courses shall hold certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.

2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].

o) Library Media Programs
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

1) General
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.

2) Financial Resources
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

4) Staff
Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information

specialist to assume that role. No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or

iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.

B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

p) Physical Education

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).

5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act* [225 ILCS 60], *prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).

6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem "appropriate" for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) Pupil Personnel Services
To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

1) Guidance and Counseling Needs;

2) Psychological Needs;

3) Social Work Needs;

4) Health Needs.

r) Social Sciences and History
Each school system shall provide history and social sciences courses that do the following:

1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);

2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);

3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);

4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);

5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);

6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and

7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).

s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection", ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.

t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, and 27-23.8].

(Source: Amended at 35 Ill. Reg. 2230, effective January 20, 2011)

Section 1.440 Additional Criteria for High Schools

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

a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by

the School Code or applicable rules, is the option of the local school district.

1) Language Arts

2) Science

3) Mathematics

4) History of the United States

5) Foreign Language

6) Music

7) Art

8) Career and Technical Education − Orientation and Preparation

9) Health Education

10) Physical Education

11) Consumer Education

12) Conservation of Natural Resources

13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and 23 Ill. Adm. Code 252)

b) Required Participation

1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.

2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.

3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12~~, unless he or she has demonstrated proficiency pursuant to the provisions of Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part~~.

4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)

c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.

1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination* on the subjects discussed in subsection (b)(4) of this Section.

2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.

3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.

d) School districts shall have on file in the local district office a description of all

course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

1) The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:

A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;

B) writing assignments will be an integral part of the course's content across the time span covered by the course;

C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part); and

ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.

2) The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.

e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 35 Ill. Reg. 2230, effective January 20, 2011)

Section 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)

~~a)~~ ~~Section 27-12.1(b) of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 27-12.1(b) requires that the State Board of Education furnish *to each school district a uniform Annual Consumer Education Proficiency Test to be administered by each school district to those pupils of the district in grades 9 through 12 who elect to take the test.*~~

~~b)~~ ~~*Any pupil who takes the test, which no pupil may do more than once in any school year, and who achieves a score thereon which is not less than the score established by the State Board of Education,* as provided in subsection (d) of this Section, *shall be excused from having to receive instruction in consumer education otherwise required by* Section 27-12.1(a) of The School Code.~~

~~c)~~ ~~Test Development~~
~~The State Board of Education will annually develop a Consumer Education Proficiency Test:~~

~~1)~~ ~~which measures student proficiency in the area of consumer education; and~~

~~2)~~ ~~which can be administered in a uniform manner throughout the state.~~

~~d)~~ ~~Proficiency Score~~
~~The minimum score for passing the Consumer Education Proficiency Test will be 70 percent correct answers, based on a pilot test taken by a representative sample of Illinois students who have completed course work in consumer education and who have teacher-assigned grades A or B.~~

~~e)~~ ~~Test Distribution~~
~~Not later than September 15 of each year, the State Board of Education will send the following items to each school district in the state that serves students in grades 9 through 12.~~

~~1) Copies of the Uniform Annual Consumer Education Proficiency Test and the corresponding answer sheets.~~

~~2) An answer overlay indicating the correct response to each item on the test.~~

~~3) A format for scoring the test, which shall be used to determine each student's raw score and whether or not the student's score is at least equal to the minimum proficiency score established pursuant to the provisions of subsection (d) of this Section and specified on the scoring form.~~

~~4) Instructions needed to ensure uniform test administration including the date – established pursuant to subsection (f) of this Section – on which the test shall be given to students in grades 9 through 12 who elect to take test.~~

~~f) Dates of Test Administration~~

~~1) The test shall be administered annually on either the last Tuesday or Wednesday in January.~~

~~2) There may be a year in which a school, for reasons beyond its control, is unable to administer the test on either of the regularly scheduled dates. In that situation, the district must submit a written request for an alternate test date for that school.~~

~~g) School District Responsibilities~~
~~School districts serving students in grades 9 through 12 shall have the following responsibilities regarding the Uniform Annual Consumer Education Proficiency Test.~~

~~1) Student Notification~~
~~Districts shall annually provide to all students in grades 9 through 12 and/or their parents or guardians a written notice at least ten (10) school days prior to each test date, which shall at least include:~~

~~A) the date(s), time(s) and location(s) of test administration;~~

~~B) the provisions of subsections (a) and (b) of this Section; and~~

~~C) the procedure students shall use to indicate they wish to take the~~

~~test.~~

~~2)~~ ~~Test Security~~
~~Districts shall establish test security measures which shall at least provide:~~

~~A)~~ ~~that no copies of the test or answer key shall be made; and~~

~~B)~~ ~~that the answer keys and, except during administration of the test, all copies of the test shall be kept in a secure location to which persons who are not involved in the administration of the the test do not have access; and~~

~~C)~~ ~~that persons involved in administering the test do not reveal test questions or answers to students prior to administration of the test.~~

~~3)~~ ~~Student Test Results~~
~~Within 45 days after each test date, districts shall provide to students and/or their parents or guardians a notice which shall include:~~

~~A)~~ ~~the student's test score; and~~

~~B)~~ ~~a statement that the student has demonstrated proficiency as required in subsection (b) of this Section and is excused from receiving instruction in Consumer Education; or~~

~~C)~~ ~~a statement that the student has not demonstrated proficiency and must receive instruction in Consumer Education as required by Section 27-12.1(a) of The School Code, or the student may take the test again in a subsequent school year.~~

~~4)~~ ~~Temporary Student Records~~
~~Districts shall maintain student test results in the "Student Temporary Record" as defined in 23 Ill. Adm. Code 375.10 (Student Records).~~

~~5)~~ ~~Reporting Requirements~~
~~Upon the written request of the State Superintendent of Education, districts shall provide information related to the testing (e.g., test scores, grade level distribution, and item results) within 30 days of each test date.~~

(Source: Repealed at 35 Ill. Reg. 2230, effective January 20, 2011)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Requirements for Accounting, Budgeting, Financial Reporting, and Auditing

2) Code Citation: 23 Ill. Adm. Code 100

3)

Section Numbers:	Adopted Action:
100.130	Amendment
100.TABLE C	Amendment

4) Statutory Authority: 105 ILCS 5/3.17a, 2-3.27, 2-3.28, 3-7, 17-1, and 34-43.1

5) Effective Date of Amendments: January 20, 2011

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: October 8, 2010; 34 Ill. Reg. 14621

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: Illinois received approximately $415 million under the Education Jobs Fund (Ed Jobs) Program. Districts that received Ed Jobs will be held to the same transparency and accountability measures required under the provisions of the American Recovery and Reinvestment Act (ARRA). Districts also must track their expenditures very carefully so that the reporting that is eventually

required can be accomplished. This includes accounting for these funds separately from funds from other sources.

The range of revenue accounts found in Table C of Part 100 did not offer a means of segregating these federal funds from State funds received for the same purposes. As with ARRA, the agency must ensure that districts will use a uniform system of capturing this information. For this reason, a code previously designated for ARRA but not yet used for a particular program has been assigned for use by districts for Ed Jobs funds, ensuring comparability in the eventual reporting and data collection.

In addition, Section 100.130 was amended to include the Ed Jobs program. Section 100.130 provides districts with information about what to expect as a result of their receipt of this federal funding. This rule identifies basic information related to the topics already covered by Part 100: accounting, budgeting, financial reporting, and auditing.

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

Debbie Vespa, Division Administrator
Division of School Business Services
Illinois State Board of Education
100 North First Street, N-330
Springfield, Illinois 62777

217/785-8779

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 c: FINANCE

PART 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
100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and the Education Jobs Fund Program (Ed Jobs)
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. 16439, effective September 24, 2008; emergency amendment at 33 Ill. Reg. 6313, effective April 17, 2009, for a maximum of 150 days; emergency expired September 13, 2009; emergency amendment at 33 Ill. Reg. 12589, effective August 26, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16728, effective November 23, 2009; emergency amendment at 34 Ill.

Reg. 15489, effective September 22, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 2259, effective January 20, 2011.

Section 100.130 Requirements Specific to Funds Received Pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) and the Education Jobs Fund Program (Ed Jobs)

This Section applies only to funds received pursuant to P.L. 111-5, the American Recovery and Reinvestment Act of 2009, and P.L. 111-226, which authorizes the Education Jobs Fund Program.

a) Accounting; Treatment of Funds

1) Records of expenditures shall identify the source of the ARRA or Ed Jobs funds by using the account numbers set forth in Table C of this Part, as well as the applicable funds, functions, and object classes, using the account numbers set forth in Tables A, D, and F of this Part, respectively.

2) ARRA General State Aid funds received in account number 4850 or 4870 (see Table C of this Part) may be deposited into any fund other than the Working Cash Fund and may be spent for any lawful purpose, except as limited by Section 14003 of the ARRA. That Section prohibits a local education agency from using Education Stabilization funds for:

A) payment of maintenance costs;

B) stadiums or other facilities used primarily for athletic contests, exhibitions, or other events for which admission is charged to the general public;

C) purchasing or upgrading vehicles;

D) improvements to stand-alone facilities whose purpose is not the education of children, including facilities housing central office administration, operations, or logistical support functions; or

E) school modernization, renovation, or repair that is inconsistent with State law.

3) No Education Stabilization funds or Government Services funds may be used to provide financial assistance to students to attend private elementary or secondary schools, unless the funds are used to provide special education and related services to children with disabilities as authorized by the Individuals with Disabilities Education Improvement Act. (Section 14011 of the ARRA)

4) Funds received under any other account number in the range from 4851 through 4880 shall be expended only for the purposes authorized by the relevant federal law, regulations, and guidance.

b) Budgeting
Each local education agency intending to spend ARRA funds during Fiscal Year 2009 or Ed Jobs funds in Fiscal Year 2011 shall amend its budget as necessary, pursuant to the provisions of Section 17-1 of the School Code [105 ILCS 5/17-1] and shall submit the amended budget to the State Superintendent of Education pursuant to Section 100.90 of this Part. Subsequent annual budgets shall address the receipt and disbursement of ARRA or Ed Jobs funds as provided in Section 17-1 and applicable federal regulations and guidance.

c) Financial Reporting
In order to comply with federal reporting requirements, each local education agency receiving funds under the ARRA or Ed Jobs shall include in its annual financial report, in addition to all other requirements set forth in Section 100.100 of this Part, a detailed schedule of its receipts and disbursements of those funds, as distinct from any other receipts and expenditures for the same purposes made from other sources of funds.

d) Auditing

1) The receipt and disbursement of ARRA or Ed Jobs funds shall be subject to the audit requirements of Section 100.110 of this Part. In addition to the other applicable requirements of Section 100.110 of this Part, the scope of each audit shall include the schedule of receipts and disbursements required under subsection (c) of this Section.

2) Each local education agency receiving ARRA or Ed Jobs funds shall review its amended budget to determine whether its increased expenditure of federal funds will make the agency subject to the audit requirements of OMB Circular A-133 (available at

www.whitehouse.gov/omb/circulars/index.html) and, if so, shall maintain records accordingly.

(Source: Amended at 35 Ill. Reg. 2259, effective January 20, 2011)

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.

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	

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	

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	

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	

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.

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.

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.
School Facility Occupation Tax Proceeds	1983	Amounts received from distributions of School Facility Occupation Tax proceeds.
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 (GSA)	3001	105 ILCS 5/18-8.05.
General State Aid Hold Harmless/Supplemental	3002	105 ILCS 5/18-8.05j.

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.

Educational Materials Center	3156	105 ILCS 5/14-11.01.
Special Education − Other	3199	Amounts received pursuant to other appropriations (describe and itemize).
CTE − Improvement (CTEI)	3220	105 ILCS 435.
CTE − WECEP	3225	105 ILCS 5/2-3.66a.
Agriculture Education	3235	105 ILCS 5/2-3.80.
CTE − Student Organizations	3270	105 ILCS 435
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.
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.
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.
Teacher Mentoring Pilot Project	3982	105 ILCS 5/21A-25.
The "Grow Your Own" Teacher Education Initiative	3983	110 ILCS 48.
Education of Homeless Children and Youth State Grant Program	3984	105 ILCS 45.
Children's Mental Health Partnership	3990	105 ILCS 405/49-15.

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	
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).
Fresh Fruit and Vegetables	4240	Child Nutrition − Cash Payments
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).
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 − School Improvement and Accountability	4331	NCLB, Title I, Part A
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 − School Improvement Grant	4339	NCLB, Title I, section 1003g (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 − 21st Century	4421	NCLB, Title IV, Part B − 21st 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).
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 − State Leadership	4720	Carl D. Perkins Career and Technical Education Act of 2006 − State Leadership (CFDA 84.048A)
CTE − Perkins − DHS Ed	4740	Carl D. Perkins Career and Technical Education Act of 2006 − Corrections or Institutions (CFDA 84.048A)
CTE − Perkins − Secondary	4745	Carl D. Perkins Career and Technical Education Act of 2006 − Secondary (CFDA 84.048A)
CTE − Perkins Title II − Tech Prep	4770	Carl D. Perkins Career and Technical Education Act of 2006 − Title II − Tech Prep (CFDA 84.243A)
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).
ARRA General State Aid – Education Stabilization	4850	Amounts received pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); see Section 100.130 of this Part.
ARRA Title I – Low Income	4851	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I − Neglected, Private	4852	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I − Delinquent, Private	4853	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.

ARRA Title I − School Improvement (Part A)	4854	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Title I − School Improvement (section 1003g)	4855	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B − Preschool	4856	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA IDEA – Part B – Flow-Through	4857	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Other ARRA Fund − XII	4860	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Title IID – Technology − Competitive	4861	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA McKinney-Vento Homeless Education	4862	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA Child Nutrition Equipment Assistance	4863	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Formula Grants	4864	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Impact Aid Competitive Grants	4865	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified Zone Academy Bond Tax Credits	4866	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Qualified School Construction Bond Credits	4867	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Tax Credits	4868	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
Build America Bond Interest Reimbursement	4869	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.
ARRA General State Aid – Other Government Services Stabilization	4870	Amounts received pursuant to the ARRA; see Section 100.130 of this Part.

Other ARRA Funds − II	4871	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – III	4872	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – IV	4873	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – V	4874	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
ARRA Early Childhood	4875	Paid with Government Services State Fiscal Stabilization Fund ARRA funds; see Section 100.130 of this Part.
Other ARRA Funds – VII	4876	Available for recording sources of federal funds received pursuant to the ARRA directly from a federal agency or from a State agency other than ISBE; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – VIII	4877	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds − IX	4878	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.
Other ARRA Funds – X	4879	Available for recording sources of federal funds received pursuant to the ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize; see Section 100.130 of this Part.

Education Jobs Fund Program~~Other ARRA Funds – XI~~	4880	Available for recording sources of federal funds received pursuant to the Education Jobs Fund Program~~ARRA from a source other than those to be recorded with account numbers 4850 through 4857, 4861 through 4872, and 4875 through 4876; describe and itemize~~; see Section 100.130 of this Part.
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).
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).
Safe Routes to School	4980	Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (P.L. 109-59)
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 35 Ill. Reg. 2259, effective January 20, 2011)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Providers of Supplemental Educational Services

2) Code Citation: 23 Ill. Adm. Code 675

3)

Section Numbers:	Adopted Action:
675.50	Amendment
675.250	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Amendments: January 20, 2011

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: October 8, 2010; 34 Ill. Reg. 14623

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.

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: Under the No Child Left Behind Act of 2001, students from low-income families attending schools that do not make adequate yearly progress (AYP) for three consecutive years are eligible to receive Supplemental Educational Services (SES). These services may include academic assistance such as tutoring, remediation, and other educational interventions. School districts are responsible for funding these services, which must be provided outside the normal school day, through their federal Title I, Part A, funds. The programmatic requirements,

approval criteria and reporting procedures for the providers of SES are set forth in Part 675.

A technical change was made in Section 675.50 that will enable providers of various sizes to submit financial records that have been affirmed as reliable by a knowledgeable person (i.e., a certified audit/audited financial statements or other verified financial statements). This new language seeks to balance the State Board's need for reliable documentation against the unintended consequence of pricing smaller providers out of the market and thus limiting parental choice, since the cost for a certified audit is often prohibitive for smaller providers.

Section 675.250(a) sets forth the process that entities must use if they want to appeal their removal by the agency from the list of approved SES providers with which school districts may work. In this situation, the provider would be required to go through a lengthy and costly process, including an unnecessary evidentiary hearing to be conducted in accordance with the provisions of Part 475. The evidentiary hearing alone is a multi-step process that requires written motions, written answers, written notices of appearances, prehearing conferences, depositions, discovery, written briefs, and a hearing recorded by a certified court reporter, among other things, which increases the costs of the appeal both for the agency and the entity involved.

The remainder of Section 675.250 provides for appeals either by a provider or a school district of other decisions directly related to supplemental educational services programs that are made by the State Board of Education. This process provides specific timelines for action, with a final decision being issued by the State Superintendent of Education. Staff added this second appeal process in 2006 to provide an avenue for providers and school districts to challenge any other decisions of the agency's that affect their programs.

State law does not require that entities be afforded an opportunity for an evidentiary hearing when the agency determines that they are no longer approved providers, nor do federal requirements mandate that a state education agency (SEA) implement any type of hearing for providers, or even school districts, to appeal an SEA decision. For this reason and due to the costs associated with such hearings, staff believe that maintaining two separate appeal processes is impractical and has the potential to cause confusion. The more steamlined process specified in Section 675.250 provides an adequate opportunity for an entity to challenge its removal from the list of approved providers and to present sufficient reasons to the State Superintendent as to why that decision should be reversed or modified.

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Monique Chism, Division Administrator
Division of Innovation and Improvement
Illinois State Board of Education
100 North First Street, N-242
Springfield, Illinois 62777

217/524-4832

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 o: MISCELLANEOUS

PART 675
PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section
675.10 Purpose and Scope
675.20 Definitions
675.30 Code of Ethics
675.40 Programmatic Requirements
675.50 Application Requirements
675.60 Application Process
675.65 Mid-Year Changes
675.70 Reporting Requirement
675.80 Retention of Records; Access to Premises
675.90 Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal
675.100 Public Information
675.110 Removal When No Services Offered
675.150 Provider's Relationship with District
675.175 Timetable for Implementation of the Program

SUBPART B: FINANCIAL REQUIREMENTS

Section
675.200 Financial Framework for SES
675.210 District Program Cost
675.220 Non-Reimbursable Expenses and Revenue Offsets
675.230 Reports of Actual Costs
675.240 Establishment of Contract Amount and Payment Provisions
675.245 Basis for Invoices and Payments
675.250 Appeals

675.APPENDIX A Calculation of Effect Size
675.APPENDIX B Evaluation Rubric
675.APPENDIX C Decision Matrix

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Emergency rules adopted at 29 Ill. Reg. 9516, effective June 17, 2005, for a maximum of 150 days; emergency expired November 13, 2005; adopted at 29 Ill. Reg. 19942, effective November 23, 2005; amended at 30 Ill. Reg. 14325, effective August 18, 2006; amended at 32 Ill. Reg. 4046, effective February 26, 2008; amended at 33 Ill. Reg. 8497, effective June 1, 2009; amended at 33 Ill. Reg. 15290, effective October 20, 2009; amended at 35 Ill. Reg. 2285, effective January 20, 2011.

SUBPART A: GENERAL PROVISIONS

Section 675.50 Application Requirements

Each application for approval to provide SES in Illinois shall consist of the components described in this Section and shall be submitted as specified by the State Superintendent.

a) A summary of services that indicates:

1) the subject areas available;

2) the grade levels served;

3) the total program hours per student, provided that, for any program proposing fewer than 30 instructional hours per subject, the applicant must supply specific evidence that the program has resulted in increased student achievement in that subject, including verification from school district administrators in which the program has been previously provided;

4) the proposed locations of service delivery;

5) the minimum number of students required by the eligible applicant in order to offer SES to a district and an indication of any districts in which that minimum will apply to each site served rather than to the district in the aggregate;

6) whether the eligible applicant can provide services to students of limited English proficiency (LEP) and, if so, the languages in which the eligible

applicant provides instruction and the maximum number of LEP students the eligible applicant can serve in each district;

7) whether the eligible applicant can provide services to students with disabilities and, if so, the accommodations or modifications the eligible applicant can offer and the maximum number of students with disabilities the eligible applicant can serve in each district;

8) the time of day and months during which SES will be offered;

9) the ratio of instructors to children, as determined by the provider; and

10) the districts the eligible applicant seeks to serve.

b) A rationale for the eligible applicant's SES program, including:

1) Evidence that the program complies with Section 675.40 of this Part; and

2) Evidence of effectiveness that complies with either subsection (b)(2)(A) or subsection (b)(2)(B) of this Section.

A) General Method

i) Evidence that the curriculum and pedagogy proposed for each subject encompassed in the application have a positive impact on students' achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment; and

ii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the program proposed in the application and including contact information, starting and ending dates of service provided, and school and district names for each reference.

B) Alternate Method

i) Evidence that the eligible applicant has a minimum of three years' experience serving youth through activities such as tutoring, mentoring or other extracurricular programs;

ii) Evidence that the curriculum and pedagogy to be used by the eligible applicant in a given subject have been demonstrated to have a positive impact on students' achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment;

iii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the youth services provided by the eligible applicant and including contact information, starting and ending dates of service provided, and school and district names for each reference; and

iv) An agreement to limit services to no more than 200 children during the first two years of SES.

c) The specific procedures to be used and frequency of reports of student progress to teachers, district staff, and parents/families (including a description of how information will be provided to parents and families in a format and language they can understand).

d) A description of the qualifications of instructional staff, including such resumes and other information on qualifications as ISBE may require. If the applicant intends to assign tutors who reside outside the United States, the application shall identify their countries of residence and, for each of those countries, the national and either regional or local law enforcement authorities from which fingerprint-based checks of criminal history records will be obtained that will be comparable to those required under Section 10-21.9 of the School Code [105 ILCS 5/10-21.9]. Individuals residing in countries where checks of these types are not available shall not be assigned as tutors.

e) Proof of liability insurance in amounts deemed sufficient by ISBE to protect the district and ISBE in light of the number of students to be served by the provider.

f) Evidence that the eligible applicant possesses a sound management structure.

g) Evidence that the provider has adequate financial, organizational and technical resources to administer the proposed program. This evidence shall include, but need not be limited to:~~,~~

1) completed federal tax returns (or the equivalent for non-profit entities) for the two most recent years; and ~~and either an audit report or audited financial statements completed within two years prior to submission of the application.~~

2) verified financial documents identified either in subsection (g)(2)(A) or (g)(2)(B) of this Section, as applicable to the provider.

A) If the provider has a total gross income or revenue as reported to the Internal Revenue Service on its most recently submitted income tax return (or the equivalent for non-profit entities) in excess of $500,000, then the provider shall supply an audit of financial statements or an organization-wide A-133 audit completed within the past two years from an independent Licensed Certified Public Accountant (CPA) who is a member of the American Institute of Certified Public Accountants. This must be an audit and not a compilation, review or other type of CPA report.

B) If the provider has a total gross income or revenue as reported to the Internal Revenue Service on its most recently submitted income tax return (or the equivalent for non-profit entities) equal to or less than $500,000, then the provider shall supply verified financial documents covering the two most recently completed fiscal years. This requirement may be satisfied in one of the following three ways:

i) Profit and loss statements, cash flow statements, and net assets statements. These statements must be signed and dated by a person attesting to the accuracy of the numbers contained in the statements. The relationship of the signatory to the provider must also be stated or described; or

ii) a compilation report from an independent CPA who is a member of the American Institute of Certified Public Accountants; or

iii) a review report from an independent CPA who is a member of the American Institute of Certified Public Accountants.

h) Proof of legal authority to conduct business in Illinois.

i) Information on the eligible applicant's estimated per-pupil program cost, calculated as set forth in Section 675.210 of this Part for a sample or hypothetical district for which the provider assumes cost factors to be representative. If the provider's costs will vary based on the number of students enrolled, costs must be provided for various enrollment ranges. Providers must specify the assumptions upon which occupancy costs are shown for services in district facilities.

j) Such certifications, assurances, and/or additional information as ISBE may require in order to verify any information reported by the eligible applicant or otherwise to fulfill its duties with respect to the administration of SES.

(Source: Amended at 35 Ill. Reg. 2285, effective January 20, 2011)

SUBPART B: FINANCIAL REQUIREMENTS

Section 675.250 Appeals

a) ~~A provider may appeal its removal from the State-approved list by submitting an appeal to ISBE specifying the basis upon which it believes its removal is not in accordance with this Part or other applicable law. The provider will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.b)In addition to the appeal authorized under subsection (a) of this Section, a~~A provider may file a written appeal of any decision of a school district or the State Superintendent~~Board~~ of Education under this Part directly related to the provider's program, including removal from the State-approved list. A school district may file a written appeal of any decision of the State Superintendent~~Board~~ of Education under this Part directly related to the district's administration of SES. The entity submitting the appeal shall:

1) Indicate the specific decision being appealed;

2) Indicate why this decision is, in the opinion of the entity, not in accordance with the provisions of this Part or other applicable law;

3) Identify the specific provisions of this Part or other applicable law allegedly violated; and

4) Specify the facts demonstrating the alleged violations.

b)~~c)~~ Each appeal shall be submitted in writing, within 30 days after the final action being appealed, to the following address:

Illinois State Board of Education
Attn: Office of General Counsel
100 North First Street
Springfield, Illinois 62777-0001

The appeal must be signed by the executive director or chief administrator of the entity filing the appeal. No electronic or facsimile transmissions will be accepted. Within 14 days after receipt of the written appeal, the State Superintendent of Education shall review the submission and determine whether an independent on-site investigation is necessary. Upon request, the entity submitting the appeal shall promptly provide to the State Superintendent such additional information as the Superintendent determines is necessary to resolve the appeal.

c)~~d)~~ Within 60 days after receipt of the appeal, the completion of any on-site investigation, or the receipt of any additional information requested by the State Superintendent of Education, whichever occurs last, the State Superintendent shall make a final written determination and shall send a copy of the determination to the appealing entity and, if applicable, to the district involved in the appeal.

d)~~e)~~ The appeal rights set forth in this Section shall apply solely to approved providers and to school districts and shall not be available to applicants seeking approval from the State Superintendent~~Board~~ of Education.

(Source: Amended at 35 Ill. Reg. 2285, effective January 20, 2011)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Campaign Financing

2) Code Citation: 26 Ill. Adm. Code 100

3)

Section Numbers:	Adopted Action:
100.10	Amendment
100.20	Amendment
100.40	Amendment
100.50	Repealed
100.60	Amendment
100.70	Amendment
100.75	New
100.80	Amendment
100.85	New
100.90	Amendment
100.110	Amendment
100.120	Amendment
100.125	Amendment
100.130	Repealed
100.140	Amendment
100.150	Amendment
100.160	Amendment
100.170	Amendment
100.175	New
100.180	Amendment
100.APPENDIX A	New
100.TABLE A	New
100.TABLE B	New

4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art.9] and authorized by Section 9-13 and 9-15

5) Effective Date of Rulemaking: February 4, 2011

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

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: 34 Ill. Reg. 13898; October 1, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: In Section 100.10, (B)(5), (D), "are considered" was changed to may collectively form a", "committees and groups" was changed to "committee to support their candidacy or each candidate may individually form candidate committees. Groups"., After "statute", "shall be considered candidate committees" was changed to" may collectively form a political action committee to support their candidacy, or may individually form a candidate committee. Candidates of established political parties may collectively form a political action committee to support their candidacy. Candidates who exercise the option of forming a political action committee may not include the names of any candidates in the name of the political action committee. A political action committee must, however, include the name of the office that the candidates are seeking and the name of the political subdivision or unit of local government to which the office pertains".

A new subsection was added:

"iii) Any corporation, labor organization, political committee or association that acts as a conduit in facilitating the delivery of dues, levies or similar assessments to a political action committee as provided in Section 9-8.5(i) of the Code shall not be considered to be a political action committee within the meaning of the disclosure and regulation requirements of Article IX of the Code."

Also, another new subsection was added:

"iv) For purposed of Section 9-1.9(4) of the Code, the election cycle for a candidate political committee organized to support a candidate to be elected at a consolidated primary or a consolidated election shall run from:

- the period beginning July 1 following the consolidated election for which the candidate seeks nomination or election and ending on the day if the consolidated primary election for that office; or

- the period beginning the day after a consolidated primary election for the office to which the candidate seeks nomination or election and through June 30 following that consolidated election."

In Section 100.70, (b), "For purposes of determining the amount of the contributions", was stricken, "of $1,000 or more" was deleted, and the following text was added: "All contributions, as that term is defined in Section 9-1.4 of the Election Code, of $1,000 or more, including loans and in-kind contributions, must be reported to the State Board of Elections on a Schedule A-1 within 5 business days after receipt, except that, if the contribution is received within 30 days prior to an election, the contribution must be reported on a Schedule A-1 within 2 business days after receipt.". The text "required to be filed on a Schedule A-1 form" was deleted. The text "defined in Section 9-1.6, shall be aggregated and treated as one." was stricken. Also, "in aggregate", and "contributions in aggregate" were deleted.

Two new tables were added: "**Section 100.APPENDIX A Contributions Allowed Per Election Cycle, Section 100.TABLE A Contribution Limits Per Election Cycle,** and **Section 100.TABLE B Election Cycles".**

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

15) Summary and Purpose of Rulemaking: Public Act 96-0832 made changes to existing definitions and added new terminology to the Campaign Finance Act that required interpretation through rulemaking. This Act imposed contribution limits and established new reporting periods that also needed clarification through rulemaking.

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

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

217/782-0608

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 100
CAMPAIGN FINANCING

Section

100.10 Definitions
100.20 Official Forms
100.30 Forwarding of Documents (Repealed)
100.40 Vacancies in Office – Custody of Records
100.50 Multiple Filings by State and Local Committees (Repealed)
100.60 Filing Option for a Federal Political Committee
100.70 Reports of Contributions and Expenditures
100.75 Limitation on Campaign Contributions
100.80 Report Forms
100.85 Independent Expenditures
100.90 Provision Circumvention
100.100 Proof of Identification; Application for Inspection and Copying (Repealed)
100.110 Loans by One Political Committee to Another
100.120 Receipt of Campaign Contributions
100.125 Receipt by Mail of Quarterly~~Pre-Election and Semiannual~~ Reports of Campaign Contributions and Expenditures
100.130 Reporting by Certain Nonprofit Organizations (Repealed)
100.140 Prohibited Contributions – State Property
100.150 Electronic Filing of Reports
100.160 Good Faith
100.170 Sponsoring Entity
100.175 Audit Findings for Political Committees
100.180 Business Entity Registration Procedures
100.185 Assessment of Civil Penalties
100.APPENDIX A Contributions Allowed Per Election Cycle
100.TABLE A Contribution Limits Per Election Cycle
100.TABLE B Election Cycles

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. 332, effective January 1, 2009, for a maximum of 150 days; emergency expired May 30, 2009; emergency amendment at 33 Ill. Reg. 9809, effective June 29, 2009, for a maximum of 150 days; emergency expired November 25, 2009; amended at 34 Ill. Reg. 274, effective December 15, 2009; amended at 34 Ill. Reg. 10521, effective July 9, 2010; amended at 35 Ill. Reg. 2295, effective February 4, 2011.

Section 100.10 Definitions

a) General Definitions

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

"Board" means the Illinois State Board of Elections.

"Election Code" or "Code" means 10 ILCS 5.

"File", "Filed" or "Filing" means:

The statement, report or document being filed is in apparent and substantial conformity with the requirements of the Election Code. Apparent and substantial conformity requires that the filing contain the following:

The signature of the person making the filing;

Completion of all applicable sections of the report; and

Attachment of all appropriate schedules.

Inadvertent error or omission of a de minimus nature in the completion of a report, statement or document shall not be deemed to be a "willful failure to file or a willful filing of false or incomplete information" under Section 9-26 of the Election Code.

"Immediate Family" means the spouse, parent or child of the public official, candidate or any other person referred to in this Part. A parent shall include a stepparent or adoptive parent. A child shall mean a biological, adopted or stepchild.

"Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

"Public Office" means, among other things, an elective office. The term includes the political party offices of state central, county, ward, township and precinct committeeman.

"Signature" or "Signed", as used in Article 9 and this Part, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.

"Submit" or "Submitting", as used in Section 9-11 of the Election Code, means actually filing a report with the Board through the following methods:

uploading a report electronically or, if accomplished at a Board office or with the assistance of Board staff, the committee representative is present and/or authorizing the report filing;

using the U.S. Postal Service, overnight delivery, or any other delivery service;

hand delivering a report to the Board; or

faxing a Schedule A-1 to the Board.

With the exception of the chairman or the treasurer, the person submitting the report on behalf of the committee must list himself or herself as having submitted the report.

b) Definitions Interpreting Specific Sections of the Election Code

1) Assets

A) Reference: This definition of assets interprets or applies to Section 9-5 of the Election Code.

B) An asset is an item of property, other than cash or services, of any kind, tangible or intangible, that has either a fair market or salvage value in excess of $150.

2) Candidate

A) Reference: This subsection (b)(2) interprets or applies to Section 9-1.3 of the Election Code.

B) "Candidate", as that term is defined in Section 9-1.3 of the Election Code, shall include, but not be limited to:

i) A person who circulates or authorizes the circulation of nominating petitions on his or her behalf for public office;

ii) An individual who receives contributions or makes expenditures or gives consent for any other person to receive contributions or make expenditures for the purpose of bringing about his or her nomination for election or re-election to any office;

iii) Any judicial incumbent who qualifies for retention.

3) Contributions and Anything of Value

A~~1~~) Reference: This subsection (b)(3) ~~Part~~ interprets or applies Sections 9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14

and 9-1.15~~ and 9-1.12~~ of the Election Code [10 ILCS 5/9-1.4, 9-1.5, 9-1.6, 9-1.8, 9-1.9, 9-1.10, 9-1.12, 9-1.14 and 9-1.15~~9-1.12~~].

B~~2~~) The term "anything of value", as used in Sections 9-1.4, 9-1.5 and 9-1.12 of the Election Code, means any item, thing~~includes all things~~, service~~services~~ or goods, regardless of whether ~~they may be~~ valued in monetary terms according to ascertainable market value.

C~~3~~) "Anything of value" that~~which~~ does not have an ascertainable market value may be reported by describing the item, thing, service~~services~~ or goods contributed;~~,~~ however, nothing in this subsection (b~~a~~)(3) relieves a committee or a contributor of the duty to provide as accurate an assessment of value as possible.

D~~4~~) Interest, other investment income, earnings or proceeds, and refunds and returns shall not be reported as a contribution, but shall be reported as a receipt according to this subsection (b)(3). For purposes of reporting campaign receipts and expenses, income from investments shall be included as receipts during the reporting period they are actually received. The gross purchase price of each investment shall be reported as an expenditure at time of purchase. Net proceeds from the sale of an investment shall be reported as a receipt. During the period investments are held, they shall be identified by name and quantity of security or instrument on each quarterly~~semi-annual~~ report during the period. The value of each instrument as of the day the reporting period closes shall be included for each asset held as an investment.

E~~5~~) In addition to the items expressly excluded in the Election Code, the terms~~term~~ "anything of value" and "contribution" shall not be deemed to include:

i~~A~~) Any unreimbursed payments for travel or living expenses related to travel made by an individual who volunteers services on behalf of a candidate or political committee;

ii~~B~~) Any news story, commentary, endorsement or editorial of any broadcasting station, newspaper, magazine or other

periodical publication;

iii~~C~~) Any ~~regular~~ publication by a membership association~~organization, labor union~~ or corporation to its officers, employees, members, ~~or~~ stockholders, or members of the immediate families of these persons, so long as the membership association~~organization~~ or corporation is not organized primarily for the purpose of influencing the nomination for election, ~~or~~ election, or retention of any candidate, or supporting or opposing any question or questions of public policy;~~. However, publications of an extraordinary or special nature to support or oppose a candidate or candidates or a question or questions of public policy would constitute a campaign contribution or expenditure;~~

iv~~D~~) The occasional use of real property of a person or whoever, as defined in Section 9-1.6 of the Election Code, and as defined in Section 100.10(g) of this Part, for the purpose of conveying information to officers, employees, members or stockholders of an association or a corporation, and the immediate~~their~~ families of these persons~~a person or whoever as defined in Section 9-1.6 of the Election Code and as defined in Section 100.10(b) of this Part~~, including but not limited to the use of the premises for the purpose of a candidate communicating directly with officers, employees, members or stockholders and the immediate families of these persons~~their families~~;

v~~E~~) Unrealized appreciation or loss of value of investments during the period they are held.

F) A loan of money from a bank, credit union, or other financial institution to a candidate or public official, or his or her political committee, shall not be listed as a contribution from that institution. However, the loan must still be reported on political committees' quarterly reports. Security for a loan, if provided by a person other than the candidate or the candidate's political committee, does qualify as a contribution and shall be reported as

having come from the person who provided it.

G) Independent expenditures are not contributions, as that term is defined in Section 9-1.4 of the Election Code. Independent expenditures are those made for the purpose of electioneering communication, as that term is defined in Section 9-1.14, or that expressly advocates the election, nomination or defeat of a candidate and that is not made in cooperation, concert or consultation with, or at the request or suggestion of, the public official or candidate. Communications that expressly advocate the election, nomination or defeat of a candidate are those that unequivocally state in the communication that the candidate ought to be elected, nominated or defeated. These communications typically contain the terms "vote for", "elect" or, in the case of expressly advocating the defeat of a candidate, "vote against", "vote no", "defeat", etc.

H) "Clearly identifiable candidate" means the candidate's name (first name and surname) but does not necessarily have to include the candidate's middle name or middle initial. A clearly identifiable candidate can also be one that is described in such a way as to exclude any other candidate so as to leave no doubt in the mind of the person being communicated to as to whom the communication is referring. For example: "The Democratic Party's candidate for Mayor", "Congressman Jones", or "the former Republican candidate for Congressman who was defeated at the most recent General Election". A clearly identifiable candidate can also be described by use of a photograph or other visual image or likeness.

I) A communication by a corporation, a limited liability company, or an association to its members or stockholders and executive or administrative personnel, or the immediate families of these persons, is not a contribution. For purposes of this Part, a corporation is one that is registered with the Business Services Division of the Illinois Secretary of State or is similarly registered with any other state in compliance with that state's laws or that operates as or holds itself out as a corporation so that it would be required to register with the Illinois Secretary of State, regardless if it has taken affirmative action to so register. For purposes of this

Part, an association is defined broadly to include any group of persons or entities that have a common purpose and that have an organizational structure with an existing membership roster and governing by-laws or other similar rules. An association includes those that are both for-profit and not-for-profit (however the entity does not necessarily have to be organized under the laws of this or any other state) and includes a labor union as that term is defined in subsection (a).

J) A voter registration campaign or other Get Out The Vote (GOTV) activity is not deemed to be "anything of value" or a "contribution", so long as the campaign or activity makes no mention of any clearly identified candidate, public question, political party, group or combination of these entities.

~~b) Assets~~

~~1) Reference: This definition of asset interprets or applies to Section 9-5 of the Election Code.~~

~~2) An asset is an item of property, other than cash or services, of whatever kind, tangible or intangible, that has either a fair market or salvage value in excess of $150.~~

~~c) Candidate~~

~~1) Reference: This subsection (c) interprets or applies Section 9-1.3 of the Election Code.~~

~~2) "Candidate" as that term is defined in Section 9-1.3 of the Election Code [10 ILCS 5/9-1.3] shall include, but not be limited to:~~

~~A) A person who circulates or authorizes the circulation of nominating petitions on his behalf for public office;~~

~~B) An individual who receives contributions or makes expenditures or gives consent for any other person to receive or make expenditures with a view to bringing about his nomination for election or re-election to any office;~~

~~C) Any judicial incumbent who qualifies for retention.~~

~~d) Filing~~

~~1) To constitute a "filing" as used in the Election Code and this Part, the statement, report or document must be in apparent and substantial conformity with the requirements of the Election Code. "Apparent and substantial conformity" requires that the filing contain the following:~~

~~A) The signature of the person making the filing;~~

~~B) Completion of all applicable sections of the report; and~~

~~C) Attachment of all appropriate schedules.~~

~~2) Inadvertent error or omission of a de minimus nature in the completion of report, statement or document shall not be deemed to a "willful failure to file or a willful filing of false or incomplete information" pursuant to Section 9-26 of the Election Code.~~

4) Person or Whoever

A) Reference: This subsection (b)(4) interprets or applies Section 9-1.6 of the Election Code.

B) The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, etc.

5) Political Committee

A) Reference: This subsection (b)(5) interprets or applies Sections 9-1.8 and 9-1.9 of the Election Code.

B) A person or whoever, as defined in Section 9-1.6 of the Election Code and in subsection (b)(4), does not qualify as a political

committee pursuant to Article 9 of the Election Code by simply making a contribution from his or her personal income or profits, regardless of the amount of the donations. If an entity, other than a natural person, makes an expenditure or expenditures in aggregate within a 12 month period in excess of $3,000 supporting or opposing public officials or candidates, then the entity qualifies as a political committee.

C) If a person or whoever solicits or receives funds for political purposes , he or she would, in fact, become a political committee and would have to comply with all provisions of Article 9 of the Election Code. The provisions of this subsection (b)(5) shall not apply to those persons who accept contributions from at least 5 individuals as provided in Section 9-6 of the Code.

D) Political committees shall include candidate committees, political party committees, political action committees and ballot initiative committees, as those terms are defined in Section 9-1.8 of the Election Code. Candidates who form a new political party under Section 10-2 of the Code may collectively form a political party committee to support their candidacy or each candidate may individually form candidate committees. Groups of candidates who run as either independents under Section 10-3 of the Code, or as non-partisan candidates by virtue of the office being non-partisan pursuant to statute, may collectively form a political action committee to support their candidacy, or may individually form a candidate committee. Candidates of established political parties may collectively form a political action committee to support their candidacy. Candidates who exercise the option of forming a political action committee may not include the names of any of the candidates in the name of the political action committee. A political action committee must, however, include the name of the office that the candidates are seeking and the name of the political subdivision or unit of local government to which the office pertains. In all cases except political party committees, political committees are limited to those that accept contributions or make expenditures in an aggregate amount exceeding $3,000 on behalf of or in opposition to candidates, or, in the case of a ballot initiative committee, in support of or opposition to questions of

public policy.

i) Political Party Committees referred to in Section 9-1.8(c) of the Election Code include "legislative caucus committees" and are defined as caucuses that are established by either 5 or more members of the same caucus in the Senate or 10 or more members of the same caucus in the House of Representatives. These committees shall include any caucus declared by its membership to be a caucus. If the number of caucus members of a given caucus committee decreases below the designated threshold (5 Senate/10 House members), the caucus committee shall become a political action committee, as that term is defined in Section 9-1.8 of the Code, and be subject to the contribution limits pertaining to political action committees established in Section 9-8.6(d), unless the caucus committee either fills the vacancy or dissolves within 5 business days after the date the vacancy occurred.

ii) For purposes of Section 9-1.9 of the Code, a judicial candidate running for retention subsequent to his or her first retention candidacy following the candidate's election shall be subject to the election cycle established in Section 9-1.9(3), except that the period shall begin on January 1 following the candidate's retention (as opposed to his or her election) and extending to the day the candidate files his or her next declaration to seek retention and the period beginning after that day and extending to December 31 following the candidate's retention election. This judicial retention election cycle is subject to the fundraising restrictions contained in Canon 7 of Rule 67 of the Rules of the Illinois Supreme Court (committees established to support judicial candidates may not solicit contributions more than 1 year preceding the election in which the candidate is seeking judicial office or retention thereto, and no later than 90 days following such election).

iii) Any corporation, labor organization, political committee or association that acts as a conduit in facilitating the delivery

of dues, levies or similar assessments to a political action committee as provided in Section 9-8.5(i) of the Code shall not be considered to be a political action committee within the meaning of the disclosure and regulation requirements of Article IX of the Code.

iv) For purposes of Section 9-1.9(4) of the Code, the election cycle for a candidate political committee organized to support a candidate to be elected at a consolidated primary or a consolidated election shall run from:

- the period beginning July 1 following the consolidated election for which the candidate seeks nomination or election and ending on the day of the consolidated primary election for that office; or

- the period beginning the day after a consolidated primary election for the office to which the candidate seeks nomination or election and through June 30 following that consolidated election.

E) If an entity forming a political action committee under Section 9-2(d) is not a clearly identifiable trust, partnership, committee, association, corporation or other organization, but rather a group of persons lacking any formal organizational structure, the name of the political committee shall include the name (first and last) of the person or persons responsible for its formation or its continuing operation.

F) The name of a ballot initiative committee must include a brief description of the question or questions and whether the committee is organized to support or oppose the question or questions. The name shall not exceed 70 characters (based on U.S. Post Office restrictions applicable to mailing labels) and shall include keywords that would provide a reasonable person with a general understanding of the subject matter of the question or questions and whether the committee was formed to support or oppose the question or questions.

G) A political committee that fails to make the designation required by Section 9-2 of the Code on or before December 31, 2010 may be subject to a complaint filed by the Board or a third party. The complaint shall be filed under the provisions of Sections 9-20 and 9-21 of the Code.

6~~e~~) Statement of Organization

A~~1~~) Reference: This subsection (b)(6)~~provision~~ interprets Section~~Sections~~ 9-3 ~~and 9-7.5~~ of the Election Code ~~[10 ILCS 5/9-3 and 9-7.5]~~.

B~~2~~) A committee officer must, in filling out the Form D-1, use the name that appears on his or her birth certificate, baptismal record, voter's registration card, statement of candidacy or nominating petition, or any other name by which the officer is commonly known in the community in which the officer resides. Aliases created for the purpose of filing under Article 9 of the Election Code may not be used.

C) The prohibition contained in Section 9-3(d)(iii) of the Election Code against making contributions from a ballot initiative committee to a candidate or candidates for nomination for election, election or retention to public office shall not include refunds of contributions to the candidate so long as the refund does not exceed the amount the candidate originally contributed.

D) For the purpose of this subsection (b)(6), the term "person" contained in the definition of "sponsoring entity" shall not include a political committee. The term "sponsoring entity" is defined in Section 100.170.

E) A complaint for willfully filing a false or incomplete Statement of Organization shall be subject to the provisions of Sections 9-20 and 9-21 of the Code.

~~f) Person or Whoever~~

~~1) Reference: This subsection (f) interprets or applies Section 9-1.6 of the~~

~~Election Code.~~

~~2)~~ ~~The terms "other organizations" and "groups of persons" as defined in Section 9-1.6 of the Election Code shall include, but not be limited to, all corporations, labor unions, trade associations or other such groups, religious organizations, fraternal societies, luncheon and dinner organizations, unless any of these groups, other than labor unions, are nonprofit organizations as defined in subsection (i) and Section 100.130.~~

~~g)~~ ~~Political Committee~~

~~1)~~ ~~Reference: This subsection (g) interprets or applies Section 9-1.9 of the Election Code.~~

~~2)~~ ~~A person or whoever, as defined in Section 9-1.6 of the Election Code [10 ILCS 5/9-1.6] and as defined in subsection (b) does not qualify as a political committee pursuant to Article 9 of the Election Code by simply making a contribution from his or her personal income or profits regardless of the amount of the donations.~~

~~3)~~ ~~If a person or whoever solicits or receives funds for political purposes or acts as a conduit for political funds, he or she would, in fact, become a political committee and have to comply with all provisions of Article 9 of the Election Code.~~

~~h~~) ~~Signature~~

~~1)~~ ~~Reference: This subsection (h) interprets or applies to Sections 9-4, 9-7.5, 9-12 and 9-14 of the Election Code. 2)The term "signature" or "signed", as used in Article 9 of the Election Code, and as used in the rules and regulations implementing the Election Code, includes electronic signatures attached and made a part of electronic records submitted to the State Board of Elections pursuant to Section 9-28 of the Election Code.~~

~~i)~~ ~~"Labor Union" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of bargaining with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.~~

~~j)~~ ~~"Nonprofit Organization" means any organization that is organized on a nonprofit or not-for-profit basis that is on file or should be on file with the Business Service Division of the Illinois Secretary of State as required by the General Not-For-Profit Corporation Act of 1980 [805 ILCS 105], a not-for-profit corporation as defined under section 501 of the Internal Revenue Code (26 USC 501), organization as defined in section 527 of the Internal Revenue Code (26 USC 527), or organization registered with the Charitable Trust Bureau of the Attorney General's Office (see 760 ILCS 55). Nonprofit organization also applies to any organization that operates as or holds itself out as a nonprofit organization such that it would be required to register with the appropriate regulating authority, regardless if it has taken affirmative action to obtain proper recognition. Nonprofit organization also applies to any out-of-state organization meeting its state's requirements.~~

~~k)~~ ~~"Original Source of Money" means a contributor who makes a contribution directly to the nonprofit organization as defined in Section 9-1.4 of the Election Code.~~

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.20 Official Forms

a) Reference: This Section interprets or applies Sections 9~~-7.5, 9~~-10(a) and 9-15(1) of the Election Code.

b) Political committees are required to use only the official forms or ~~photostatic~~ copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports, except as otherwise permitted under Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.40 Vacancies in Office − Custody of Records

Reference: This Section interprets or applies Sections 9-2, 9-5, 9-7, ~~9-7.5,~~ 9-10, 9-13 and 9-15

of the Election Code.

a) Death
Upon the death of the treasurer of a committee, the candidate or, if the~~such~~ candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and ~~so~~ amend the Statement of Organization (Form D-1) within 10 days after the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.

b) Removal from Office
In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his or her committee, provided the~~such~~ removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for the~~his~~ candidate related committee. If a candidate removes from office any or all officers of the~~his~~ committee, all records related to the committee shall be maintained by the candidate. If former officers request, the candidate~~he~~ shall allow them access to records and provide reasonable opportunity to make copies.

c) Resignation
If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he or she shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.

d) Inability to Sign
All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days after~~of~~ the filing indicating that the~~such~~ substituted signature is authorized and the treasurer accepts responsibility as if he or she had signed. The

substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.

e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer~~,~~ or candidate shall have any proprietary or possessory interest in the~~such~~ documents in derogation of the rights of the committee itself.

f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within 10 days following the~~such~~ change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.

g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.

h) A committee that~~which~~ fails to preserve the~~its~~ records and accounts required by Section 9-7 of the Election Code~~,~~ or by this Part~~,~~ for the periods required by statute or rule may be required to reconstruct its records and accounts if doing so is necessary to the audit of its records. If a committee is required to reconstruct its records, it must pay all of the costs and charges, including bank or accountants fees, for the reconstruction of the records.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.50 Multiple Filings by State and Local Committees (Repealed)

~~a) Reference: This Section interprets or applies Sections 9-3 and 9-10 of the Election Code.~~

~~b) A political committee that acts as both a State political committee and local political committee shall file each original Statement of Organization, Form D-1, as required by Sections 9-3 and 9-4 of the Election Code, and any other appropriate reports with the State Board of Elections, and shall file a copy of each~~

~~and any other appropriate reports with the county clerk, except that political committees that file their reports electronically need not file copies of their D-2 reports, as required by Sections 9-11, 9-12, 9-13 and 9-14 of the Election Code, with the county clerk if the county clerk is participating in the electronic filing waiver program. A county clerk is eligible to participate in this program if he or she has a system that can access electronically and duplicate the reports that are on file with the State Board of Elections. Political committees, however, must continue to file copies of their D-1 Statement of Organization forms and any written correspondence with the county clerk.~~

~~c) When determining their filing obligations, it is the responsibility of political committees to verify whether the county clerk is participating in the electronic filing waiver program.~~

~~d) Any State committee that elects to support or oppose any local candidate or a question of public policy and exceeds an aggregate amount of $3000 for local candidates or a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all local filing requirements. In the event the State and local committee ceases to support local candidates, it shall file an amended D-1 indicating that it is now a State political committee and shall submit a letter informing the county clerk that it will no longer be active in that county.~~

~~e) Any local committee that elects to support or oppose any State candidate or a question of public policy and exceeds an aggregate amount of $3000 for State candidates or $3000 for a question of public policy shall file an amended Statement of Organization, Form D-1, indicating that it is now a State and local committee and shall comply with all State filing requirements. In the event the State and local committee ceases to support State candidates, it shall file an amended D-1 indicating that it is now a local political committee and shall submit a letter to the State Board of Elections informing the Board that it will no longer be active statewide.~~

(Source: Repealed at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.60 Filing Option for a Federal Political Committee

a) Reference: This Section interprets or applies Section 9-15 of the Election Code.

b) Any "person" or "whoever", as defined by Section 9-1.6 of the Election Code, qualifying as a political committee under Article 9 of the Election Code~~,~~ and filing Federal Election Commission reports may choose to comply with the provisions of Article 9 of the Election Code by so indicating on a Statement of Organization (Form D-1) filed with the State Board of Elections~~, county clerk, or both, as the case may be~~.

c) A political committee may choose to file reports pursuant to this Section, either by amendment or for the first time, by stating on Part 5 of the Statement of Organization (Form D-1) the following: "Campaign financing reports will be filed pursuant to Section 100.60, Campaign Financing Regulations, State Board of Elections."~~.~~

d) Pursuant to the state filing waiver program (2 USC 439), a federal political committee also qualifying as a ~~State~~ political committee under Article 9 of the Election Code shall not file a copy of all Federal Election Commission reports with the State Board of Elections.

~~e) A federal political committee also qualifying as a local political committee under Article 9 of the Election Code shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk.~~

e~~f~~) This Section shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by Article 9 or in support of or in opposition to a question of public policy.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.70 Reports of Contributions and Expenditures

a) Reference: This Section interprets or applies Sections 9-6, 9-10~~, 9-13,~~ and 9-11~~9-14~~ of the Election Code.

b) All contributions, as that term is defined in Section 9-1.4 of the Election Code, of $1,000 or more, including loans and in-kind contributions, must be reported to the State Board of Elections on a Schedule A-1 within 5 business days after receipt, except that, if the contribution is received within 30 days prior to an election, the contribution must be reported on a Schedule A-1 within 2 business days after receipt.~~For purposes of determining the amount of contributions in excess of $500~~

~~under Section 9-10(b-5) of the Election Code, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as defined in Section 9-1.6, shall be aggregated and treated as one.~~ In order to determine whether the report shall be filed within 2 business days rather than 5 business days after receipt, any contribution of $1,000 or more that is received within 30 days prior to an election shall be reported within 2 business days. The requirement to file a Schedule A-1 Report with 2 business days shall only apply to those committees organized to support or oppose candidates, public officials or a public question that is on the ballot at that election, committees that spend in excess of $500 on a public official, candidate or public question that is on the ballot at that election, or committees organized to support or oppose a candidates who has filed a declaration of intent to be a write-in candidate at that election.

c) An expenditure to a payee who is in whole or in part only a conduit for payment to another, such as a political consultant or a credit card issuer, must include by way of detail or separate entry the amount of funds passing to each vendor, business entity or person to receive funds from the payment, together with the reason for each disbursement and the beneficiary of the disbursement. Nothing in this Section shall be construed to impose a reporting obligation on any person not otherwise required to report under Article 9 of the Election Code or to require the itemization of expenditures not otherwise required to be itemized under Article 9 ~~of the Election Code~~.

d) Quarterly~~Pre-Election~~ and A-1 Reports

1) Every active political committee must file quarterly~~a pre-election report and A-1~~ reports, as required by Section~~Sections~~ 9-10(b) ~~and 9-10(b)(5)~~ of the Election Code~~, in conjunction with every next election unless:~~.

2) Every active political committee must file Schedule A-1 reports, as required by Section 9-10(c) of the Election Code when a contribution of $1,000 or more from a single source is received within a single quarterly reporting period.

A) The reports must be filed within 2 business days after receipt if the contribution is received within 30 days prior to an election and:

i) The political committee is, by the terms of its Form D-1 Statement of Organization, organized to support or oppose a candidate or a public question on the ballot at the next election; or

ii) The political committee makes expenditures in excess of $500, including expenditures for in-kind contributions and electioneering communications, on behalf of or in opposition to any candidate or public question on the ballot at an election.

B) All other A-1 reports must be filed within 5 business days after receipt.

~~A) the political committee is not, by the terms of its D-1 Statement of Organization, organized to support or oppose a candidate or public question on the ballot at the next election; and~~

~~B) the political committee does not make expenditures in excess of $500, including in-kind contributions, on behalf of or in opposition to any candidate or public question on the ballot at an election.~~

~~2) An active political committee that meets the requirements of subsections (d)(1)(A) and (B) shall be deemed a nonparticipating political committee and may file, in lieu of a pre-election report, a Statement of Non-Participation for the next election (see Section 9-10 of the Election Code).~~

e) A committee that, having determined that it will not participate in an election, subsequently~~filed a Statement of Non-Participation,~~ makes an expenditure in excess of $500 or expends or has expended an aggregate amount in excess of $500 on behalf of or in opposition to a candidate or candidates or on behalf of a question or questions of public policy that will appear on the ballot at the next election shall~~ file a pre-election report within five days after making the expenditure, or if the expenditure that triggers the requirement to file a pre-election report is made during the five days immediately prior to the election, within 24 hours after making the expenditure. In addition to filing a pre-election report, the committee shall timely file a Schedule A-1 for each contribution exceeding $500~~, beginning with the date of that expenditure, report contributions of $1,000 or more received, as defined in Section 9-10(d) of the Election Code, by

the chairman, treasurer or candidate, within 30 days prior to the election, within 2 business days after receipt by that person~~the expenditure that triggered the obligation to file a pre-election report was made~~.

f) The authorization of persons to collect contributions on behalf of a political committee (see Section 9-6(a) of the Election Code) shall be in writing; shall state that the person is empowered to accept contributions on behalf of the committee; and shall include the signature of the officer or candidate granting the authorization. The authorization shall be provided to the person prior to acceptance of any contributions on behalf of the committee.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.75 Limitation on Campaign Contributions

Political committees are limited in the amount of contributions that they can accept. Appendix A, Table A lists the 4 types of political committees (Candidate, Political Party, Political Action and Ballot Initiative) and the specific contribution limitations applicable to each. Appendix A, Table B lists the election cycles for Candidate Committees (subdivided according to the office sought), Political Party Committees, Political Action Committees and Ballot Initiative Committees. A political party committee that does not intend to make contributions to candidates to be nominated at a general primary election or consolidated primary election may file a Statement of Nonparticipation for the specified primary election with the Board. The Statement shall be filed with the Board no earlier than July 1 immediately prior to the first day candidates may begin circulating nominating petitions and ending on the day before the date candidates may begin circulating nominating petitions for that primary election. The Statement shall include a verification signed by the chairperson and the treasurer of the committee and shall state that:

a) The committee will not make contributions or coordinated expenditures in support of or opposition to a candidate or candidates to be nominated at the specified general primary election or consolidated primary election.

b) The political party committee may accept unlimited contributions from candidate political committees and political party committees, provided that the political party committee accepting the contributions does not make contributions to a candidate or candidates to be nominated at the primary election.

c) Failure to abide by the requirements of subsections (a) and (b) shall deem the political party committee to be in violation of Article 9 and subject to a fine of no

more than 150% of the total contributions and/or coordinated expenditures made by the committee in violation of that Article.

d) For political committees referred to in Section 9-1.8 (candidate, political party and political action), any contribution or transfer received in violation of Section 9-8.5(a) through (d) shall be disposed of within 15 days by:

1) Returning the contribution or transfer, or an amount equal to the contribution or transfer, to the contributor or transferor; or

2) Donating the contribution or transfer, or an amount equal to the contribution or transfer, to a charitable organization.

e) If a political committee fails to dispose of the contribution or transfer as provided in subsection (d):

1) The contribution or transfer shall escheat to the State's General Revenue Fund within 30 days after the expiration of the 15 day period provided in subsection (d); and

2) The political committee shall be deemed to be in violation of this Section and be subject to a civil penalty not to exceed 150% of the total amount of the contribution.

f) When considering the amount of the civil penalty to be imposed, the Board will consider all relevant factors, including, but not limited to, the following:

1) Whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly or intentionally;

2) Whether any attempt was made by the committee to return the contribution or transfer; and

3) Past violations of Article 9 of the Election Code. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.

g) When a contribution is determined to have been received by a political committee in violation of Section 9-8.5(a) through (d), the Board will send notice of violation to the chairman and the treasurer of each political committee, together with an order assessing a civil penalty calculated in accord with this subsection (g). The notice of violation and order shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of violation shall state that the Board has assessed a civil penalty that will be final unless the committee shows cause as to why the penalty should not be assessed. The provisions of 26 Ill. Adm. Code 125.425 relating to procedures to appeal civil penalty assessments shall apply to penalties assessed under this Section.

h) For purposes of adjusting the amounts of contribution limitations under Section 9-8.5(g) of the Election Code, the Board will base the adjustments on the Consumer Price Index for All Urban Consumers – US City Average (Not Seasonally Adjusted), as provided by the United States Department of Labor. Adjustments shall be calculated:

1) On January 1, or the first business day following January 1, of each odd-numbered year, whichever comes first;

2) As a percent change, rounded to the nearest tenth, in the index point level of the 24 month period immediately preceding the most current month for which data is available. The change will then be applied to the existing contribution limits as of December 31 of the year immediately preceding the adjustment and rounded to the nearest $100.

i) For purposes of Section 9-8.5(h), contributions or loans from a public official or a candidate, or a public official's or candidate's immediate family, to the public official's or candidate's political committee shall not be subject to the contribution limits found in Section 9-8.5.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.80 Report Forms

a) Reference: This Section interprets or applies Sections 9-10 and 9-11~~9-13, 9-14 and 9-16~~ of the Election Code.

b) All reports submitted by political committees pursuant to Article 9 of the Election Code~~the Act~~ shall either be typed or printed legibly in black ink.

c) Computer sheets filed in lieu of forms or schedules shall not exceed 8½" x 14". They shall be rejected if not camera ready.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.85 Independent Expenditures

a) When determining whether a natural person making an independent expenditure or expenditures has exceeded the $3,000 threshold triggering the requirement to file a written disclosure with the Board, the phrase "a public official or candidate" shall also include a slate of candidates. An independent expenditure made by a natural person shall be reported if the expenditure exceeds $3,000, regardless of how many public officials or candidates are supported or opposed by the expenditure. The report shall list the total amount expended and the names of all the public officials and candidates covered by the expenditure. The natural person shall not prorate the amount of the expenditure based on the number of covered public officials or candidates.

b) An expenditure or expenditures in excess of $3,000 made by an entity supporting or opposing a public official or candidate shall cause that entity to establish as a political committee regardless of how many public officials or candidates are supported or opposed by the expenditure. The entity shall not prorate the amount of the expenditure based on the number of covered public officials or candidates when determining whether it has to organize as a political committee.

c) After the filing of the initial written disclosure, each time an additional independent expenditure in excess of $150 is made in support of or in opposition to the public official or candidate, an additional written disclosure shall be filed within 2 business days, until the natural person has not made any independent expenditures in support of or opposition to that public official or candidate for a period of 12 months.

d) The written disclosure must include:

1) If a natural person, the name, address, occupation and each employer of the natural person.

2) The name and address of the public official, candidate, or each candidate listed on the slate of candidates.

3) The date and amount of each independent expenditure.

4) The nature/description of each independent expenditure.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.90 Provision Circumvention

a) Reference: This Section interprets or applies Section 9-26 of the Election Code.

b) The State Board of Elections will view any attempt to circumvent the clear intentions of the Act by means of subterfuge as violations of Article 9 of the Election Code~~the Act~~.

~~c) Examples of such circumvention would be:~~

~~1) A person or whoever organizes ten separate committees and then directs the treasurers of those committees not to accept or expend more than $3000;~~

~~2) A candidate sets up multiple committees for the primary purpose of avoiding the itemization requirements of the Act;~~

~~3) A person or whoever organizes a committee to elect Joe Doe for State Senator. He then terminates the committee and organizes a new committee called the All Illinois Committee to Elect Joe Doe for State Senator and has as his primary purpose the intent to raise campaign funds in this manner to avoid disclosure of contributors.~~

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.110 Loans by One Political Committee to Another

a) If a political committee lends or donates funds to a second political committee while the lending or donating committee~~committees~~ owes the State Board of

Elections a civil penalty assessed under the provisions of Section ~~9-7.5,~~ 9-10, 9-23~~,~~ or 9-26 of the Election Code ~~[10 ILCS 5/9-7.5, 9-10, 9-23, 9-26]~~, the officers of the lending committee shall be jointly and severally personally liable to the extent allowed by law for payment of the civil penalty to the extent of the funds loaned or given.

b) If a political committee goes out of existence while it owes the State Board of Elections a civil penalty assessed under Section ~~9-7.5,~~ 9-10, 9-23~~,~~ or 9-26 of the Election Code ~~[10 ILCS 5/9-7.5, 9-10, 9-23, 9-26]~~, any political committee formed within 24 months from the date of the final order imposing a civil penalty assessment on the first committee and composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the first committee, shall be deemed a successor committee and shall be responsible for payment of the civil penalty of the first committee.

c) A political committee that seeks to go out of existence while it is owed money by another political committee must first forgive the debt of the debtor political committee and must amend its reports to show the forgiven debt as a contribution to the debtor committee.

d) If a political committee seeks to go out of existence after a civil penalty has been imposed upon it pursuant to the Election Code and the rules promulgated under the Election Code, or if a civil penalty has been assessed by Board staff and the process of going out of existence~~such a proceeding~~ is begun or about to begin, the political committee must first pay the civil penalty~~,~~ or, if it lacks sufficient funds to pay the civil penalty in full, pay to the State Board of Elections such sums as it has in its treasury in satisfaction of the civil penalty. Only upon payment of the civil penalty, either in full or in part, ~~as the case may be,~~ shall the committee be permitted to exit the reporting system established by Article 9 of the Illinois Election Code ~~[10 ILCS 5/Art. 9]~~.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.120 Receipt of Campaign Contributions

a) Every person or political committee that~~which makes any expenditure in excess of $50 on behalf of a candidate or political committee, or~~ contributes goods or services ~~in excess of $50 directly~~ to a committee ~~or indirectly to another on behalf~~

~~of a committee,~~ shall provide~~certify~~ to the treasurer of the political committee, within 5~~five~~ business days after making the contribution, a detailed account of the contribution, including ~~The certificate shall include~~ the name and address of the person or political committee making the contribution;~~expenditure;~~ ~~the name and address of the entity to whom the expenditure was made; the amount of ascertainable market value of the expenditure;~~ a description and~~of~~ the market value of the goods or services; and the date on which the contribution~~expenditure~~ was made. The ascertainable market value of goods and services assigned by the contributor~~donor in the certificate,~~ or, if the contributor fails to provide the information to the recipient committee~~there is no certificate~~, by the recipient committee, shall be prima facie correct unless rebutted by clear and convincing evidence.

b) An entity defined by Section 9-1.6 of the Election Code or a political committee as defined by Sections ~~9-1.7,~~ 9-1.8 ~~or 9-1.9~~ of the Election Code shall acknowledge, to the donor, receipt of any ~~such~~ notice it receives under~~conforming to the requirements of~~ subsection (a)~~ of this Section~~. No committee shall retain an in-kind contribution it has knowingly received unless it also receives the information from the contributor~~certificate~~ required by subsection (a)~~ of this Section~~ unless return of the contribution is impossible. If the contributor~~donor of the expenditure~~ does not comply with subsection (a)~~ of this Section~~ and if the in-kind contribution cannot be returned, the beneficiary political committee shall nonetheless have the responsibility to report the~~such~~ in-kind contributions or expenditures from the contributor~~donor~~ if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been made in its behalf.

c) A monetary contribution is any contribution other than a gift of goods or services. The receipt date of the contribution is determined as follows:

1) A monetary contribution to a political committee is deemed to have been received on the date the contribution was deposited in a bank, financial institution or other repository of funds for the committee.

2) If not deposited into a bank, financial institution or other repository of funds, a monetary contribution is deemed to have been received as follows:

A) A cash contribution that is not deposited into a bank, financial institution or other repository of funds is deemed to be received on the date that the cash is given to any employee or agent of the committee.

B) A contribution in the form of a business check, personal check, money order, or cashier's check that is not deposited into a bank, financial institution, or other repository of funds is deemed to be received on the date the check is cashed and the cash becomes available to the committee. A contribution by credit card or other implement used for processing a monetary contribution that was deposited in a bank, financial institution or other repository of funds for the committee is deemed to be received on the date the committee received notice of the deposit.

d) A contribution of goods or services (in-kind contributions) possession of which is not actually obtained by the recipient committee is deemed received on the date the public official, candidate or political committee received the notification of contribution of goods or services as required under Section 9-6(b) of the Election Code and subsection (a) of this Section. If no notification has been received, the in-kind contribution is deemed received on the date the candidate, chairman or treasurer of the recipient committee, or the public official, obtains knowledge of the in-kind contribution. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed.

~~e) A cash contribution to a political committee is deemed to have been received on the date the contribution was actually received by the candidate, Chairman or Treasurer of the committee or the public official. A contribution of goods actually received by the committee is deemed to be made on the date the goods are transferred to the possession of the recipient. A contribution of services is deemed to be made on the date the services are actually performed. An in-kind contribution of goods or services, possession of which is not actually obtained by the recipient committee, shall be deemed to be received 2 days after the date the certificate required by subsection (a) of this Section is received, or if no certificate has been received, 2 days after the date information comes into the possession of the candidate, Chairman or Treasurer of the recipient committee or the public~~

~~official from which the person receiving the information knows or should reasonably know of the in-kind contribution.~~

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.125 Receipt by Mail of Quarterly~~Pre-Election and Semiannual~~ Reports of Campaign Contributions and Expenditures

a) Quarterly~~Pre-election and semiannual~~ reports of campaign contributions and expenditures must be received by the Board within the filing periods set forth in Section 9-10 of the Election Code. Subject to subsections (b) and (c) of this Section, if the reports are filed by mail and received by the Board after the filing deadline, they shall be considered delinquent and subject to penalties as provided in Section 9-10~~ of the Election Code~~ and 26 Ill. Adm. Code 125.425. However, pursuant to Section 9-10(b)~~ and (c) of the Election Code~~, if the envelope containing the reports bears~~contains~~ a postmark showing that the envelope was mailed at least 72 hours prior to the due date, the reports shall be considered timely filed, regardless of when received in the office of the State Board of Elections.

b) If the envelope containing ~~either of~~ the quarterly report~~Reports named in subsection (a) of this Section~~ is not received by the Board, the envelope is received but does not have a postmark printed by the United States Postal Service, or if the postmark is illegible, the report will either be deemed to have not been received or be deemed to have been received on the date the envelope officially arrives in the office of the State Board of Elections. However, if the political committee is assessed a civil penalty for failing to file or delinquently filing ~~either of~~ the report~~reports~~ and, as part of the committee's appeal of the civil penalty assessment, it is alleged by the treasurer, chairman or candidate on a signed and notarized affidavit verifying that the report was mailed more than 72 hours prior to the filing deadline, and this is the first time the committee has made this claim as part of its appeal, the presumptive date of receipt will be rebutted by the testimony contained in the affidavit and the report will be deemed to have been timely received.

c) When the committee raises the defense described in subsection (b) as part of its appeal for any subsequent civil penalty assessments, the appeal affidavit shall be accompanied by a certificate issued by the United States Postal Service showing the date on which the envelope was deposited with the United States Postal

Service. The Board shall not consider this defense as valid in the absence of the certificate.

d) When a political committee raises the defense described in subsection (b) at any time after an appeal has been granted pursuant to subsection (b), that defense will~~shall~~ be denied without consideration by the Board unless a certificate, issued by the United States Postal Service, verifying the date upon which the transmitting envelope was deposited with the United States Postal Service, is attached to the appeal affidavit. If the certificate is attached to the appeal affidavit, the Board will~~shall~~ hear and determine the appeal as it deems appropriate.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.130 Reporting by Certain Nonprofit Organizations (Repealed)

~~a) A nonprofit organization is required to submit financial reports to the State Board of Elections if it:~~

~~1) is not a labor union;~~

~~2) has not established a political committee; and~~

~~3) accepts or spends more than $5000 in any 12-month period in the aggregate:~~

~~A) supporting or opposing candidates for public office or questions of public policy that are to appear on a ballot at an election; and/or~~

~~B) for electioneering communications.~~

~~b) Except as provided in subsection (d), each nonprofit organization required to register under Section 9-7.5 of the Election Code [10 ILCS 5/9-7.5] shall file pre-election reports of contributions and semi-annual reports of contributions and expenditures at the same times, covering the same reporting periods and containing the same information regarding contributors and recipients of expenditures as required of political committees pursuant to Section 9-10 of the Code. Nonprofit organizations shall be subject to the same civil penalties as political committees for the delinquent filing or non-filing of the reports as set~~

~~forth in Section 9-10 of the Election Code and 26 Ill. Adm. Code 125.425. Each nonprofit organization:~~

~~1) must file all required reports with the State Board of Elections;~~

~~2) is not required to report donations of more than $500 on a Schedule A-1 within the 30-day period prior to an election; and~~

~~3) shall designate a chairman and treasurer who shall constitute the principal officers as required in Section 9-7.5(a)(3) of the Election Code.~~

~~c) Nonprofit organizations may cease filing disclosure reports with the Board if they:~~

~~1) have filed two consecutive semi-annual reports in which they have not made any contributions or expenditures that supported or opposed any candidate or referenda, or made any electioneering communications;~~

~~2) have determined they will no longer make any contributions or expenditures to support or oppose any candidate or referenda, or for electioneering communications; and~~

~~3) have submitted a letter informing the State Board of Elections that they will no longer function as a nonprofit political organization as defined in Section 9-7.5 of the Election Code.~~

~~d) To comply with the specific reporting provisions of Section 9-7.5(b) of the Election Code, nonprofit organizations may establish a separate nonprofit political committee whose exclusive function is to receive or make contributions and/or make expenditures to support or oppose candidates or questions of public policy. To facilitate this option, nonprofit organizations shall create a separate segregated fund in which contributions shall be deposited or made as defined in Section 9-1.4 of the Election Code and from which expenditures shall be dispersed as defined in Section 9-1.5 of the Election Code. If a nonprofit organization chooses this option, the disclosure of any deposits of money into the segregated fund shall report the original source of the money and not the name of the nonprofit organization.~~

~~e)~~ ~~Reports containing the information required by statute shall be submitted on forms designed and supplied by the State Board of Elections or upon computer-generated forms conforming to those designed by the State Board of Elections. Pursuant to Section 9-28 of the Election Code, each nonprofit organization that exceeds the threshold of $10,000 must continue to report electronically until it dissolves.~~

(Source: Repealed at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.140 Prohibited Contributions – State Property

a) Upon receipt of a notice of violation of Section 5-35 of the State Officials and Employees Ethics Act [5 ILCS 430/5-35], the State Board of Elections may assess a penalty not to exceed 100% of the value of the contribution giving rise to the violation. In determining whether to assess a penalty and the amount of a penalty, the Board will~~shall~~ consider any mitigating or aggravating factors contained in the notice, including but not limited to the number of past violations of Article 9 of the Election Code~~the Act~~, the amount of the contribution and whether, in the Board's view, the violation was unintentional~~untentional~~ or willful.

b) Persons against whom a penalty has been assessed by the Board may appeal the penalty. The provisions of 26 Ill. Adm. Code 125.425 governing the appeal procedures for violations of Article 9~~ of the Election Code [10 ILCS 5/9]~~ shall apply to appeals of penalties assessed under this Section.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.150 Electronic Filing of Reports

a) The State Board of Elections will make software available to committees required to report electronically under Section 9-28 of the Election Code~~10 ILCS 5/9-28~~.

b) Once a committee exceeds the threshold that requires it to report electronically, it must continue ~~thereafter~~ to report electronically until it dissolves, whether or not its accumulation, receipts or expenditures fall beneath the levels set by statute for mandatory electronic filing.

c) Once a committee is required to file its reports electronically under Section 9-28 ~~of the Election Code~~, it must continue to file all reports ~~(semiannual, amended~~

~~semiannual, pre-election, amended pre-election, final, amended final, Schedule A-1)~~ electronically, except as follows:

1) A paper report shall be considered a timely filing if it is received by the Board on or before the filing deadline, provided that it covers the initial reporting period during which the mandatory electronic filing threshold is exceeded and that the report is filed electronically within 30 days after receipt of notice from the Board that this report was required to have been filed electronically. If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.

2) A paper report shall be considered a non-filing if the committee has previously received the notification referred to in subsection (c)(1). If the report is not filed electronically by the filing deadline, it shall be considered as having never been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.

3) A paper report shall be considered a timely filing if at least one previous report was required to have been filed electronically and the committee had never been notified by the Board that it was required to electronically file its reports, provided that the report is filed electronically within 30 days after the notification referred to in subsection (c)(1). If the report is not filed electronically within this 30 day period, it shall be considered as never having been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue from the date of the filing deadline.

4) A paper report shall be considered a timely filing if it is received on or before the filing deadline and the committee has never exceeded the $10,000 threshold requiring the electronic filing of its reports, regardless of whether the committee filed previous reports electronically.

5) If a committee is assessed a civil penalty for delinquently filing a report required to be filed electronically and, in the course of its appeal, raises the defense that computer related issues (including, but not limited to, software, firewalls, system failures) prohibited the timely filing of an

electronic report, the Board may consider that defense when determining the final outcome of the appeal.

6) The electronic filing requirement established in this Section shall not apply to Reports of Independent Expenditures required to be filed by natural persons pursuant to Section 9-8.6, as those persons are not necessarily political committees.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.160 Good Faith

a) For purposes of this Section, "contributor" includes the terms "lender" and "endorser". A committee acts in good faith under Section~~10 ILCS 5/9-7.5,~~ 9-11 of the Election Code~~, 9-12, 9-13, and 9-14~~ if:

1) its written solicitation for funds includes a clear written request for the name of the contributor's employer and the occupation of the contributor;

2) in the event it receives a contribution lacking the name of the contributor's employer and the occupation of the contributor in circumstances in which the information is required, it makes at least one effort to obtain the missing information; and

3) in the event its request for information is unanswered, the committee includes in its report the best and most current information it may have from whatever source, including its own records and earlier reports, about the name of the contributor's employer and the occupation of the contributor.

b) The request shall appear in a clear and conspicuous manner on any response material contained in the solicitation.

c) An effort to obtain missing information must be in writing, or be made orally and documented by writing, and must be made on or before the close of the reporting period in which the contribution or loan was received. The request must clearly ask for the missing information and must contain no other language except thanks to the contributor or lender for the contribution or loan. If the request is in writing, it must be accompanied by a pre-addressed return postcard or envelope.

d) If the name of the employer of a contributor that is required to be reported under Article 9 of the Election Code is unknown at the time the contribution must be reported and a good faith effort has been made to secure that information, the contribution may be reported without the information. However, if the omitted information subsequently becomes known to the committee, the report that omits the information must be amended to add the information.

e) For the purpose of this Section, "employer" includes all natural and non-natural persons, including but not limited to corporations, partnerships and unincorporated associations.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.170 Sponsoring Entity

a) A sponsoring entity is a person that contributes not less than 33% of the total funding of any political committee at any time during a quarterly~~semi-annual~~ reporting period following the 30th day after the committee has filed its statement of organization.

b) Person includes natural persons, corporations, partnerships~~, political committees~~ and unincorporated associations.

c) Total funding means the sum of the funds available at the beginning of the reporting period and the total receipts for the quarterly~~semi-annual~~ reporting period.

d) Total receipts means any contributions as defined in Section 9-1.4 of the Election Code that are received by the committee.

e) Each political committee shall disclose the name and address of any sponsoring entity on the committee's Statement of Organization~~include in its name the name of any sponsoring entity~~.

f) If, at any time during a quarterly~~semi-annual~~ reporting period, a committee that has not previously identified a sponsoring entity receives 33% of its total funding during that quarterly~~semi-annual~~ reporting period from a single person, the committee must amend its Statement of Organization to identify the sponsoring

entity.

~~g)~~ ~~A political committee, the name of which includes the name of the candidate supported by the committee, the name of an established political party as that term is used in Article 7 of Election Code, or the name of a new political party as that term is used in Article 10 of the Election Code satisfies the requirements of this Section without the need for further statement of sponsoring entity in the name of the committee.~~

~~h)~~ ~~A political committee is not a sponsoring entity if it is organized by an established political party as that term is used in Section 10-2 of the Election Code, a partisan caucus of either house of the General Assembly, the Speaker or Minority Leader of the House of Representatives or the President or Minority Leader of the Senate in their official capacities (see Section 9-3 of the Election Code).~~

g~~i~~) The name of the sponsoring entity shall be the full name of the person~~,~~ and not an acronym.

h~~j~~) A committee is required to identify its sponsoring entity so long as it receives not less than 33% of its total funding from a single person. A committee may amend its Statement of Organization to delete the ~~name of its~~ sponsoring entity from its Statement of Organization~~name~~ if, for 4~~two~~ consecutive quarterly~~semi-annual~~ reporting periods, it fails to receive not less than 33% of its total funding from a single person.

i~~k~~) If, at any time during a quarterly~~semi-annual~~ reporting period, a committee that has identified a sponsoring entity receives not less than 33% of its total funding from a different single person than the person identified as its sponsoring entity, it shall amend its Statement of Organization to include ~~in its name~~ the name and street address of the new sponsoring entity.

j) If a committee receives support from 2~~two~~ or more persons, each one of which would independently of the other meet the definition of a sponsoring entity, ~~the name of~~ the committee's Statement of Organization~~committee~~ shall include all those~~such~~ persons.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.175 Audit Findings for Political Committees

a) The Board may order a political committee to conduct an audit of its financial records based upon criteria outlined in Section 9-13(b) of the Election Code. These criteria are limited to a situation in which:

1) there is a discrepancy between the committee's ending and beginning balances contained in 2 or more successive reports;

2) there is a failure to account for a previous investment or loan in a subsequent report or reports; and

3) there is a willful pattern of nonreconciliation of contributions received from or expenditures made from one political committee to another political committee, such that the reported amounts of the one committee do not correspond with the reported amounts of the other committee.

b) Conditions Precedent to Requirement for an Audit

1) Prior to ordering an audit, the Board will send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 Statement of Organization as being supported by the committee a notice in the form of a pre-audit letter stating that the Board intends to order the committee to conduct an audit based upon reasons outlined in the letter.

2) Prior to conducting an audit, the committee will be afforded an opportunity for a closed preliminary hearing to give reasons why the committee should not be ordered to conduct an audit, and the committee will be given an opportunity to correct the deficiencies or omissions that gave rise to the issuance of the pre-audit letter. At the conclusion of the closed preliminary hearing, a recommendation will be issued stating whether grounds exist to order the audit.

3) If, after the closed preliminary hearing, the Board determines that there are insufficient grounds upon which to order an audit, no further action will be taken.

4) If, after the closed preliminary hearing, the Board determines that there are sufficient grounds upon which to order an audit, the committee will be

ordered to conduct an audit as provided in Section 9-13 of the Election Code.

5) The procedures contained in 26 Ill. Adm. Code 125, Subparts A and B shall apply to the closed preliminary hearing to the extent that they are not inconsistent with the provisions of Section 9-13.

c) Selection of Committees for Auditing

1) In each calendar year, the Board shall randomly select no more than 3% of the registered political committees to conduct an audit. No later than December 31 of the year preceding the selection, the Board will decide, based on staff recommendations, what percentage of political committees will be selected for audits in the year of the selection. The selection:

A) shall be made no later than the first business day in February; and

B) shall be made from all political committees on file with the Board whose status is active at the time of the random selection.

2) The method of selection shall be the same method that the Board uses to select the 5% of the total number of precincts in a given election authority jurisdiction for the purposes of conducting a post-election retabulation as provided in Sections 24A-15, 24B-15 and 24C-15 of the Election Code. Once a committee has been selected to conduct an audit based on the random selection provided in subsection (c)(1), the Board shall send to the committee address, the committee chairman, the committee treasurer, and any candidate designated on the Form D-1 as being supported by this committee, a notice that the committee has been selected to conduct an audit. The provisions in subsection (b) relating to the closed preliminary hearing shall not apply to committees that have been randomly selected to conduct an audit; however, the committee may be excused from conducting an audit pursuant to subsection (h).

d) Auditor

1) A political committee that has been ordered to conduct an audit pursuant to subsection (a) shall hire an entity qualified to perform the audit, i.e., a

licensed certified public accountant (CPA) or other person qualified to perform an audit. The auditor shall:

A) have the proper training and experience to perform a financial analysis of campaign finance committees. Such training may be the result of possession of a CPA license, possession of a degree in accounting from an accredited accounting or business school and/or experience as an accountant gained from past employment; and

B) not have contributed to the political committee during the 4 year period immediately preceding the order of the audit.

2) If the person selected by the committee to perform an audit is not a CPA, the committee shall, prior to the person conducting the audit, submit to the Board for approval the person selected. The committee shall include with the submission any information regarding the qualifications of the person to perform an audit that would inform the Board of the qualifications. The committee may appear before the Board to argue the selected person's qualifications. The Board shall provide written notice to the committee stating whether the selected person is approved and, if not approved, the reasons for denial of approval. If the Board does not approve of the person selected, the committee shall, within 10 business days after the date of the nonapproval notice, select another person to conduct the audit and submit that person for Board approval in accordance with this subsection (d).

e) Any audit ordered by the Board shall include and cover all financial records required to be maintained by the committee as provided in Section 9-7 of the Election Code. The audit shall be conducted in such a way as to ensure compliance with the contribution limitations set forth in Section 9-8.5 and the reporting requirements set forth in Sections 9-3 and 9-10. The records shall include any and all financial records in the possession or under the control of the committee or the financial institution in which the committee's funds are held, including, but not limited to:

1) Bank statements;

2) Deposit slips;

3) Internal registers or ledgers; and

4) Records maintained and stored in any type of electronic medium.

f) The audit shall only cover the 2 year period immediately preceding the order of the audit or the period of time since the committee was last ordered to conduct an audit, whichever is shorter. However, if any portion of these time periods covers a time in which the contribution limits provision of Article 9 of the Election Code was not in effect, those limits shall not be included in the scope of the audit.

g) If the Board determines that the committee is in violation of Sections 9-3, 9-8.5 or 9-10, it may assess a penalty for non-compliance consistent with the penalty provisions contained in those Sections and 26 Ill. Adm. Code 125.425. However, no additional penalty shall be imposed by the Board for any violation found as a result of a Board ordered audit if the Committee has previously been assessed a penalty for that violation.

h) Excused from Audit

1) Any political committee, other than a state central committee or a county central committee, ordered by the Board to conduct an audit whose chairman, treasurer or candidate on whose behalf the committee was formed, that states under oath, in a signed and notarized affidavit, that the committee lacks the financial means to hire a CPA or other qualified person may, in lieu of conducting an audit, dissolve as a political committee and file a final report with the Board within 10 business days following the date of the notice of audit. The committee must remain dissolved for a period of at least 4 years.

2) If the committee fails to dissolve within 10 business days after the date of the notice of audit, the Board staff shall contact the committee within 2 business days and inform it that the option of excusing itself from conducting an audit will not be available to the committee unless it dissolves within 5 business days after being informed. If the committee does not dissolve within the 5 business days, the committee shall be required to conduct the audit under the provisions of Section 9-13 of the Code and Section 100.175 of this Part.

3) In order to be excused from conducting an audit, the committee must have a funds balance that does not exceed the cost of hiring a CPA or other qualified person, such cost being typical for the county in which the committee is located. The committee must submit with its affidavit a written cost estimate from at least one CPA or other qualified person located in the county in which the chairman, treasurer or candidate resides. The provisions of subsection (d) pertaining to restrictions on CPAs or other qualified persons chosen to conduct an audit shall also apply to the CPA or other qualified person whose fee is used as a basis to determine the financial ability of the committee to pay the cost of a CPA or other qualified person.

4) If a political committee dissolves as a result of its financial inability to conduct an audit, as provided in subsection (h)(1), and then reactivates during the 4 year period it was required to remain dissolved, as a condition of its reactivation, within 60 days after reactivation, the committee must conduct an audit covering the 2 year period immediately prior to the committee's dissolution.

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.180 Business Entity Registration Procedures

a) This Section and Section 100.185 are adopted to comply with Public Act 95-971, as amended by Public Act 96-848. Any business entity whose existing State contracts, whose bids and proposals on State contracts or whose bids and proposals on State contracts combined with the business entity's existing State contracts in aggregate annually total more than $50,000 shall register with SBEL in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. Those business entities that wish to submit a bid or proposal on a State contract must register with SBEL prior to submitting their bid or proposal. SBEL will provide a certificate of registration upon successful completion of the registration process.

b) Definitions

1) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", "affiliated person", and "executive employee" shall have the

meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] (Procurement Code).

2) The term "annually", as used in Section 20-160 of the Procurement Code, when referring to the aggregation of State contracts, shall mean the calendar year in which the contracts are bid on or awarded.

3) Unless otherwise indicated, any time frame involving a certain number of days shall refer to business days. Business days shall be those days in which the office of SBEL is open to the public for a minimum of 7 hours.

4) The term "political committee" shall mean any political committee required to file as such under the provisions of Article 9 of the Election Code (campaign disclosure law), regardless of whether the committee has filed a Statement of Organization pursuant to Section 9-3 of the Election Code.

5) The term "minor child" shall mean any affiliated person who has not attained 18 years of age as of the time of registration of the business entity with which the person is affiliated.

~~e) Upon the establishment of a fully functional and statutorily compliant electronic registration system, business entities will be required to submit their registration forms electronically consistent with Section 9-35 of the Election Code. Within 60 days after the establishment of the electronic system, all business entities that have submitted their registrations via e-mail attachment or on paper shall re-submit their registration electronically. SBEL will send notice to all such entities informing them that the electronic system has been established and setting a date on which the 60 day period is to begin. This re-registration requirement shall also affect any business entity that had previously registered with SBEL, but that is no longer required to be registered. At the time of re-submission, SBEL shall provide to the business entity an electronic certificate of registration.~~

c~~d~~) Business entities shall register on a secure website provided by SBEL by first creating an on-line account. SBEL will verify the authenticity of that account at the time of registration.

d~~e~~) Registration Procedures

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) The following information must be supplied at the time of, and for the purpose of listing in, the registration:

A) The name and address of the business entity. The address shall be the office designated by the entity as its principal office or its headquarters.

B) The name and address of each affiliated entity of the business entity, including a description of the affiliation. The address shall be that of the principal office or headquarters of the affiliated entity.

C) The name and address of each affiliated person of the business entity, including a description of the affiliation. (Every affiliated person or persons within a business entity that is required to register electronically must be listed on the registration form. If there are no affiliated persons, the person whose position within the business entity comes closest to meeting the definition of affiliated person shall be listed on the registration form. The electronic registration system will not accept a blank entry where a name is required.) The name and address of a minor child who must be disclosed on the business entity's registration by virtue of the fact that such person falls under the definition of affiliated person shall not be posted on the SBEL website.

D) The Federal Employer Identification Number (FEIN), if the business has obtained such a number. If the business does not have a FEIN, an Illinois Business Tax Number (IBT) must be provided. If the business has neither of these numbers, it must provide an identifying number unique to that business that is capable of verification by SBEL. A sole proprietorship may use a social security number as a unique identifier if it does not have a FEIN or an IBT.

2) Registration shall be accomplished in one of the two following methods:

A) A web-based program through which information may be entered, saved and transmitted upon completion. Changes may be made by

accessing the program, making the changes, and submitting those changes to SBEL via the program contained on SBEL's website.

B) A format, provided by SBEL, designed specifically for large business entities through which data may be submitted in lieu of completion of the web-based option. Though this method is geared toward larger business entities, any business entity may choose to use this method.

e~~f~~) The Board shall provide a certificate of registration to the business entity upon registration and upon any change of information submitted by the entity. The certificate shall be electronic and accessible to the business entity through the SBEL website and shall be password protected.

1) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after registration, to each affiliated entity and each affiliated person listed by the registrant.

2) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after the addition of any affiliated entity or affiliated person whose identity is required to be disclosed, to that affiliated person or entity. The delivery of the registration certificate to a minor child who is an affiliated person shall be accomplished by providing it as described in this Section to either parent or the legal guardian of the minor child. The business entity shall document in writing the date of submission of the certificate of registration to the appropriate entities and persons.

3) Any business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution, in writing at the time of the contribution, that the business entity is registered with SBEL under Section 20-160. The business entity shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.

4) Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution that it is affiliated with a business entity registered with SBEL under Section 20-160 and the business entity with which it is affiliated. The notification shall be in writing and shall occur at the time the contribution is made to the committee. The affiliated entities or persons shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.

5) In the determination of a complaint alleging a failure to comply with any notification requirement contained in this subsection (e~~f~~), the failure of a party responsible for providing the required notification to submit written documentation of compliance shall create a rebuttable presumption of noncompliance against that party.

f~~g~~) Pursuant to 30 ILCS 500/20-160, each bid submitted to and every contract executed by the State on or after January 1, 2009 shall contain:

1) A certification by the bidder or contractor that either:

A) the bidder or contractor is not required to register as a business entity with SBEL pursuant to this Section; or

B) the bidder or contractor has registered as a business entity with SBEL and acknowledges a continuing duty to update the registration; and

2) A statement that the contract is voidable under Section 50-60 of the Procurement Code as a result of the bidder's or contractor's failure to comply with Section 20-160 of the Procurement Code.

g~~h~~) A business entity whose aggregate bids and proposals on State contracts annually total more than $50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the contract is awarded. Any change of information, including but not limited to

changes in affiliated entities or affiliated persons, must be reported to SBEL within 5 business days following the change or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(a)).

h~~i~~) A business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000 has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contract or for a period of 2 years following the expiration or termination of the contract, whichever is longer.

1) Any change in information, including but not limited to changes in affiliated entities or affiliated persons, shall be reported to SBEL on a quarterly basis within 10 business days following the final day of January, April, July and October of each year (see Section 100.185(c)).

2) If a business entity required to register under Section 20-160(d) of the Procurement Code has a pending bid or proposal on a State contract, then any change in information shall be reported to SBEL within 5 business days or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(c)).

i~~j~~) Pursuant to 30 ILCS 500/20-160, a copy of the business entity's certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register. The chief procurement officer of the State agency shall not accept a bid or proposal unless:

1) the certificate of registration is submitted to the agency with the bid or proposal; or

2) a statement that the bidder or contractor is not required to register as a business entity with SBEL is submitted to the agency with the bid or proposal.

j~~k~~) A registration, and any changes to a registration, must include the business entity's verification of accuracy.

k~~l~~) The requirements of this Section apply regardless of the method of source selection used in awarding the contract.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

l~~m~~) SBEL will keep and maintain the paper registrations filed in accordance with P.A. 95-1038 and the emergency rules enacted by SBEL in its principal office in Springfield for a period of 3 years following the creation of the electronic registration system on August 1, 2009. The public may view these paper registration submissions of business entities at SBEL's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to SBEL shall also be available for public inspection at SBEL's principal office in Springfield. The searchable database provided for in Section 9-35 of the Election Code shall be accessible to the public at all times following its creation.

(Source: Amended at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.APPENDIX A Contributions Allowed Per Election Cycle

Section 100.TABLE A Contribution Limits Per Election Cycle

a) CANDIDATE POLITICAL COMMITTEE

1) $5,000 from an individual

2) $10,000 from a corporation, labor organization or association

3) $50,000 from a candidate political committee or political action committee

4) No limits from political party committee except during an election cycle in which the candidate seeks nomination at a primary election

5) During an election cycle in which the candidate seeks nomination at a primary election, a political party committee may contribute:

A) $200,000 to a candidate for statewide office

B) $125,000 to a candidate for Senate, Supreme or Appellate Court in Cook County, county-wide office in Cook County

C) $75,000 to a candidate for House of Representatives, Supreme or Appellate Court outside of Cook County, county-wide office outside of Cook County, and local candidates within Cook County

D) $50,000 to any other candidate

b) POLITICAL PARTY COMMITTEE

1) $10,000 from an individual

2) $20,000 from a corporation, labor organization or association

3) $50,000 from a political action committee

4) No transfers permitted between legislative caucus committees

5) Primary Election Only (petition circulation through election)

A) $50,000 from a candidate political committee

B) $50,000 from another political party committee

C) Not applicable if political party committee is not participating in election; a political party committee may accept contributions in any amount from a candidate committee or political party committee if the political party committee receiving the contribution filed a statement of nonparticipation in the primary

6) No limits on transfers between State political committee and federal political committee

c) POLITICAL ACTION COMMITTEE

1) $10,000 from an individual

2) $20,000 from a corporation, labor organization, political party committee or association

3) $50,000 from a political action committee or candidate political committee

d) BALLOT INITIATIVE COMMITTEE

No limits from any source – cannot contribute to any other type of committee

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

Section 100.APPENDIX A Contributions Allowed Per Election Cycle

Section 100.TABLE B Election Cycles

a) CANDIDATE POLITICAL COMMITTEE

1) Support candidate to be elected at a general primary election or general election

A) Beginning January 1 following a general election for office to which candidate seeks nomination or election and ending on day of general primary election for that office, or

B) Beginning day after a general primary election for the office to which the candidate seeks nomination or election and through December 31 following the general election

2) Support candidate for General Assembly

A) Beginning January 1 following a general election and ending on day of next general primary election, or

B) Beginning day after a general primary election and ending on December 31 following a general election (2 year)

3) Support candidate for retention

A) Beginning January 1 following general election when candidate was elected through day candidate files declaration of intent to seek retention, or

B) Beginning day after candidate files declaration of intent to seek retention through December 31 following retention election

4) Support candidate to be elected at consolidated primary election or consolidated election

A) Beginning July 1 following a consolidated election and ending on day of consolidated primary election, or

B) Beginning day after consolidated primary election and ending on June 30 following consolidated election

b) POLITICAL PARTY COMMITTEE

Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)

c) POLITICAL ACTION COMMITTEE

Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)

d) BALLOT INITIATIVE COMMITTEE

Beginning January 1 and ending on December 31 of each calendar year (1 calendar year)

(Source: Added at 35 Ill. Reg. 2295, effective February 4, 2011)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Practice and Procedure

2) Code Citation: 26 Ill. Adm. Code 125

3)

Section Numbers:	Adopted Action:
125.10	Amendment
125.15	Amendment
125.20	Amendment
125.30	Amendment
125.40	Amendment
125.50	Amendment
125.55	Amendment
125.60	Amendment
125.70	Amendment
125.75	Amendment
125.80	Amendment
125.90	Amendment
125.95	Amendment
125.100	Amendment
125.110	Amendment
125.115	Amendment
125.130	Amendment
125.135	Amendment
125.140	Amendment
125.150	Amendment
125.160	Amendment
125.170	Amendment
125.175	Amendment
125.180	Amendment
125.190	Amendment
125.192	Amendment
125.195	Amendment
125.197	Amendment
125.199	Amendment
125.210	Amendment
125.220	Amendment
125.230	Amendment
125.235	Amendment
125.245	Amendment

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

125.252	Amendment
125.253	Amendment
125.254	Amendment
125.262	Amendment
125.265	Amendment
125.270	Amendment
125.272	Amendment
125.310	Amendment
125.320	Amendment
125.330	Amendment
125.340	Amendment
125.350	Amendment
125.360	Amendment
125.370	Amendment
125.380	Amendment
125.390	Amendment
125.410	Amendment
125.420	Amendment
125.425	Amendment
125.430	Amendment
125.440	Amendment
125.445	New
125.520	Amendment
125.530	Amendment
125.550	Amendment
125.610	Amendment
125.620	Amendment
125.630	Amendment
125.640	Amendment
125.660	Amendment
125.680	Amendment
125.710	Amendment
125.720	Amendment
125.730	Amendment
125.740	Amendment
125.810	Amendment
125.820	Repeal
125.840	Amendment

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

4) Statutory Authority: Implements Article 9 of the Illinois Election Code (10 ILCS 5/Art.9) and authorized by Section 9-15

5) Effective Date of Rulemaking: February 4, 2011

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: 34 Ill. Reg. 13947; October 1, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Section 125.5 was included when this rulemaking was proposed for first notice but should not have been. Therefore, the adopted text excludes this section.

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

15) Summary and Purpose of Rulemaking: Sections 125.420, 125.425, 125.445 and 125.520 establish procedures to implement the provisions of Public Act 96-832, which made numerous changes to the Illinois Campaign Finance Act. Specifically, this rulemaking implements the provisions regarding assessments of penalties on quarterly reports and creates a new data base regarding founded complaints. Other amendments update the Part to reflect current statute and rule style.

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

Steven S. Sandvoss
General Counsel
State Board of Elections 217/782-0608

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1020 S. Spring St.
Springfield IL 62708

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 125
PRACTICE AND PROCEDURE

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125.10 Definitions
125.15 Board Offices and Business Hours
125.20 Documents Pertaining to Hearings
125.30 Form of Documents
125.40 Service of Documents
125.50 Computation of Time
125.55 Time of Notices
125.60 Appearances
125.70 Non-Legal Assistance
125.75 Parties
125.80 Answer
125.90 Qualifications of Hearing Officer~~Examiner~~
125.95 Authority of Hearing Officer~~Examiner~~
125.100 Disqualification of Hearing Officer~~Examiner~~
125.110 Motions
125.115 Consolidation and Severance of Claims: Additional Parties
125.120 Amendments
125.130 Intervention
125.135 Pre-hearing Conferences
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125.175 Failure of Party to Appear
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125.220 Commencement of Proceeding
125.230 Form of Complaint
125.235 Board Members as Complainants
125.240 Service of Complaint
125.245 Appointment of Hearing Officer~~Examiner~~ − Order of Closed Preliminary Hearing
125.250 Time of Preliminary Hearing (Repealed)
125.252 Scope of Preliminary Hearing − Procedures − Evidence
125.253 Responsibilities of the General Counsel
125.254 Stipulated Settlement
125.255 Transcript of Preliminary Hearing (Repealed)
125.260 Report of Hearing Examiner (Repealed)
125.262 Board Determination
125.265 Judicial Review
125.270 Record of Preliminary Hearing on Appeal Administrative Review
125.272 Order of Public Hearing
125.275 Time and Conduct of Public Hearing (Repealed)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

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125.310 Applicability
125.320 Initiation of Hearing
125.330 Appointment of Hearing Officer~~Examiner~~
125.340 Notice of Hearing
125.350 Discovery Procedures
125.360 Subpoenas
125.370 Transcript of Proceedings
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125.390 Briefs and Oral Argument

SUBPART D: FINAL ORDERS

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section
125.410 Hearing Officer's~~Examiners~~ Report
125.420 Order of the Board; Civil Penalties
125.425 Civil Penalty Assessments
125.430 Enforcement Actions in the Circuit Court
125.440 Reconsideration
125.445 Public Database of Founded Complaints

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS PURSUANT TO SECTION 9-18

Section
125.510 Applicability (Repealed)
125.520 Staff Review and Enforcement of Reporting Requirements
125.530 Compliance Conference
125.540 Staff Initiated Complaint (Repealed)
125.550 Investigations, Inquiries or Hearings

SUBPART F: RULEMAKING AND NON-ADJUDICATIVE HEARINGS

Section
125.610 Applicability
125.620 Adoption of Rules
125.630 Rulemaking Hearings
125.640 Notice of Hearing
125.650 Conduct of the Hearing
125.660 Examination of Witness
125.670 Record
125.680 Report of Hearing

SUBPART G: ADVISORY OPINIONS

Section
125.710 Advisory Opinions
125.720 Reconsideration of Advisory Opinions
125.730 Public Availability of Advisory Opinion
125.740 Conflict Between this Part and the IAPA~~APA~~

SUBPART H: MISCELLANEOUS PROVISIONS

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section
125.810 Ex Parte Communications
125.820 Effective Date (Repealed)
125.830 Interpretation
125.840 Severability

AUTHORITY: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code [10 ILCS 5/1A-8(9), 9-15(3), 9-21 and 9-23].

SOURCE: Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990; amended at 16 Ill. Reg. 6986, effective April 21, 1992; amended at 19 Ill. Reg. 6546, effective May 1, 1995; emergency amendment at 23 Ill. Reg. 1122, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6807, effective May 24, 1999; amended at 24 Ill. Reg. 14203, effective September 11, 2000; emergency amendment at 28 Ill. Reg. 1408, effective January 5, 2004, for a maximum of 150 days; emergency expired June 2, 2004; amended at 29 Ill. Reg. 18796, effective November 7, 2005; amended at 30 Ill. Reg. 6337, effective April 3, 2006; amended at 30 Ill. Reg. 10266, effective June 1, 2006; amended at 31 Ill. Reg. 16738, effective December 14, 2007; amended at 35 Ill. Reg. 2351, effective February 4, 2011.

SUBPART A: DEFINITION AND GENERAL PROVISIONS

Section 125.10 Definitions

As used in this Part~~Subparts A-H of these Rules~~, the following terms shall have the meanings specified:

"Article 9" means Article 9 of the Election Code (campaign disclosures, contributions and expenditures).

~~a)~~"Board" means the State Board of Elections.~~;~~

~~f)~~"Complainant" means a party initiating a proceeding under Article 9~~the Act~~ by the filing of a complaint.~~; and~~

"Election Code" or "Code" means 10 ILCS 5.

~~c)~~"File~~file~~", "Filed~~filed~~"~~,~~ or "Filing~~filing~~" means, with respect to reports, statements and documents required to be filed with the State Board of Elections or the appropriate election authority:

~~1)~~delivery to the principal office of the State Board of Elections, Springfield, Illinois, or the appropriate election authority by the close of business of the prescribed filing date;~~, or;~~

~~2)~~delivery to the permanent branch office of the State Board of Elections, Chicago, Illinois, by the close of business of the prescribed filing date;~~,~~ or~~;~~

~~3)~~deposit with the United States Postal Service, postage prepaid, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

~~b)~~"General Counsel" means the person designated and appointed as General Counsel of the Board, or any individual acting in his or her stead in the event of:

~~1)~~a vacancy in the position of General Counsel;~~,~~ or

~~2)~~the absence, incapacity~~,~~ or unavailability of the General Counsel.

~~d)"Act" means the Campaign Financing Act (The Election Code, Article 9), and all amendments thereto;~~

~~e)~~"Party" means an individual~~individual(s)~~, trust~~trust(s)~~, partnership~~partnership(s)~~, committee~~committee(s)~~, corporation~~corporations(s)~~, association~~association(s)~~, public or private organization~~organization(s)~~ or group~~group(s)~~ of persons of any character, or any governmental agency, entitled or required to participate in any hearing or proceeding.~~;~~

~~g)~~"Respondent" means a party against whom a complaint is directed.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.15 Board Offices and Business Hours

a) The principal office of the State Board of Elections is located at Springfield, Illinois, and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:00 a.m. to 4:30 p.m.

b) The permanent branch office of the State Board of Elections is located at Chicago, Illinois~~,~~ and shall be open each day, except Saturdays, Sundays and State legal holidays, from 8:30 a.m. to 5:00 p.m.

c) When the last day for the filing of nominating petitions and/or objections to nominating petitions as required by the Election Code is a Saturday, Sunday~~,~~ or holiday, ~~then the~~ Board offices shall remain open from 8:30 a.m. to 5:00 p.m. on that day.

d) On~~However, on~~ the day of any election, or at any other time, the offices of the Board may be kept open any~~such~~ additional time ~~as~~ the Board deems~~shall deem~~ necessary to carry out its duties.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.20 Documents Pertaining to Hearings

a) All documents, including but not limited to complaints, notices and motions, permitted or ~~not~~ required to be filed with the Board in connection with any proceeding before the Board shall be filed with the office of the General Counsel.

b) All documents permitted or required to be filed with the office of the General Counsel may be ~~so~~ filed either:

1) by personal delivery to the Board's principal office located in Springfield, Illinois~~,~~ or the Board's permanent branch office located in Chicago, Illinois;~~,~~ or

2) by mail, postage prepaid with the United States Postal Service, ~~and~~ addressed to the General Counsel at the Board's principal office or permanent branch office in Chicago.

c) All documents filed by mail ~~pursuant to Section 125.20~~ shall be deemed filed as of the date and time the~~when such~~ documents are actually received by the office of the General Counsel. If that~~said~~ office customarily and regularly utilizes a

time-date stamp for the recording of the receipt of ~~such~~ documents, the time and date stamp impression affixed to any ~~such~~ filed document shall be prima facie evidence that the~~such~~ document was filed on the date and at the time shown by the~~such~~ stamp ~~impression~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.30 Form of Documents

a) All documents filed with the office of the General Counsel shall be stamped or printed with the docket number and the title of the proceeding in connection with which they are filed. Upon the filing of a complaint, the office of the General Counsel shall assign a docket number to the complaint and proceeding, and all documents thereafter filed pertaining to that particular complaint or proceeding shall include the docket number first assigned. Except as otherwise provided, ~~eight (~~8~~)~~ copies of all documents shall be filed with the office of the General Counsel. When the Board or the General Counsel waives the necessity of filing ~~eight (~~8~~)~~ copies of documents, that~~such~~ waiver shall be binding. Documents shall be printed or typewritten or reproduced from a printed or typewritten copy on unglazed white paper.

b) Reproduction may be made by ~~carbon or~~ copying machines or any other process that produces legible black on white copy. At least one copy of each document shall be signed by the party filing or by his or her authorized representative or attorney. The first document filed by a party in any proceeding shall bear the address and telephone number of the party or of his or her attorney or representative and the designation of the~~such~~ address shall be deemed to be consent by the filing party to have a copy of all documents filed or to be filed later~~thereafter~~ served upon the party at the designated~~such~~ address.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.40 Service of Documents

Except as provided in Section 125.240, whenever this Part requires ~~these Rules require~~ any document to be served upon a party or other person, service shall be complete when the document is served by abode service as provided in the Civil Practice Law [735 ILCS 5/2-203(a)], in person upon the party or his or her attorney or designated representative, or deposited for mailing with the United States Postal Service, postage prepaid, registered or certified,

addressed to the party at his or her last known address.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.50 Computation of Time

Computation of any period of time expressed in days and prescribed by this Part~~these Rules~~ shall begin with the first day following the day on which the act or event initiating the~~such~~ period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or State legal holiday. Computations of any period of time expressed in hours and prescribed by this Part~~these Rules~~ shall begin ~~sixty (~~60~~)~~ minutes after the act or event initiating the~~such~~ period of time occurs, and shall run until the end of the last 60~~sixty~~-minute period; provided, however, that all 60~~sixty~~-minute periods falling within a Saturday, Sunday or State legal holiday shall be excluded in computing the period of time.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.55 Time of Notices

Whenever this Part requires a notice to be given within a period of time, that requirement~~such requirements~~ shall be construed to mean that notice shall be received by the party entitled to the~~such~~ notice; provided however, that evidence that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received by the party entitled to the~~such~~ notice.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.60 Appearances

a) Any person entitled to participate in Board proceedings may appear as follows:

1) A natural person may appear in his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both;

2) A business, unincorporated association~~,~~ or nonprofit~~,~~ or government organization may appear by any bona fide officer, employee~~,~~ or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.

b) The Board is not authorized to permit attorneys not licensed in the State of Illinois to appear in its proceedings. However, attorneys licensed in states other than Illinois may apply to the Illinois Supreme Court for the right to practice before the Board. The title of the pleading should be "Motion to Appear Pro Hac Vice Before an Administrative Agency" and should be directed to the Clerk of the Illinois Supreme Court. The moving attorney must provide written confirmation of his or her successful admission to the Board's Hearing Officer~~hearing officer~~ prior to entering an~~his~~ appearance in any Board proceeding~~Proceeding~~.

c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Board, together with proof of service on all parties or their respective attorneys.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.70 Non-legal Assistance

Any party involved in any proceeding conducted pursuant to this Part shall have the right to the presence and participation of additional persons, in addition to, or instead of, an attorney, in order to provide technical assistance and consultation. The Hearing Officer~~Examiner~~ may, at his or her discretion, restrict the number of ~~such~~ additional persons who may attend and participate in the proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.75 Parties

a) The person initiating a proceeding shall be designated the complainant. Any adverse party shall be designated the respondent.

b) Misnomer of a party is not a ground for dismissal, but the name of any party may be corrected at any time.

c) If a complete determination of a controversy cannot be had without the presence of other parties, the Board may direct them to be brought in. If a person not a party has an interest ~~which~~ the order may affect, the Board, on its own initiative or on application, may direct the person~~him~~ to be made a party. Service of process and subsequent pleadings shall be had as directed by the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.80 Answer

Any respondent may file a written answer to a complaint prior to, or at the time of, any proceeding or hearing, but shall not be required to file an answer. The failure to file an answer shall not be deemed an admission of any allegation in the complaint nor a consent to the requested relief. An answer may include affirmative defenses and jurisdictional objections. An answer shall be filed with the Hearing Officer~~Examiner~~, and at least one copy of the same shall be signed by the respondent or his or her attorney and shall contain ~~thereon~~ evidence of service as ~~herein~~ provided in this Subpart. At least one copy of the~~such~~ answer shall be served upon all other parties to the proceeding, in accordance with Section 125.40, and the General Counsel.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.90 Qualifications of Hearing Officer~~Examiner~~

Whenever possible a person appointed Hearing Officer~~Examiner~~ for an adjudicatory proceeding conducted pursuant to this Part shall be a licensed attorney. Unless all parties to the proceeding so stipulate, the Hearing Officer~~Examiner~~ who conducted the closed preliminary hearing shall not conduct the public hearing. Closed preliminary hearings are deemed non-adjudicatory by this Part and by Section 125.245.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.95 Authority of Hearing Officer~~Examiner~~

The Hearing Officer~~Examiner~~ has the authority to conduct and preside over an adjudicatory hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. He or she shall have all powers necessary to conduct a fair and impartial hearing, including, but not limited to, the power to:

a) Administer oaths and affirmations;

b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by depositions if necessary, and in general conduct the proceedings~~,~~ according to recognized principles of administrative law and the provisions of this Part;

c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

d) Rule upon offers of proof and receive relevant evidence;

e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;

f) Dispose of procedural requests or similar matters;

g) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part;

h) In connection with a public hearing on a complaint, render proposed Findings of Fact and Conclusions of Law and make recommendations~~Recommendations~~ for a final order of the Board;

i) Enter any order that further carries out the purpose of this Part;

j) Issue subpoenas and rule upon objections to subpoenas and discovery orders;

k) Consider and rule upon all motions presented in the course of the proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.100 Disqualification of Hearing Officer~~Examiner~~

Any party to a hearing may file a timely written request for disqualification of a Hearing Officer~~Examiner~~, setting forth ~~therein~~ the nature of the personal bias, prejudice~~,~~ or other disqualification of the~~a~~ presiding Hearing Officer~~Examiner~~, and the~~such~~ Hearing Officer~~Examiner~~ shall be ~~thereupon~~ disqualified. When a Hearing Officer~~Examiner~~ is disqualified, or it becomes impractical for him or her to continue, another presiding Hearing Officer~~Examiner~~ shall be appointed in the manner provided for initial appointment, unless it is further shown that substantial bias or prejudice will result from the appointment. A Hearing Officer~~Examiner~~ may at any time voluntarily disqualify himself or herself. A request for disqualification shall be considered timely if made within 3~~three~~ days after receipt of the notice of the appointment of the Hearing Officer~~Examiner~~ by the party requesting the disqualification

and at least 24 hours prior to the commencement of the hearing or pre-hearing conference. However~~by the Hearing Examiner; provided, however~~, ~~that~~ in the case of a complaint filed within 60 days preceding the date of an election in reference to which the complaint is filed, the~~such~~ request shall be considered timely only if verbal notice of the request is given to the General Counsel within 8~~eight~~ hours after the requesting party has received telegraphic or telephonic notice of the appointment of the Hearing Officer~~Examiner~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.110 Motions

a) Unless made orally on the record during a hearing, or unless the Hearing Officer~~Examiner~~ directs otherwise, motions shall be in writing and accompanied by any affidavits or other matters relied upon. The original copy of all motions shall be served upon the Hearing Officer~~Examiner~~ and copies shall be served upon all other parties to the proceeding and the General Counsel.

b) A party may file a response in support of or in opposition to a motion within such time as the Hearing Officer~~Examiner~~ directs. If no response is filed, the parties shall not be deemed to have waived objections to the motion. Service of a response shall be the same as provided in subsection ~~Section 125.110~~(a).

c) No oral argument will be heard on a motion unless the Hearing Officer~~hearing examiner~~ directs otherwise.

d) The Hearing Officer~~Examiner~~ shall rule upon all motions, except that he or she shall have no authority to make a recommendation to the Board to dismiss or decide a hearing on the merits, without granting all parties to the proceeding a right to be heard and to establish a record.

e) Unless otherwise ordered by the Board, the filing of a motion shall not stay the proceeding or extend the time for the performance of any act.

f) A party may participate in the proceedings without waiving any jurisdictional objection.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.115 Consolidation and Severance of Claims: Additional Parties

In the interest of convenience and~~,~~ expeditious and complete determination of claims, the Hearing Officer~~Examiner~~ or the Board may consolidate or sever adjudicative claims involving any number of parties, and may order additional parties to be brought in pursuant to the provisions of Section 125.75(c).

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.130 Intervention

a) Upon timely written application, the Hearing Officer~~Examiner~~ may permit any person to intervene in a proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions is met:

1) ~~when~~ the applicant is so situated that he or she may be adversely affected by a final order of the Board; or

2) ~~when~~ an applicant's claim or defense and the adjudicative proceeding have a question of law or fact in common.

b) A petition for intervention shall be filed with the Hearing Officer~~Examiner~~ and a copy shall be served on each party and upon the General Counsel prior to the date set for hearing of the matters set forth in the complaint. The Hearing Officer~~Examiner~~ may ~~thereafter~~ permit intervention only upon good cause shown for the delay. The Hearing Officer~~Examiner~~ may grant ~~such~~ continuances of the hearing as justice may require.

c) An intervenor shall have all the rights of an original party, except that the Hearing Officer~~Examiner~~ may, in his or her order allowing intervention, provide that the applicant shall be bound by orders previously entered, ~~that~~ the applicant shall not raise issues that~~which~~ might more properly have been raised at an earlier stage of the proceeding, ~~that~~ the applicant shall not raise new issues or add new parties, or ~~that~~ in other respects the applicant shall not interfere with the control of the hearing, as justice and the avoidance of undue delay may require.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.135 Pre-hearing Conferences

a) Upon notice by the Hearing Officer~~Examiner~~ in any proceeding or upon request by any party, the Hearing Officer~~Examiner~~ may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for the following purposes~~ hereinafter mentioned. The purposes for such conferences shall include~~:

1) ~~the~~ formulation and simplification of issues;

2) ~~the~~ necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;

3) ~~the~~ possibility of stipulations concerning the admissibility of evidence;

4) limitation~~the limitations~~ of the number of witnesses;

5) ~~the~~ propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

6) ~~such~~ other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b) In exercising his or her ~~such~~ discretion to direct parties to appear for a conference, the Hearing Officer~~Examiner~~ shall give due consideration to the time requirements of Section 9-21 of the Election Code.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.140 Settlement Pursuant to Conferences

At any time upon suggestion of the Hearing Officer~~Examiner~~ or upon request of any party, an opportunity shall be afforded all parties to dispose of the case by written stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order shall be submitted in writing to the Board and shall become effective only if approved by the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.150 Record of Conferences

A record of any conference held pursuant to Section 125.140~~hereof~~ shall be kept only if all parties to the proceeding ~~shall~~ request such a record. If ~~such~~ a request is made, the record of the conference shall be deemed a part of the record of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.160 Continuances

a) A hearing may be continued for good cause by the Hearing Officer~~Examiner~~ upon his or her own motion or upon motion of a party to the hearing after due consideration of any time limitations imposed~~required~~ by the Election Code~~law~~ or by this Part. Notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive continuances so that the hearing may be resolved expeditiously.

b) For good cause, and only if pursuant to a written stipulation among~~between~~ all parties, a hearing may be continued for a period of time in excess of the time limits set forth in Section 9-21 of the Election Code~~Act~~; provided, however:

1) No continuance, or series of continuances, may total more than 45 days;

2) If the complaint was filed within 60 days preceding the date of an election, in no event shall the continuance extend beyond 2~~two~~ days prior to the date of the election.

c) Any request for a continuance, ~~and~~ the reasons for a continuance~~therefore~~, and any written stipulation shall be made part of the hearing record.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.170 Order of Proceedings

The following shall be the order of all proceedings held, pursuant to Subpart C of this Part, subject to modification by the Hearing Officer~~Examiner~~ for good cause:

a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint or~~of~~ answer;

b) presentation of opening statements;

c) complainant's case;

d) respondent's case;

e) complainant's case in rebuttal;

f) statements from interested citizens, if authorized by the Hearing Officer~~Examiner~~;

g) complainant's closing statement, which may include legal argument;

h) respondent's closing statement, which may include legal argument; and

i) ruling on any reserved motions.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.175 Failure of Party to Appear

Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Hearing Officer~~Examiner~~ shall not deter the hearing from proceeding unless the Hearing Officer~~Examiner shall~~, for good cause, orders~~order~~ a continuance.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.180 Evidence

a) Except with respect to matters of privilege, the rules of evidence as applied in civil cases in courts of this State shall not be strictly applied to hearings under this Part. Admissibility of evidence shall be liberally interpreted in order to present all matters that~~which~~ are or may be relevant to the issues affecting the parties.

b) The Hearing Officer~~Examiner~~ shall exclude immaterial, irrelevant and repetitious evidence.

c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer~~Examiner~~ shall admit that~~such~~ evidence.

d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matters of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.190 Examination of Adverse Party or Agent

Upon the hearing of an adjudicatory action, any party to the action~~thereto~~ or any person for whose immediate benefit the action is prosecuted~~,~~ or defended, or the officers, directors~~,~~ or managing agents of any party to the action, may be called and examined, as if under cross-examination, at the instance of any adverse party. The party calling for the examination~~ is not precluded thereby but~~ may rebut the testimony ~~thus~~ given by countertestimony and may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.192 Participation by Board Members and Staff

a) Any Board member or staff member of the Board may be designated by the Board to participate in hearings conducted under this Part~~,~~ and ~~pursuant thereto,~~ may interrogate witnesses, raise points of law and have all rights of an interested party. The~~Such~~ Board member or staff member shall not have the authority to rule on objections, motions or petitions, ~~or to~~ overrule the Hearing Officer~~Examiner~~ during the hearing, or otherwise ~~to~~ usurp the authority of the Hearing Officer~~Examiner~~ conferred under this Part.

b) The~~Such~~ Board or staff members shall not be subject to any rule or motion adopted during the hearing excluding witnesses, but shall be permitted to participate in all hearings as a representative of the Board even if also a witness.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.195 Hostile Witnesses

If the Hearing Officer~~Examiner~~ in an adjudicatory hearing determines that a witness is hostile or unwilling, the witness may be examined by the party calling the witness~~him~~ as if under cross-

examination. The party calling a witness, upon a showing that he or she called the witness in good faith and is surprised by the witness'~~his~~ testimony, may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.197 Admission of Business Records in Evidence

Any writing or record, whether in the form of any entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence~~,~~ or event, except as otherwise privileged, shall be admissible as evidence of the act, transaction, occurrence~~,~~ or event, if made in the regular course of any business, and if it was the regular course of the business to make the~~such a~~ memorandum or record at the time of the~~such an~~ act, transaction, occurrence~~,~~ or event or within a reasonable time afterwards~~thereafter~~. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but shall not affect its admissibility. The term "business", as used in this Section~~Rule~~, includes business, profession, occupation and calling of every kind, and shall specifically include campaigns for nomination or election or campaigns in support of or opposition to any referendum or question of public policy.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.199 Compelling Appearance at Hearing

The appearance at an adjudicatory hearing of a party or a person who is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear. If the party or person is a non-resident of the State, the Hearing Officer~~Examiner~~ shall provide by order ~~such~~ terms and conditions in connection with his or her appearance at the hearing as are just, including payment of his or her reasonable expenses. The notice also may require production at the hearing of documents or tangible things.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART B: CLOSED PRELIMINARY HEARINGS

Section 125.210 Applicability

The rules in this Subpart shall apply to closed preliminary hearings conducted pursuant to Section 9-21 of the Election Code~~Campaign Financing Act~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.220 Commencement of Proceeding

A proceeding to adjudicate an alleged violation of Title 9 of the Election Code~~the Act~~ shall be commenced by the filing of a complaint in accordance with Section 125.20.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.230 Form of Complaint

All complaints shall conform to Section 125.30, and shall contain the following:

a) The complaint shall be directed to and state the name of the person, candidate, or the chairman or treasurer of a political committee against whom the complaint is directed;

b) The complaint shall state the provisions of the Election Code~~Act~~ or rules that~~Rules which~~ are alleged to have been violated;

c) The complaint shall state the time, place and nature of the alleged offense; and

d) The complaint shall be verified, dated and signed by the complainant, in substantially the following manner:

Verification

"I declare that this complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Article 9 of the~~The~~ Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed $500 or imprisonment in a penal institution other than the penitentiary not to exceed six months, or both fine and imprisonment."

_____ _____
(Date of filing) (Signature of person filing the complaint)

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 125.235 Board Members as Complainants

a) Nothing in this Part shall prohibit a member of the Board from filing a complaint in his or her individual capacity.

b) After filing the complaint, the complaining member shall decline to be present at or participate in any Board decision affecting the~~said~~ complaint or the proceedings pertaining to the~~said~~ complaint.

c) In all other respects, the provisions of this Part shall apply to situations in which~~where~~ a member of the Board is a complainant.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.245 Appointment of Hearing Officer~~Examiner~~ – Order of Closed Preliminary Hearing

a) Complaints may be filed by Board members, Board staff, or private persons in accordance with Section 9-20 of the Election Code~~Act~~.

b) In accordance with the time constraints stated in Section 9-21 of the Election Code, the Executive Director shall appoint a Hearing Officer~~an Examiner~~, who shall be a licensed attorney or a Board employee of the classification Election Specialist III or higher, who possesses at least two years experience as an Election Specialist of any rating, and the Director of the Division of Campaign Disclosure shall enter an order directing a closed preliminary hearing be held on the complaint, designating the time and place of the hearing.

c) The Hearing Officer~~Examiner~~ may be the Director of the Division of Campaign Disclosure ~~Division~~ or any person designated by the Executive Director.

d) A copy of the~~such~~ order shall be served on the complainant, if different from the Board or its staff, and upon the respondent. The~~Such~~ order shall have attached a copy of the complaint.

e) The order shall contain a recitation that the respondent may be represented by counsel at the closed preliminary hearing.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.252 Scope of Preliminary Hearing – Procedures – Evidence

The closed preliminary hearing is not an adjudication, but shall be an inquiry to elicit evidence on ~~the question~~ whether the complaint was filed on justifiable grounds~~,~~ and has~~having~~ some basis in fact and law.

a) The closed preliminary hearing shall be conducted by the Hearing Officer~~Examiner~~.

b) Minutes of the closed preliminary hearing shall be kept by the Board staff and signed by the Hearing Officer~~Examiner~~. A party may record the proceedings by employing his or her own court reporter~~,~~ or otherwise recording the hearing. Minutes of the closed preliminary hearing shall be made available to any party upon request.

c) The closed preliminary hearing need not be strictly adversarial in nature.~~;~~

1) Any person offering evidence, written or oral, shall affirm to the Hearing Officer~~Examiner~~ that his or her evidence is true to the best of his or her information and belief;

2) Evidence may be submitted in narrative form;

3) The Hearing Officer~~Examiner~~ shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation ~~such~~ evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of their affairs, as provided by Section 10-40(a)~~12~~ of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(a)]~~(Ill. Rev. Stat. 1987, ch. 127, par. 1012)~~;

4) The complainant bears the burden of introducing ~~such~~ evidence or information sufficient under subsection (c)(3)~~,~~ for the Board to conclude that the complaint has been filed on justifiable grounds;

5) The complainant will ordinarily present evidence or information supporting the~~its~~ complaint first in order. The complainant will present his

or her case first, except when convenience to the Hearing Officer~~Examiner~~ or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required. The respondent may then present any information or evidence; and

6) The Hearing Officer~~Examiner~~ may ask the complainant or respondent any questions relevant to the charges of the complaint. Any question is relevant if it has the possibility of eliciting an answer that~~which~~ tends to make the ultimate fact of justifiable grounds more or less likely.

d) At the close of the hearing, the Hearing Officer~~Examiner~~ shall summarize his or her conclusions concerning the evidence and information represented and draft a recommendation to the Board addressing ~~the questions~~ whether the complaint was filed on justifiable grounds. The Hearing Officer~~Examiner~~ shall also attach to the minutes any documents tendered to the Board during the hearing, and submit his or her recommendation and the minutes to the Board for their consideration. The Hearing Officer~~He~~ shall send a copy to the General Counsel.

e) The Hearing Officer~~Examiner~~ shall have no authority to rule on any questions of law raised by the complainant or respondent, but shall note in the minutes all such matters for the Board's disposition.

f) At any time before the Hearing Officer~~Examiner~~ submits the~~his~~ recommendation and minutes, the complainant and respondent may settle the matters between them, subject to the approval of the Board. If the Board or a member of its staff is the complainant, the Hearing Officer~~Examiner~~ shall have the authority to enter into a stipulation for settlement pursuant to Section 125.254 of this Part, ~~which stipulation shall be~~ subject to Board approval.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.253 Responsibilities of the General Counsel

a) Upon receipt of a copy of the recommendation of the Hearing Officer~~Examiner~~ and the minutes, the General Counsel shall:

1) Review the minutes for questions of law and evidence;

2) Offer ~~his~~ remarks and recommendations on all matters of law noted in the

minutes;

3) Comment upon matters of evidence when that~~When such~~ comment would assist the Board in understanding the recommendation of the Hearing Officer~~Examiner~~, or the recommendation is against the manifest weight of the evidence or otherwise subject to dispute~~, comment upon matters of evidence~~; and

4) Transmit ~~his~~ remarks and recommendations to the Board in accordance with the time constraints stated in Section 9-21 of the Election Code.

b) If no question of law or fact requires the General Counsel's comment or recommendation, he or she shall so note without further remark.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.254 Stipulated Settlement

a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the ~~Act, the~~ Election Code~~,~~ or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. However~~Provided however~~, if the committee has previously failed to comply with the requirements of the ~~Act, the~~ Election Code or ~~any~~ rule~~ of the Board~~, ~~then~~ any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the ~~Act, the Election~~ Code~~,~~ or rules ~~of the Board~~ shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.

b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision, as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by Article 9~~the Act must~~ be made within the time limits set forth in Article 9~~the Act~~, and that any failure or refusal to comply with filing deadlines will~~shall~~ result in the imposition of the ~~following~~ civil penalties stated in ~~accordance with~~ Section 125.425. Any Standing Order~~such standing order~~ provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.

c) Any person who fails or refuses to comply with the terms of a Standing Order~~standing order~~ provision shall be notified by the Board, by service as set forth in Section 125.425, that the Board will~~shall~~ issue an order imposing a civil penalty in accordance with the schedule set forth in this Part~~Rule~~. The~~Such~~ person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why the~~such a~~ civil penalty shall not be imposed. For purposes of this subsection (b), cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.

d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.

e) In approving any stipulation or agreed order under this Part, the Board shall consider, but not be limited to, any evidence offered and noted by the Hearing Officer~~Examiner or Hearing Examiner~~ of the following factors:

1) A party's history of compliance with the ~~Act, the~~ Election Code~~,~~ or rules of the Board;

2) Any evidence of respondent's ignorance of a material fact that~~which~~ led to the conduct that~~which~~ was the source of the complaint;

3) The degree of cooperation exhibited by the respondent with Board staff or~~,~~ the Hearing Officer;~~Examiner or Examiner~~ and~~,~~

4) Factors in mitigation or factors in aggravation of the circumstances complained of in the complaint.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.262 Board Determination

a) After the submission of the recommendations of the Hearing Officer~~Examiner~~, the minutes, and the recommendations of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take ~~such~~ action ~~as is~~ necessary to correct the violation

or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with ~~the provisions of~~ Subpart C of this Part.

b) The Board may consider and discuss the Hearing Officer's~~Examiner's~~ recommendation through a conference telephone call begun in open session and continued in executive session in lieu of an in-person meeting, and that~~such~~ consideration and discussion shall be deemed part of the closed preliminary hearing process. Any action on the Hearing Officer's~~Examiner's report~~ recommendations must be taken in open session~~,~~ or, if taken as part of the telephonic conference call, that portion of the conference call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board. That~~ and that~~ portion of the broadcast call shall be open to the media and public.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.265 Judicial Review

Judicial review of a final order of the Board entered or effected pursuant to Section 125.262 shall be in accordance with Section 9-22 of the Election Code~~Act~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.270 Record of Preliminary Hearing on Appeal Administrative Review

Upon appeal from a final order of the Board dismissing a complaint following a closed preliminary hearing, minutes and documentary evidence received during the preliminary hearing, together with the recommendation of the Hearing Officer~~Examiner~~, the recommendation of the General Counsel, if any, and the final order of the Board, shall constitute the record on administrative review pursuant to the Administrative Review Law [735 ILCS 5/Art. III]~~Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq~~. A~~If a~~ party that has caused a verbatim transcript of the closed preliminary hearing to be made~~, he, at his election,~~ may, at that party's election, submit that transcript for inclusion in the record on administrative review. Legal counsel for the Board shall be instructed to seek leave of the Court to file the record on administrative review "in camera" with the Court having jurisdiction over the review. Any public inspection or release ~~thereof~~ may be subject to order of that Court. Before the record is filed, the Hearing Officer~~Examiner~~ shall notify the parties that the record has been prepared, shall receive corrections from any parties, shall examine the record for accuracy, and then shall certify that it

is a true and accurate record of the hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.272 Order of Public Hearing

a) In the event that the Board orders a public hearing, the Board shall, as Section 9-21 of the Election Code requires, appoint a Hearing Officer~~Examiner~~ to conduct a public hearing on the complaint and shall immediately serve upon all parties a written Notice of Appointment of the Hearing Officer~~Examiner~~, stating the name, business address and telephone number of the Hearing Officer~~Examiner~~, together with a copy of the Board's order after the closed preliminary hearing. If the complaint is filed within ~~sixty (~~60~~)~~ days preceding the date of an election in reference to which the complaint is filed, the General Counsel also shall promptly give telephonic, e-mail or facsimile~~or telegraphic~~ notice of the appointment to all parties and that~~, which~~ notice shall be deemed supplementary to the written Notice of Appointment.

b) The Hearing Officer~~Examiner~~ shall, in accordance with the time constraints stated in Section 9-21 of the Election Code, designate a time and place for the public hearing and shall serve a written Notice of Hearing upon all parties, stating the time and place of the~~such~~ hearing. If the complaint is filed within ~~sixty (~~60~~)~~ days preceding the date of an election in reference to which the complaint is filed, the Hearing Officer~~Examiner~~ also shall promptly give telephonic notice of the hearing to all parties, which ~~notice~~ shall be deemed supplementary to the written Notice of Hearings.

c) The Notice of Hearing shall contain a statement that the respondents have~~respondent(s) has~~ the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections, including public hearing proceedings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

Section 125.310 Applicability

This~~The rules in this~~ Subpart applies~~apply~~ to all public adjudicative hearings ordered by the

Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.320 Initiation of Hearing

a) Hearings conducted pursuant to Subpart C shall be initiated once the Board has determined that a complaint alleging a violation of Article 9~~the Act~~ has been filed upon justifiable grounds and further determines that a hearing~~such~~ is necessary under ~~the provision of~~ Section 125.262(a)~~ of this Part~~.

b) Hearings may also be initiated ~~by the Board~~ when, in the exercise of its discretion, the Board~~it~~ determines there are reasonable grounds to believe that a violation of any other election law may have occurred.

c) The Board may determine that any adjudicative hearing shall be held before the Board. In the absence of that~~such~~ determination, an adjudicative hearing shall be conducted by a Hearing Officer~~Examiner~~.

d) Any hearing before the Board shall be conducted in the same manner as provided for the calling and conduct of hearings by a Hearing Officer~~Examiner~~, except that, after the conclusion of a~~such~~ hearing, the Board shall issue its final order without the necessity of written comment from~~by~~ the General Counsel.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.330 Appointment of Hearing Officer~~Examiner~~

In all public adjudicative hearings to be conducted by a Hearing Officer~~Examiner~~, the General Counsel shall appoint the Hearing Officer~~Examiner~~ and shall serve notice of the appointment upon all parties in accordance with Section 125.40. The notice shall state the name, office address, and telephone number of the person appointed as Hearing Officer~~Examiner~~. The General Counsel shall also provide to the parties ~~such~~ telephonic or telegraphic notice of the appointment of a Hearing Officer~~Examiner~~ as the circumstances of the proceeding may warrant.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.340 Notice of Hearing

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

In adjudicative hearings, the Hearing Officer~~Examiner~~ shall, after receipt of notification of ~~his~~ appointment, designate a time and place for the public hearing, within any time limits as may be prescribed by law. The Hearing Officer~~Examiner~~ shall serve notice of the time and place of hearing upon all parties in accordance with Section 125.40.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.350 Discovery Procedures

a) Discovery procedures may be ordered by the Hearing Officer~~Examiner~~ upon the written request of any party, or upon his or her own motion, when~~where~~ necessary to expedite the preceedings, to insure a clear and concise record, to insure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing, and when~~where~~ the allowance of ~~such~~ discovery procedures will not interfere with or impair the time requirements applicable to the proceeding.

1) Discovery may consist of the following:

A)~~1)~~ production of documents or things;

B)~~2)~~ depositions;

C)~~3)~~ written interrogatories; and

D)~~4)~~ requests for admissions of fact.

2) The Hearing Officer~~Examiner~~ may restrict or deny ~~such~~ discovery when~~where~~ necessary to prevent undue delay or harassment.

b) The Hearing Officer~~Examiner~~ shall order the following discovery upon written request of any party:

1) a list of witnesses who are known to the party~~,~~ and who have knowledge of relevant facts;

2) a list of any expert witnesses who may be called at the hearing, which shall be submitted to all parties prior to the hearing.

c) Any person, including a party, who is deposed, interrogated or required to submit

documents or things under this Part may be examined regarding any matter, not privileged, that~~which~~ is relevant to the subject matter of the pending case~~,~~ or that~~which~~ may lead to the discovery of ~~such~~ relevant information.

d) Except as otherwise provided, all depositions and written interrogatories taken pursuant to this Section shall be for purposes of discovery only. The~~Such~~ depositions and interrogatories may be used for purposes of impeachment, as admissions, or as any affidavit could be used. Upon application to the Hearing Officer,~~Examiner~~ either before or after the taking of the~~such~~ deposition or the filing of written interrogatories and upon a showing that at the time of the hearing the party deposed or interrogated will not be available due to death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the Hearing Officer~~Examiner~~ may order that the deposition or interrogatories be used as evidence in the hearing.

e) Upon transcription of a deposition, it shall be made available to the deponent for examination, unless his or her signature is waived at the deposition. Any changes in form or substance that~~which~~ the deponent desires to make shall be entered upon the deposition by the person~~officer~~ taking the deposition,~~same~~ with a statement of the reasons given by the deponent making the changes~~them~~. The deposition shall then be signed by the deponent unless he or she is ill, ~~or~~ cannot be found or refuses to sign, in which event the person taking the deposition's~~officer's~~ certificate shall state the reason for the omission of the signature.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.360 Subpoenas

a) Upon application to the Hearing Officer~~Examiner~~ by any party, or upon the request of the Hearing Officer~~Examiner~~, the General Counsel may issue a subpoena in the name of the Board for attendance at a deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated in the subpoena~~therein~~ and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Section 125.350. The Hearing Officer~~Examiner~~, upon motion, and in any event at or before the time specified in the subpoena for compliance ~~therewith~~, may quash or modify the subpoena if it is unreasonable or oppressive.

b) Every subpoena shall state the title of the action and shall command each person to whom it is directed:

1) to attend and give testimony at the time and place ~~therein~~ specified;~~,~~ and/or

2) to produce books, papers, documents or tangible things designated in the subpoena~~therein~~ at the time and place ~~therein~~ specified.

c) A subpoena duces tecum may be limited to the production of documents and not require personal attendance of the person to whom it is directed.

d) The party requesting the issuance of a subpoena shall tender with the request~~therewith~~ a check reimbursing the witness for the round trip cost of travel between the witness'~~witness's~~ place of residence and the place where his or her presence is requested. Reimbursement shall be equal to that provided by statute for civil costs in the Circuit Courts~~Court~~ of Illinois.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.370 Transcript of Proceedings

All proceedings at public hearings shall be recorded by a certified court reporter but need not be transcribed unless requested by a party, who shall pay for the transcription of the portion requested, except as otherwise provided by the Board or by law. Any transcript will be retained through and including the time allotted for appeal, rehearing or other manner of review prior to final deposition as provided by the Board or by law. Before the transcript is filed, the Hearing Officer~~Examiner~~ shall notify the parties that the transcript has been produced, shall receive corrections from any person, shall examine the transcript for accuracy, and, ~~then~~ within a reasonable time, shall certify that it is a true and correct transcript of the hearing. Only after that~~such~~ certification may the transcript be made available for public inspection.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.380 Official Record

The transcript and the record offered in connection with the hearing shall constitute the official record. The record in a public hearing shall include:

a) pre-hearing records, if any;

b) all pleadings (including all complaints, answers, notices, motions, briefs and rulings);

c) evidence received;

d) a statement of matters officially noticed;

e) offers of proof, objections and rulings;

f) Findings of fact, Conclusions of Law and Recommendations of the Hearing Officer~~Examiner~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.390 Briefs and Oral Argument

The parties may submit written briefs to the Hearing Officer~~Examiner~~ or the Board, as the case may be, within ~~five (~~5~~)~~ days after the close of the hearing, or within such other time as is consistent with the responsibility for decision as required by law. Upon request at the time of submission of briefs or on its own motion, the Board or the Hearing Officer~~Examiner~~ may permit oral argument by the parties.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART D: FINAL ORDERS

Section 125.410 Hearing Officer's~~Examiners~~ Report

Upon the conclusion of the hearing held pursuant to Subpart C~~Section 125.310 et seq.~~, the Hearing Officer~~Examiner~~ shall issue a~~his~~ written report that~~which~~ shall include findings of fact, conclusions of law~~Findings of Fact~~, ~~Conclusions of Law~~ and recommendations~~Recommendations~~. This report shall be prepared as soon as possible after the conclusion of the public hearing and shall be transmitted to the Board, with a copy to the General Counsel.

a) Findings of Fact shall be based exclusively on the evidence presented at the hearing, including any matters officially noticed. Conclusions of law~~Law~~ and

recommendationsRecommendations shall be based upon a consideration of the record as a whole.

b) The General Counsel, after receipt of the Hearing Officer'sExaminer's report, shall promptly submit his comments or opinion on the Hearing Officer'sExaminer's report to the Board.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.420 Order of the Board; Civil Penalties

a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code [10 ILCS 5/9-21], the Board shall review the reports submitted by the Hearing OfficerExaminer and the General Counsel, and any objections, briefs or memoranda filed by any party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code [10 ILCS 5/9-21]. If the hearing was extended by stipulation or order of the Hearing OfficerExaminer pursuant to Section 125.160, then the Board decision shall be issued:

1) within 36 hours afterof the Hearing Officer's report,Examiner's Report if the complaint was filed within 60 days prior to an election and related to thatsuch election;, or

2) within 60 days in all other instances.

A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide heretofore undiscovered relevant testimony.

B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of thesuch conference call. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of the Board and thesuch broadcast shall be open to the media and

public. The entire conference shall also be recorded by a certified court reporter.

b) Whenever the Board determines a person to be in violation of any provision of Article 9~~the Act~~ or any regulation adopted under Article 9~~thereunder~~, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct the~~such~~ violation or otherwise comply with Article 9~~the Act~~ or the regulation within such time as the Board may specify, but not within less than 15 business days.

c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it will~~shall~~ impose a civil penalty, not to exceed $5,000~~$~~, on any person who fails or refuses to comply with the~~such~~ final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.

d) Standing Orders

1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a "Standing Order" provision, requiring that all subsequent reports, statements or filings required by Article 9~~the Act~~, during the period the Standing Order~~standing order~~ provision is in effect, must be made within the time limits set forth in Article 9~~the Act~~, and that any failure or refusal to comply with those~~such~~ filing deadlines shall result in the imposition of civil penalties by the Board in an amount not to exceed $5,000.

2) Any ~~such "~~Standing Order~~"~~ shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order. This ~~"~~Standing Order~~"~~ provision shall not apply to final orders rendered for delinquent filings under Section 9-10 of the Election Code~~ [10 ILCS 5/9-10]~~.

e) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Election Code, any rule adopted under the Code~~thereunder~~, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of

false or incomplete information required by the Election Code and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Election Code pursuant to Section 9-26 of the Election Code ~~[10 ILCS 5/9-26]~~.

f) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.

g) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of an~~such~~ order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.425 Civil Penalty Assessments

~~a) As used in this Section, "authorizing candidate" means any candidate who has, at any time during the reporting period for the report in question or prior to that reporting period, filed with the committee an authorization in accordance with Section 9-8 of the Election Code [10 ILCS 5/9-8].~~

a~~b~~) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Documents are deemed received by the Board as of the date ~~date~~ stamped by Board staff on the documents submitted.

b~~c~~) If a report is or continues to be delinquent, it is subject to a civil penalty as set out in subsection (d)~~(c)~~ of this Section.

c~~d~~) When a report required by Section 9-10 of the Election Code is delinquent, the Board will send a notice of delinquency to the chairman and the treasurer of each delinquent ~~State, State and local, and local~~ political committee, together with an order~~Order~~ assessing a civil penalty calculated in accord with subsection (d)~~(e)~~. The notice of delinquency and order~~Order~~ shall also be sent to any candidate listed by name on that committee's Statement of Organization. The notice of delinquency shall state that the Board has issued a civil penalty that will be final unless the committee shows cause in accord with subsection (e)~~(f)~~ why the penalty should not be assessed.

d~~e~~) The Board will calculate the civil penalty as follows:

1) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each $5000 or less, and if the delinquent report is a quarterly~~semi-annual~~ report, the political committee shall be assessed a fine of $25 per business day for the first violation, $50 per business day for the second violation, and $75 per business day for the third and each subsequent violation, to a maximum of $5000. ~~If the committee is formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000~~. However, the civil penalty for any committee shall not exceed $1000~~$500~~ for a first time offense involving a filing that is less than 10 days late.

2) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds $5000, and if the delinquent report is a quarterly~~semi-annual~~ report, the political committee shall be assessed a fine of $50 per business day for the first violation, $100 per business day for the second violation, and $200 per business day for the third and each subsequent violation, to a maximum of $5000. ~~If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000.~~ However, the civil penalty for any committee shall not exceed $1000~~$500~~ for a first time offense involving a filing that is less than 10 days late.

3) In the situation described in subsection (d)(1) or (d)(2), no civil penalty shall be assessed against a committee if the report is mailed and postmarked at least 72 hours prior to the filing deadline.

4) When considering the amount of the civil penalty to be imposed, the Board shall consider all relevant factors, including, but not limited to:

A) Whether, in the Board's opinion, the violation was committed inadvertently, negligently, knowingly or intentionally; and

B) Past violations of Article 9 of the Election Code by the committee. Past violations of any committee composed of one or more of the

same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.

~~3) If the committee's total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each $5000 or less, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of $100 per business day for the first violation, $200 per business day for the second violation, and $300 per business day for the third and each subsequent violation, to a maximum of $5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000. However, the civil penalty for any committee shall not exceed $500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.~~

~~4) If the committee's total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds $5000, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of $200 per business day for the first violation, $400 per business day for the second violation, and $600 per business day for the third and each subsequent violation, to a maximum of $5000. If the committee is one formed for statewide office as that term is defined in Section 9-10(b) of the Election Code, the maximum shall be $10,000. However, the civil penalty shall not exceed $500 for a first time offense involving a filing that is less than 10 days late. The per business day penalty calculation will no longer accrue after the date of the election for which the report has been filed.~~

5) If the delinquently filed report is a Schedule A-1 (report of contributions of $1000 or more~~exceeding $500 received during the 30-day period prior to an election~~), in the final disposition of any appeal of a penalty assessed by the Board for the delinquency~~ on or after November 19, 2003 (the effective date of Public Act 93-0615)~~, the Board will consider assessing a civil penalty as follows:

A) In the case of a willful or wanton violation, the~~The~~ Board shall~~may: i) grant the appeal (no civil penalty assessment); ii)determine that a violation occurred and~~ impose a penalty of no less than 10% and no~~nor~~ more than 150%~~100%~~ of the total amount of the contributions that were delinquently reported.~~; or~~

~~iii) determine that a violation occurred, but decline to assess a penalty.~~

B) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(A), the Board shall consider~~ all relevant factors, including, but not limited to,~~ the following factors:

~~i) whether in the Board's opinion the violation was committed inadvertently, negligently, knowingly, or intentionally;~~

i~~ii~~) the number of days the contribution was reported late; and

ii~~iii~~) past violations of Sections 9-3 and 9-10 of the Election Code by the committee~~ (filing requirement for the Statement of Organization, pre-election reports, Schedule A-1s and semi-annual reports)~~. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.

C) In the case of negligent or inadvertent violations, the Board may:

i) impose a fine not to exceed 50% of the total amount of the delinquently reported contributions; or

ii) waive the fine.

D) When considering the amount of the civil penalty to be imposed under subsection (d)(5)(C), the Board shall consider the following factors:

i) Whether the political committee made an attempt to disclose the contribution and any attempts to correct the violation;

ii) Whether the violation was attributed to a clerical or computer error;

iii) The amount of the contribution;

iv) Whether the violation arose from a discrepancy between the date the contribution was reported transferred by a political committee and the date the contribution was received by a political committee;

v) The number of days the contribution was reported late; and

vi) Past violations of Sections 9-3 and 9-10 of the Election Code by the political committee. Past violations of any committee composed of one or more of the same officers, or for the same purpose or for the support of the candidacy of the same person, irrespective of office, as the committee currently being assessed a civil penalty shall be considered relevant factors when considering the amount of the civil penalty to be imposed.

6) If the delinquently filed report is a Statement of Organization (form D-1), the Board shall assess a civil penalty of $50~~25~~ for each business day that the report remains unfiled after its due date~~, except that, if the committee is supporting a candidate running for statewide office or supporting a statewide referendum or a State Constitutional Amendment, the civil penalty will be $50 per business day~~. The penalties shall not exceed $5,000~~($10,000 for statewide candidates, referenda or State Constitutional Amendment)~~.

e)~~f)~~ In addition to the civil penalties provided for in Section 9-10(b) and (c~~b-5~~) of the Election Code, a committee or organization required to report under the Election Code may, for violations of provisions of Article 9 of the Election Code other than delinquent filing, be assessed a civil penalty under the provisions of Section

9-23 of the Election Code and this subsection (e). The Board will calculate civil penalties in accord with subsection (d)~~(e)~~. A committee that violates both Section 9-10 of the Election Code and an order~~Order~~ of the Board may be liable for separate penalties for each violation. In cases of alleged violation of an order~~Order~~ of the Board brought under the provisions of Section 9-23 of the Election Code, the Board will mail to each committee or organization alleged to be in violation of a Board order~~Order~~ notice of a proposed civil penalty calculated in accord with the terms of this Part, which proposed penalty shall become effective without further proceedings unless the committee or organization receiving the notice contests the proposed civil penalty. A political committee assessed a civil penalty under Section 9-10(b) or (c~~b-5~~) for being delinquent in filing a required report or that has received notice of a proposed civil penalty for violation of a Board order~~Order~~ under Section 9-23 may:

1) submit, within 30 calendar days after the mailing of the assessment notice, a request for waiver of appearance and appeal affidavit, in the form provided by the Board, stating the reasons for requested waiver of appearance and the reasons for the late filing or violation of the Board order~~Order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109]; or

2) submit, within 30 calendar days after the mailing of the assessment notice, a request for hearing and appeal affidavit, in the form provided by the Board, stating the reasons for the late filing or violation of the Board order~~Order~~, as the case may be, to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing, made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths, or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure ~~[735 ILCS 5/1-109]~~; or

3) pay, within 30 days after the mailing of the assessment notice, the civil penalty assessed. If an appeal affidavit is filed, with or without waiver of appearance, the civil penalty shall not be due until the appeal is determined by the Board.

f)~~g)~~ Post-Appeal Hearing Defense or Evidence

1) Any defense and any accompanying evidence upon which the appeal is based that is presented to the Board following an appeal hearing, either by personal appearance before or a written appeal submitted to a Hearing Officer~~Examiner~~, shall be limited to the defense and evidence that was presented at the appeal hearing. The defense and evidence shall include, but not be limited to, interpretation of statute and rules, consideration of written or oral testimony tendered at the appeal hearing and consideration of documentary evidence tendered at the hearing.

2) Any defense and accompanying evidence that was not known, and could not reasonably be expected to have been known, by the respondent at the time of the appeal hearing may be presented to the Board. The Board may, upon motion or on its own motion, remand the defense and evidence back to the original Hearing Officer~~Examiner~~, or may submit it to a new Hearing Officer~~Examiner~~ for consideration. If an issue exists as to the applicability of this exception, the Board shall rule upon the issue immediately after presentation of the disputed defense and evidence. The respondent in the case shall be given an opportunity to demonstrate to the Board that the disputed defense and evidence was not known at the time of the appeal hearing and the respondent should not have been expected to have been aware of the defense and evidence at the time of the appeal hearing.

3) Nothing in this Part shall be construed to prevent the respondent from being represented by counsel at the presentation before the Board when the counsel did not represent the respondent at the appeal hearing. Counsel shall be licensed to practice law in the State of Illinois as required by Section 125.60 of this Part.

g)~~h)~~ If a political committee or organization required to report under the provisions of Article 9 of the Election Code that is subject to a civil penalty fails, within the time required, to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]. The Board shall not hear an appeal of a civil penalty imposed for delinquent filing or the violation of a Board order~~Order~~ if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

h)~~i)~~ Notwithstanding any provision of this Section to the contrary, the Board shall stay the enforcement of any civil penalty in cases of first time violation of a filing deadline and shall stay the enforcement of a civil penalty for the violation of a Board order~~Order~~ when the committee or organization has voluntarily entered into a stipulation admitting the violation and agreeing to the civil penalty. The stay shall continue only so long as no subsequent violations of Article 9 of the Election Code or of Board orders~~Orders~~ occur. Violation of Article 9 of the Election Code or a Board order~~Order~~ will cause the civil penalty otherwise stayed to become immediately due and may expose the committee or organization to further liability in accord with this Section.

i)~~j)~~ For the purpose of this Section, second and subsequent violations are deemed to occur with reference to the time the first offense event occurs, not when a hearing, if any is required, concerning the first offense event is held. The Board may consider two or more allegations of violations at the same hearing, treating the first as an initial violation and the remaining as subsequent violations, imposing appropriate civil penalties for each.

j)~~k)~~ Notwithstanding any other provision of this Section:

1) if an active political committee or organization is assessed no more than one civil penalty under Section 9-10 during a two year period, it shall, after two years have lapsed following the assessment, be considered as never having violated Section 9-10. For a single violation, the two year period begins to run with the mailing of the assessment letter. If an active political committee or organization is assessed more than one civil penalty and has paid all assessed civil penalties, it shall be considered for assessment purposes as not having violated that Section if it is assessed no other civil penalty during a two year period following receipt of payment by the Board;

2) if a committee or organization is assessed a single penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, during the two year period beginning with the date of the assessment letter, or the final Board order~~Order~~ if the assessment is appealed and the appeal is denied, any successor committee or organization shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty;

3) if a committee or organization is assessed more than one penalty under Section 9-10 and subsequently files a final report or has filed a final report prior to the assessment, and the political committee or organization has not paid the civil penalties, any successor committee or organization that subsequently pays all civil penalties due shall be considered as never having violated Section 9-10 if, for two years from the date of receipt of payment by the Board, the successor committee or organization is assessed no other civil penalty.

k)~~l)~~ Upon notice by the Hearing Officer~~Examiner~~ or upon request by any party, the Hearing Officer~~Examiner~~ may direct parties or their attorneys to appear at a specified time and place for a conference, either during or prior to any hearing, for purposes including, but not limited to:

1) the formulation and simplification of issues;

2) the necessity or desirability of amending the assessment notice for the purpose of clarification or correction;

3) the possibility of stipulations concerning material facts;

4) the limitations of the number of witnesses;

5) other matters as may aid in the simplification of evidence and the disposition of the proceeding.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.430 Enforcement Actions in the Circuit Court

a) Whenever the Board, pursuant to Sections 9-21 and 9-23 of the Election Code~~Act~~, has issued an order directing a person determined by the Board to be in violation of Article 9~~the Act~~ or any rule or regulation adopted under that statute~~thereunder~~ to cease or correct a~~such~~ violation or otherwise comply with Article 9,~~the Act~~ and the Board imposes a civil penalty for failure or refusal to comply with its~~such~~ order within the specified time, the Board shall enforce the~~such~~ civil penalty by filing with the Circuit Court a petition for an order to enforce collection of the penalty.

b) The Board may also petition the Circuit Court to issue an order ~~of the Court~~ compelling compliance with an order issued by the Board, or to restrain or prohibit a person who is engaging or has engaged in acts or practices that~~which~~ constitute a violation of any provisions of Article 9~~the Act~~ from engaging in those~~such~~ acts or practices.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.440 Reconsideration

Any member of the Board, or any party affected by a final order of the Board, may file a written motion to reconsider. The~~Such~~ motion shall set forth in specific detail the grounds alleged for reconsideration and must be filed with the Board not later than 7 days after the effective date of the Board's order.

a) Oral argument shall be permitted on the~~such~~ motion only at the Board's discretion.

b) The Board may consider, discuss and take action upon the~~such~~ motion through~~thru~~ a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of the~~such~~ conference call, the call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board, and the~~such~~ broadcast shall be open to the media and public. The entire conference call shall also be recorded by a certified court reporter.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.445 Public Database of Founded Complaints

The public database of founded complaints required under Section 9-23.5 of the Election Code applies only to complaints that have been determined by the Board to have been filed upon justifiable grounds. The database shall not include complaints that, upon completion of a closed preliminary hearing, were determined by the Board not to have been filed upon justifiable grounds. The searchable database of founded complaints shall include, but not be limited to: case number, complainant, respondent, date the complaint was filed, Section of the Code alleged to be violated, date of public hearing, final board action and date of imposition of a penalty for violation of final board action, if any.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS PURSUANT TO SECTION 9-18

Section 125.520 Staff Review and Enforcement of Reporting Requirements

Prior to filing a written complaint pursuant to Section~~Sec.~~ 9-20 of the Election Code~~Act~~, the State Board of Elections, through its staff, will~~shall~~:

a) Notify in writing each political committee that has failed to file a required report, or whose report is incorrect, incomplete, inaccurate or otherwise not in compliance with the law. Notification for failure to file a quarterly report~~Pre-election Report shall be sent to all candidates on the ballot as well as all participating political committees required to file same report; for a Semiannual Report, notice~~ shall be sent to all established political committees required to file that~~such~~ report. Telephonic notice shall also be given whenever possible to an officer of the political committee.

b) The written notice required by subsection (a) ~~above~~ shall be given by personal~~: 1)Personal~~ service~~,~~ or First Class~~2)By first-class~~ mail. With respect to documents required that have been filed, the notice shall specify to the extent possible the deficiencies claimed in the~~such~~ reports.

c) The notice shall also set a time, place and date for a pre-complaint conference to be held in accordance with Section 125.530~~ below~~. The~~Such~~ conference must be afforded to any political committee or its chairman or treasurer, or to any other person affected, prior to a complaint being filed by or on behalf of the Board.

d) For good cause shown, the Director~~division head~~ of the Division of Campaign Disclosure ~~Section~~ of the Board may extend the time for compliance for an additional ~~thirty (~~30~~)~~ days after the date of the pre-complaint conference. No further extensions of time shall be given without express Board approval, and in those cases in which~~where~~ the reporting committee is subject to a "Standing Order" provision as provided in Section 125.420, no extensions of time shall be given.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.530 Compliance Conference

Whenever a compliance conference is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of ~~the Act,~~ the Election Code~~,~~ or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order. However~~Provided however~~, if the campaign committee has previously failed to comply with the requirements of ~~the Act,~~ the Election Code or any rule of the Board, ~~then~~ any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with ~~the Act,~~ the Election Code~~,~~ or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.550 Investigations, Inquiries or Hearings

The Board, or General Counsel with prior consent of the Chairman and Vice Chairman, may undertake ~~such~~ other investigations or inquiries as may be reasonable or necessary concerning any matter covered by the Act. Once an investigation or inquiry has been so undertaken, the General Counsel shall have the authority to hire factfinders or investigators or to carry out ~~such~~ other directions ~~as~~ the Board may give. Subpoenas may be issued upon vote by the Board in order to carry out the~~such~~ investigation, inquiry or hearing.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART F: RULEMAKING~~RULE-MAKING~~ AND NON-ADJUDICATIVE HEARINGS

Section 125.610 Applicability

This~~The Sections in this~~ Subpart shall apply to all rulemaking and other non-adjudicative hearings and procedures except for closed preliminary hearings under Subpart B of this Part. Hearings conducted pursuant to this Subpart shall be deemed in the nature of legislative hearings.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.620 Adoption of Rules

Whenever the Board proposes to adopt, amend or repeal a rule, the Board shall conduct a public

hearing if it determines that this would be the most efficient way to facilitate public comment on the rulemaking or if *the agency receives a request for a public hearing within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected* [5 ILCS 100/5-40]. In all cases, the Board shall accept from interested persons all written comments pertaining to the rulemaking that are submitted during the 45 day First Notice period. If the Board finds that an emergency requires adoption of a rule, it shall proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule that shall be effective for a period of up to 150 days.

a) Revision of Proposed Rules. After any rulemaking hearing and prior to submission of Second Notice~~second notice~~ to JCAR, the Board may revise the proposed rules in response to suggestions made at the hearing and written submissions received prior or subsequent to the hearing, without conducting a further hearing on the revisions.

b) Notice of Final Rule. Any person heard on the original proposal, who has given his or her name and address to the Board, shall be given notice of the Board's final action.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.630 Rulemaking Hearings

The Board may either:

a) hold rulemaking~~such~~ hearings itself; or

b) designate a subcommittee of the Board, a member of the Board's staff, or a Hearing Officer~~Examiner~~ to hold such a hearing. Pursuant to Section~~26 Ill. Adm. Code~~ 125.60(b), whenever possible, any person designated as a Hearing Officer~~Examiner~~ shall be a licensed attorney in the State of Illinois.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.640 Notice of Hearing

a) Notice of Hearing~~hearing~~ shall be given at least 10 days prior to the date of the

hearing:

1) By posting the Notice on the State Board of Elections website;

2) By posting the Notice at the principal and permanent branch offices of the State Board of Elections; and

3) If the Board determines necessary, by public advertisement in a newspaper of general circulation in Chicago or Springfield, depending on where the hearing is to take place.

b) The Board shall make available copies of any proposed rules and supporting statements, if any, at the time the hearing date on proposed rules is announced.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.660 Examination of Witness

Examination of witnesses by any member of the Board, by counsel to the Board or by a Hearing Officer~~Examiner~~ shall be permitted. Examination by any other person shall be permitted in the discretion of the party conducting the hearing. Repetitious examination may be limited.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.680 Report of Hearing

If a hearing is conducted by a member of the Board's staff, or by a Hearing Officer~~Examiner~~, ~~then~~ a written report shall be submitted to the Board at its next regularly scheduled meeting. This report shall also be included in the submission of the proposed rulemaking to the Joint Committee on Administrative Rules (JCAR). The report shall summarize the record and shall include such other comments, suggestions, conclusions or recommendations as the party preparing the report deems necessary.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART G: ADVISORY OPINIONS

Section 125.710 Advisory Opinions

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

a) Request and Scope

1) An advisory opinion may be requested from the State Board of Elections by any of the following:

A)~~1)~~ a member of the Board;

~~2) any county clerk or chairman or presiding officer of an election authority or any legal representative acting on their behalf;~~

~~3) any local election official or any legal representative acting on their behalf;~~

B)~~4)~~ ~~With respect to any issues concerning "An Act to Regulate Campaign Financing" (Ill. Rev. Stat. 1981, ch. 46, pars. 9-1 et seq.). Any~~ any candidate for public office or the chairman or treasurer of any campaign committee that~~which~~ is, or may be, required to file any campaign disclosure~~Campaign Disclosure~~ reports.

2) Advisory opinions under this Subpart shall be limited to issues pertaining to Section 9-8.10 of the Code.

b) The request must be submitted in writing to the General Counsel and shall set forth~~: (i)~~ the specific facts, activity or transaction that the requesting party is undertaking, or intends to undertake, and ~~(ii)~~ the specific issues ~~(including any applicable statutes or rules)~~ on which the requesting party seeks an advisory opinion.

1) Requests presenting general questions of interpretation, hypothetical questions, or matters~~matter~~ relating to activities of third parties shall not qualify as requests for an advisory opinion.

2) ~~Advisory opinions shall be limited to those issues which are deemed to be of significant overall importance in the implementation and enforcement of the Election Laws. Issues of significant overall importance shall be determined on a case by case basis and shall include but not be limited to issues which raise questions concerning the interpretation and application of election related law that may have general application to elections~~

~~throughout the State and the determinations of which may serve as future precedent for similar situations and circumstances.~~ Issuance of any advisory opinion shall at all times be discretionary with the Board.

c) The General Counsel shall review all requests for advisory opinions and, if the General Counsel determines that the request is incomplete or does not otherwise qualify under subsection~~paragraph~~ (b)~~ above~~, he or she shall, within 14 days after~~of~~ the receipt of the~~such~~ request, notify the requesting party and specify any deficiencies in the~~such~~ request. The requesting party may appeal any ~~such~~ determination by the General Counsel directly to the Board.

d) If the General Counsel determines that the request may qualify for an advisory opinion, or if the Board overrules the determination by the General Counsel under subsection~~pursuant to paragraph~~ (c)~~ above~~, ~~then~~ the request shall be referred to the Campaign Disclosure Division of~~any appropriate divisions within~~ the State Board of Elections for review and written comment. The~~Such~~ written comment shall be directed to the General Counsel, and the General Counsel shall in turn review and provide written comment on the request to the Board. The General Counsel shall also advise the ~~legal representative of the~~ party making the request for opinion that the~~such a~~ request has been submitted~~made~~ to the Board.

e) Board Determination

1) Within ~~sixty (~~60~~)~~ days after a request is received that~~which~~ qualifies for an advisory opinion, the Board shall issue to the requesting party either:

A) a written advisory opinion;~~,~~ or~~;~~

B) a statement that the Board declines to issue an advisory opinion.

2) An advisory opinion shall be issued only upon the affirmative vote of ~~five (~~5~~)~~ members of the Board.

f) An advisory opinion rendered by the Board may be relied upon by:

1) the requesting party;

2) any~~Any~~ person involved in the specific transaction or activity with respect to which the~~such~~ advisory opinion is rendered;~~,~~ and~~;~~

3) any person involved in any specific transaction or activity that~~which~~ is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

g) Nothing contained in this Section~~herein~~ shall preclude the distribution by the Board or any of its staff of information consistent with the Election Code~~Laws~~, any prior opinions of the Board, and any relevant federal or state case law.

h) A copy of each advisory opinion shall be sent to the requesting party~~ and to all election authorities. (Ill. Rev. Stat. 1981, ch. 46, par. 1-3(8)). In addition, a copy of the advisory opinion shall be sent~~ and to any legal representatives of the requesting party~~ and the election authority or local election official which made the request for opinion~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.720 Reconsideration of Advisory Opinion

a) The Board may reconsider an advisory opinion previously issued if the circumstances under which the opinion was issued have changed and either:

1) The~~If the~~ requesting party submits a written request for reconsideration within 30 calendar days after receipt of the opinion and, ~~if~~ upon the motion of a member of the Board who voted with the majority that originally approved the opinion, the Board adopts the motion to reconsider by the affirmative vote of 5 members;~~,~~ or

2) Upon~~If upon~~ motion of a member of the Board who voted with the majority that originally adopted the advisory opinion, the Board adopts the motion to reconsider by an affirmative vote of 5 members.

b) Adoption of a motion to reconsider vacates the advisory opinion to which it relates. The advisory opinion shall cease to be effective:

1) With respect to the party requesting the~~such~~ opinion, when written notice of the adoption of the motion to reconsider is given to that~~such~~ party;

2) With respect to all other persons who might claim that the~~such~~ opinion

applies to them pursuant to Section 125.710(f)(2)~~ above~~, upon adoption of the motion to reconsider by the Board.

c) In the event an advisory opinion is reconsidered, action taken in good faith~~,~~ and in reliance upon the~~such~~ opinion prior to its reconsideration~~,~~ shall estop the Board from claiming any violation of Section 9-8.10 of the Election Code~~Laws,~~ or of any rules~~Rules~~ or regulations~~Regulations~~ of the~~this~~ Board~~,~~ to which the advisory opinion applied.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.730 Public Availability of Advisory Opinions

a) When issued, each advisory opinion shall be made public and shall be sent by mail~~,~~ or personal delivery~~personally delivered~~ to the requesting party.

b) A copy of all advisory opinions shall be kept on file and shall be made available for public inspection ~~or purchase~~ through the Office of the General Counsel in both the Chicago and Springfield offices~~ by the Board~~. Opinions will be available for inspection during normal working hours~~ and statutory fees will be charged for photocopying~~.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.740 Conflict Between this Part and the IAPA

In the event of any conflict between this Part and the Illinois Administrative Procedure Act [5 ILCS 100]~~(Ill. Rev. Stat. 1981, ch. 127 pars. 1001 et seq.)~~, the provisions of the Illinois Administrative Procedure Act shall control.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

SUBPART H: MISCELLANEOUS PROVISIONS

Section 125.810 Ex Parte Communications

a) Except in the disposition of matters ~~which~~ they are authorized by law to entertain or dispose of on an ex parte basis, ~~neither~~ members of the Board, employees of the Board and~~nor~~ Hearing Officers~~Examiners~~ shall not, after the commencement

of any proceeding pursuant to Article 9~~the Act~~ or this Part~~these Rules~~, communicate, directly or indirectly with any party in connection with any pending issue except upon notice and opportunity for all parties to participate.

b) With respect to any complaint filed pursuant to Subpart B~~ of these Rules~~, the prohibition provided for in subsection~~paragraph~~ (a)~~ of this Rule~~ shall commence with the filing of the complaint.

c) Nothing in this Section~~Rule~~ shall prohibit Board staff or Board members from communicating with each other, or a Hearing Officer~~Examiner~~ or Board member from communicating with employees of the Board, to obtain their aid and advice on technical matters that~~which~~ fall within the area of expertise of the employee consulted.

d) Ex parte communications may also be governed by Section 5-50 of the State officals and Employees Ethics Act [5 ILCS 430/5-50].

e~~d~~) The Board may institute ~~such~~ sanctions against any violator of this Section~~these provisions~~ as it may deem appropriate and authorized by law.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.820 Effective Date (Repealed)

~~This Part shall take effect upon their adoption and upon the filing thereof with the Secretary of State of Illinois.~~

(Source: Repealed at 35 Ill. Reg. 2351, effective February 4, 2011)

Section 125.840 Severability

The rules promulgated in this Part~~These Rules~~ are severable and the invalidity or unenforceability of one or more shall not affect the validity of any other rule that~~Rule which~~ may be given independent effect or application.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Raffles Conducted by Political Committees

2) Code Citation: 26 Ill. Adm. Code 210

3)

Section Numbers:	Adopted Action:
210.10	Amendment
210.APPENDIX A	Amendment

4) Statutory Authority: Implements Article 9 of the Illinois Election Code [10 ILCS 5/Art.9] and authorized by Section 9-13 and 9-15

5) Effective Date of Rulemaking: February 4, 2011

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: 34 Ill. Reg. 14004; October 1, 2010

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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: This rulemaking establishes procedures to implement the provisions of Public Act 96-832, which made numerous changes to the Illinois Campaign Finance Act. The proposed amendment references new designations of political committees as defined in 10 ILCS 5/9-1.8.

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217/782-0608

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

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 210
RAFFLES CONDUCTED BY POLITICAL COMMITTEES

Section
210.10 Licensing of Raffles Conducted by Political Committees
210.APPENDIX A Application Form

AUTHORITY: Implementing and authorized by the Raffles Act [230 ILCS 15].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 6907, effective May 1, 1990, for a maximum of 150 days; emergency expired September 28, 1990; adopted at 15 Ill. Reg. 4450, effective March 16, 1991; amended at 29 Ill. Reg. 18810, effective November 7, 2005; amended at 35 Ill. Reg. 2407, effective February 4, 2011.

Section 210.10 Licensing of Raffles Conducted by Political Committees

a) No raffle or other game of chance defined in and authorized by Section 8.1 of the Raffles Act [230 ILCS 15/8.1] (the Act) shall be conducted unless a license has first been issued for such a purpose by the State Board of Elections (Board).

b) "Political committee" as used in this Part shall mean a political committee as defined by Section 9-1.8~~9-1.9~~ of the Election Code [10 ILCS 5/9-1.8~~9-1.9~~].

c) No political committee, group, association, or other entity shall receive a license to conduct a raffle unless it is a political committee as defined by this Part and Section 9-1.8~~9-1.9~~ of the Election Code, and unless it meets all requirements of Section 8.1 of the Act.

d) Application for a license to conduct a raffle shall be made on forms provided by the Board and shall supply, over the oath of the applicant, all information requested by the application form. The form of the application is set out in Appendix A.

e) Only the chairman or treasurer of a political committee whose name is listed on the committee's D-1 statement at the time the application is filed shall sign the application for a license to conduct a raffle.

f) An officer of a political committee or an employee or person not otherwise disqualified by the Act itself shall be deemed to be of good moral character if he or she has never been convicted of an offense identified in Article 29 of the Election Code; provided that if an officer, employee or person has been convicted of such an offense he or she may nonetheless be deemed of good moral character if at least one year has elapsed between the completion of any sentence, including a sentence of probation, imposed upon such conviction and the date the application is sent to the Board as noted upon the application itself.

g) The information supplied by the applicant, over his or her oath, if it is complete as to each and every item of the application for which an answer is required, shall be deemed to be presumptively correct and sufficient for the Board to issue a license to the applicant to conduct a raffle.

h) Any person who has grounds to believe a committee has violated the terms of the Act or of its license may file a complaint before the State Board of Elections to determine whether a license holder remains in compliance with the terms of its license. The Board shall hear such a complaint under the provisions of 26 Ill. Adm. Code 125.Subpart C. The complainant shall prove its case before the Board. Nothing in this Part prohibits the Board from filing a complaint, but unless it does so, the Board shall not act as an advocate for the complainant. Failure of a committee to abide by the Act and its license voids the license whether or not a complaint is filed.

i) All receipts and/or expenditures for raffles conducted under this Section and the Act shall be reported on the report next required to be submitted by the committee after each separate raffle under Article 9 of the Election Code and on such other reports as may be required by that Article.

(Source: Amended at 35 Ill. Reg. 2407, effective February 4, 2011)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

Section 210.APPENDIX A Application Form

FORM DR LICENSE APPLICATION TO CONDUCT A RAFFLE

1. Name and address of political committee.

_____

2. Type of Committee (Circle~~Check~~ One)~~ State_____ Local_____~~

Candidate Political Party Political Action Committee Ballot Initiative

~~If Local, activity in which county (ies)_____~~

~~State_____ Local_____~~

~~If State & Local, activity in which county (ies)~~

3. Name and address of officers.

A. Chairman

_____ Phone Number: _____

B. Treasurer

_____ Phone Number: _____

4. Name and address of individuals~~individual(s)~~ responsible for the conduct of the raffle.

_____

_____ ~~.~~

5. Locations where~~Location(s) which~~ raffle chances will be sold or issued.

_____

6. First and last dates for sale of raffle chances.

_____

7. Locations where~~(a) Location(s) at which~~ winning chances~~chance(s)~~ will be determined.

_____

8. Dates~~Date(s)~~ of determination of winning chances~~chance(s)~~.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENTS

~~Date:~~ ______________________________

Briefly describe the prizes:

____

____

____

* *

The undersigned hereby swear and affirm that ______________________ is organized as a political committee in Illinois as required by Article 9 of the Election Code~~Chapter 46, Article 9, Illinois Revised Statutes, An Act to Regulate Campaign Financing~~ and is eligible to receive a raffle license as prescribed by law~~,~~ and further, that the above stated facts are true. We acknowledge the receipt of copies of 230 ILCS 15/8.1~~P.A. 86-394~~ and of 26 Ill.~~Illinois~~ Adm. Code~~. Sec.~~210.10 and understand that failure to abide by the Election Code~~Act~~ shall void any license granted to this committee.

____
Chairman (Signature)

____
Treasurer (Signature)

Subscribed and Sworn to before me this
___ day of ____________, 20~~19~~____.

____
Notary Public

For Office Use Only

Identification No. ______________________

Date of Creation: ______________________

Approved ______________________
(Date)

____
(Signature)

(Source: Amended at 35 Ill. Reg. 2407, effective February 4, 2011)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Number: 1650.410 — Adopted Action: Amended

4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]

5) Effective Date of Amendments: January 21, 2011

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 materials incorporated by reference, is on file in the Teachers' Retirement System's principal office and are available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 13, 2010; 34 Ill. Reg. 10710

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Various punctuation changes recommended by JCAR were made in the final version.

12) Have all the changes agreed upon by the agency and JCAR been 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? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
1650.180	Amendment	34 Ill. Reg. 9743; August 20, 2010
1650.450	Amendment	34 Ill. Reg. 9743; August 20, 2010
1650.481	Amendment	34 Ill. Reg. 12145; July 16, 2010

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Amendments: The amendment to TRS Rule 1650.410(b)(1)(C) deals with return of contributions for excess service and includes within the definition of "excess service" for refund purposes, the period of service in excess of 34 years if (1) the member is over age 60, or (2) retires reciprocally and the System is not the last employer.

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

Thomas S Gray
General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Rates (Repealed)
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
1650.222 Death Out of Service
1650.230 Medical Examinations and Investigations of Claims (Repealed)
1650.240 Refunds; Canceled Service; Repayment
1650.250 Death Benefits
1650.260 Evidence of Age
1650.270 Reversionary Annuity – Evidence of Dependency
1650.271 Evidence of Parentage
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280 Evidence of Marriage
1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
1650.301 Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310 Effective Date of Membership
1650.315 Verifying Service Credit
1650.320 Method of Calculating Service Credits
1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.335 Unreported Regular Service Credit and Earnings
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351 Employer Contribution for Excess Sick Leave
1650.355 Purchase of Optional Service – Required Minimum Payment
1650.356 Payroll Deduction Program (Repealed)
1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360 Settlement Agreements and Judgments
1650.370 Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

1650.380 Definition of Actuarial Equivalent (Repealed)
1650.390 Independent Contractors
1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
1650.450 Compensation Recognized As "Salary"
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System
1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
1650.485 Employer Contributions for Salary Increases in Excess of 6% − Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section
1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service (Repealed)
1650.511 Separation from Service
1650.512 Verification of Compliance with Post-Retirement Employment Limitations
1650.520 Suspension of Benefits
1650.530 Power of Attorney

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.561 Valid Beneficiary Designations
1650.570 Survivors' Benefits
1650.571 Payment of Monthly Survivor Benefits to a Trust
1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset
1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
1650.610 Staff Responsibility
1650.620 Right of Appeal
1650.630 Form of Written Request
1650.635 Presiding Hearing Officer – Duties and Responsibilities
1650.640 Prehearing Procedure
1650.641 Claims Hearing Committee Hearing Packet
1650.650 Hearing Procedure
1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Section
1650.910 Summary and Purpose (Repealed)
1650.920 Definitions (Repealed)
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests (Repealed)
1650.950 Appeal of a Denial (Repealed)
1650.960 Executive Director's Response to Appeal (Repealed)
1650.970 Response to FOIA Requests (Repealed)
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1001 Elections Date/Election Day – Defined
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting
1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1650.1110 Definitions
1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112 Requirements for a Valid QILDRO Calculation Order
1650.1113 Required Forms
1650.1114 Filing a QILDRO or a Calculation Order with the System
1650.1115 Benefits Affected by a QILDRO
1650.1116 Effect of a Valid QILDRO
1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

1650.1118 Alternate Payee's Address
1650.1119 Electing Form of Payment
1650.1120 Automatic Annual Increases
1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122 Providing Benefit Information for Divorce Purposes
1650.1123 Suspension and Expiration of a QILDRO
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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions for Duplicate or Excess Service

a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.

b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's beneficiaries.

1) The term "excess service" shall mean:

A) that period of service in excess of the number of years of service necessary for members retiring under 40 ILCS 5/16-133.2(b) to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or

B) that period of service exceeding the amount of service allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)]; or

C) that period of service in excess of 35 years of creditable service (34 years if the member is over age 60 or retires reciprocally and the System is not the last employer) if the member elected pursuant to 40 ILCS 5/16-129.1 to upgrade the retirement benefit based upon pre-July 1998 service.

2) To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(A) of this Section, the System shall apply the following formula:

A) divide the total cost of all optional teaching service purchased by

the member by the total amount of optional teaching service purchased.

B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.

C) the resulting figure shall be the amount returned to the member at retirement.

3) The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].

4) If a member elects to receive a return of contributions under subsection (b) of this Section, he or she may not utilize the optional service removed from the member's service record due to the return of contribution as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40 ILCS 5/16-129.1.

5) No interest shall be payable upon the amount returned.

(Source: Amended at 35 Ill. Reg. 2413, effective January 21, 2011)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Lobbyist Registration and Reports

2) Code Citation: 2 Ill. Adm. Code 560

3)

Section Numbers:	Proposed Action:
560.100	Amendment
560.105	New Section
560.200	Amendment
560.205	Amendment
560.210	Amendment
560.220	Amendment
560.225	New Section
560.300	Amendment
560.301	New Section
560.305	Amendment
560.310	Amendment
560.315	Amendment
560.330	Amendment
560.370	Amendment
560.371	Amendment
560.375	Amendment
560.380	Amendment
560.385	Amendment
560.390	Amendment
560.395	Amendment
560.400	Amendment
560.405	Amendment
560.410	Amendment
560.420	Amendment
560.430	New Section

4) Statutory Authority: Lobbyist Registration Act (25 ILCS 170)

5) Effective Date of Amendments: January 20, 2011

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of the permanent rule, whichever comes first.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

7) Date Filed with the Index Department: January 20, 2011

8) A copy of the emergency rulemaking, including any material incorporated by reference, is on file in the Department's Springfield office and is available for public inspection.

9) Reason for Emergency: Proposed provisions in the emergency rule seek to comply with federal and state laws and sound merit principles. Further delay in effecting the rule will be detrimental to the management and employees of the Office of the Secretary of State.

10) Complete Description of the Subjects and Issues Involved: Lobbyist Registration

11) Are there any other proposed rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: This does not create or expand an existing State mandate.

13) Information and questions regarding this emergency rulemaking shall be directed to:

Michelle Nijm
Assistant General Counsel
Office of the General Counsel
100 W. Randolph Street, #5-400
Chicago, Illinois 60601

312/814-3154

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

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER III: SECRETARY OF STATE

PART 560
LOBBYIST REGISTRATION AND REPORTS

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EMERGENCY
560.105 Designated Officials
EMERGENCY

SUBPART B: LOBBYIST REGISTRATION

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EMERGENCY
560.205 Designation and Duties of Authorized Agent
EMERGENCY
560.210 Persons Not Required to Register
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EMERGENCY
560.225 Ethics Training
EMERGENCY
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560.310 Categorizing Expenditures
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560.315 Allocating Expenditures
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560.320 Large Gatherings and Giveaways
560.325 Reporting Expenditures by Participants in Grass Roots Lobbying Events
560.326 Registrant's Duties for Grass Roots Lobbying Events
560.330 Expenditures for Immediate Family Members of Officials
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560.340 Travel and Lodging Accommodations for Officials
560.345 Members of Legislative or State Study Committees
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560.355 Registrant's Duties for Grass Roots Lobbying Events (Repealed)
560.360 Salaries, Fees and Compensation
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560.371 Lobbyist Notifications to Officials
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560.372 Official's Clarification Notice
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560.390 Failure to File Registration Statements and Expenditure Reports
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SUBPART D: PUBLIC DISCLOSURE

Section
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NOTICE OF EMERGENCY AMENDMENTS

560.410 List of Officials
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560.APPENDIX A Lobbyist Registration Statements
560.ILLUSTRATION A Form R1: Lobbyist Registration Statement − For Individual/Firm/Partnership/Committee/ Association/Corporation or any Other Organization Employing a Lobbyist on Their Own Behalf (Repealed)
560.ILLUSTRATION B Form R2: Lobbyist Registration Statement − For Individual/Firm/Partnership/Committee/Association/Corporation or any Other Organization Who Performs Lobbying Services on Behalf of Another (Repealed)
560.ILLUSTRATION C Attachment R1/R2: Lobbyist Registration Attachment − For Individual Lobbyist (Repealed)
560.ILLUSTRATION D Form R3: Lobbyist Registration Attachment − For Addition or Deletion of Affiliated Lobbyists (Repealed)
560.ILLUSTRATION E Form R4: Lobbyist Registration Attachment − For Addition or Deletion of Affiliated Clients (Repealed)
560.APPENDIX B Lobbyist Expenditure Reports
560.ILLUSTRATION A Form S1: Lobbyist Expenditure Report − Summary of Reportable Expenditures (Repealed)
560.ILLUSTRATION B Schedule 1A/2A: Lobbyist Expenditure Report − Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
560.ILLUSTRATION C Schedule 1B/2B: Lobbyist Expenditure Report − Non-Itemized Expenditures for Travel and Lodging or Meals, Beverages and Entertainment (Repealed)
560.ILLUSTRATION D Schedule 2C/3C: Lobbyist Expenditure Report − Expenditures for Large Gatherings ~~or Giveaways~~ (Repealed)
560.ILLUSTRATION E Schedule 3A/4A: Lobbyist Expenditure Report − Itemized Expenditures for Gifts or Honoraria (Repealed)
560.ILLUSTRATION F Schedule 3B/4B: Lobbyist Expenditure Report − Non-Itemized Expenditures for Gifts and Honoraria (Repealed)
560.ILLUSTRATION G Schedule GR1: Lobbyist Expenditure Notification −

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Expenditures Notification in Connection with a Grass Roots Lobbying Event (Repealed)

AUTHORITY: Implementing and authorized by the Lobbyist Registration Act [25 ILCS 170].

SOURCE: Adopted at 18 Ill. Reg. 22532, effective January 1, 1994; amended at 21 Ill. Reg. 405, effective January 1, 1997; emergency amendment at 22 Ill. Reg. 22419, effective December 8, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 5856, effective May 3, 1999; amended at 24 Ill. Reg. 6708, effective April 14, 2000; emergency amendment at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days.

SUBPART A: DEFINITIONS

Section 560.100 Definitions
EMERGENCY

The following definitions shall apply to this Part:

"Act" means the Lobbyist Registration Act [25 ILCS 170].

"Administrative action" means the execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual arrangement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any executive agency, department, board or commission of the State. (Section 2(i) of the Act) It shall not include any correspondence or direct lobbying communication to an official providing a response to an official's request.

"Allocation" means the proration of the expenditure made for lobbying an official when the expenditure is made for more than one official, but fewer than 25 officials.

"Authorized Agent" means the person designated by *an entity or lobbyist registered under* the *Act as the person responsible for* the accurate *submission and retention of reports required under* the *Act.* (Section 2(l) of the Act)~~the registered entity to be responsible to the Secretary of State for the accurate submission of lobbyist registration statements and expenditure reports required under this Part.~~ The authorized agent need not register unless he or she is a lobbyist, as defined in this Section.

"Client" means an individual, firm, partnership, committee, association, corporation or any other organization on whose behalf a lobbyist influences officials with respect to executive, administrative and legislative action.

"Compensation" means any money, thing of value or financial benefits received or to be received in return for services rendered or to be rendered, for lobbying, as defined in this Section~~*herein*~~*. Monies paid to* officials *by the State as remuneration for performance or reimbursement of expenses in connection with their constitutional and statutory duties* as officials *shall not constitute compensation.* (Section 2 of the Act)

"Complete Report" means a statement~~,~~ or report to be filed with the Secretary of State Index Department in apparent and substantial conformity with the requirements of this Part that shall contain the electronic acknowledgement~~signature~~ of the authorized agent, the completion of all applicable sections of the statement or report, and the attachment of all appropriate schedules.

"Direct Lobbying Communication" means any activity concerning the direct contact of officials in person or by means of correspondence, telephone or other electronic medium for the purpose of influencing executive, legislative or administrative action. Any correspondence or contact of a routine nature with an official's office, or by a citizen lawfully petitioning a public official pursuant to Section 9 of the Act, shall not be considered direct lobbying communication, unless the communication is made by a hired lobbyist or is in conjunction with a reportable expenditure.

"Due Diligence" means when a lobbyist or authorized agent for any registered entity shows that best efforts have been used to obtain, maintain and submit the information required by the Act. With regard to filing complete reports, the authorized agent will not be deemed to have exercised due diligence unless he or she has access to the expense records of the entity's lobbyists, and has made at least one written request to obtain ~~such~~ information required by the Act from the lobbyist that~~which~~ informs the lobbyist that the reporting of that~~such~~ information to the authorized agent is required by law or regulation. This definition should not be construed as a requirement that the authorized agent review the lobbyist's expense records if the lobbyist certifies their accuracy to the authorized agent.

"Employer" means the individual, firm, partnership, committee, association, corporation or any other organization or group of persons by whom a lobbyist is employed, and not the name of the lobbyist's supervisor.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by a State entity of a rule, regulation, order, decision, determination, contractual arrangement, purchasing agreement or other quasi-legislative or quasi-judicial action or proceeding. (Section 2(g) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure, for the ultimate purpose of influencing executive, legislative or administrative action, other than compensation as defined in this Section~~*herein*~~. (Section 2(b) of the Act) For the purposes of this Part,~~Subpart C,~~ "expenditure" refers to a reportable expenditure made on behalf of an official in one of the 6~~four~~ categories described in Section 6 of the Act and Section 560.310 of this Part.

"File", "Filed" and "Filing" means the submission of a complete report, as defined in this Section, to the Secretary of State Index Department by the close of business on the prescribed filing date. Registration statements, expenditure reports, and any other required reports or correspondence shall be completed online, using the Secretary of State Index Department website (http://www.cyberdriveillinois.com/departments/index/home.html) unless otherwise instructed.~~Registration statements and expenditure reports shall be filed at either 111 East Monroe Street, Springfield, Illinois 62756, or at 17 N. State, Chicago, Illinois 60602, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding official State holidays. Forms may be sent by mail with a postmark date no later than the filing deadline.~~ If the filing deadline falls on a weekend or a holiday, the deadline will be extended to the next business day unless otherwise instructed. The Index Department shall notify any lobbying ~~registered~~ entity who has failed to submit a complete report and pay proper fees as required by Sections 560.220 and 560.390. An entity that fails to file a complete entity registration statement, expenditure report, or other required report or correspondence and/or pay proper fees shall not be considered a registered lobbying entity by the Secretary of State.

"Goodwill" means, for reporting purposes, any expenditure made on behalf of officials that~~which~~ has no direct relation to a specific executive, legislative or administrative action, regardless of whether the lobbyist making the expenditure is reimbursed by his or her employing registered entity or client. Goodwill should be reported as the subject matter when~~where~~ no specific action is discussed.

"Grass Roots Lobbying Communication" means:

correspondence by a representative (a lobbyist or a non-lobbyist) of a registered entity to the general public, or any segment thereof, encouraging correspondence to an official's office in support of, or opposition to, an executive, legislative or administrative action;

correspondence by a member of the general public, or any segment thereof, to an official's office in support of, or opposition to, an executive, legislative or administrative action when such correspondence is a result of a communication described above in this definition. A reportable expenditure made for or on behalf of an official by a member of the general public as a result of a grass roots lobbying communication shall constitute lobbying activity requiring that individual to register as a lobbyist unless that person reports the expenditure to the registered entity pursuant to Section 560.325.

"Grass Roots Lobbying Event" means:

any organized activity sponsored by a registered entity that is intended to influence the actions of officials by inviting or transporting participants (e.g., members, employees, constituents or the general public) to a specific site on the grounds of, or in the proximity of, public offices or other meeting places where officials are expected to be accessible for grass roots lobbying; or

any event to which officials are invited that is sponsored by a non-lobbyist member or employee of a registered entity, e.g., an on-site inspection of, or reception at, the member's or employee's place of business, or a social gathering at any location. Reportable expenditures incurred as a result of the event shall be reported to the registered entity pursuant to Section 560.325.

"Honorarium" means a payment of money to a member of the General Assembly for an appearance or speech, excluding any actual and necessary travel expenses incurred by the member (and one relative) to the extent that those expenses are paid by any other person. [5 ILCS 420/2-110]

"Influencing" means any communication, action, or reportable expenditure ~~as prescribed in Subpart C of this Part~~ or other means used to promote, support, affect, modify, oppose or delay any executive, legislative or administrative action or to promote goodwill with officials, as defined in this Section*~~herein~~*. (Section 2(f) of the Act)

"Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or passage or defeat of any bill, amendment, resolution, report, nomination, administrative rule, or other matter by either house of the General Assembly or a committee thereof, or by a legislator. Legislative action also means the action of the Governor in approving or vetoing any bill or portion thereof, and the action of the Governor or any agency in the development of a proposal for introduction in the legislature. (Section 2(h) of the Act) It shall not include any correspondence or communication to an official providing a response to an official's request.

"Lobby" and "Lobbying" means any communication with an official of the executive or legislative branch of State government as defined in this Section*~~herein~~ for the ultimate purpose of influencing* any *executive, legislative or administrative action*. (Section 2(e) of the Act) Lobbying shall not be construed to infringe in any way the right of a citizen to lawfully petition any public official by any means of communication. The following are ~~hereby~~ excluded from the definition of "lobbying":

Any grass roots lobbying communication as defined in this Section~~herein~~;

Any communication by a candidate or political committee, as defined in Article 9 of the Election Code [10 ILCS 5/9], in relation to the candidate's campaign, or other communications by a political party committee registered with the Illinois State Board of Elections or Federal Election Commission;

Any communication by a political committee registered with the Illinois

State Board of Elections or Federal Election Commission in connection with a question of public policy referendum to be presented to the electors; and

Any professional or technical assistance or ministerial function (a function in which nothing is left to discretion) as a normal course of business (see Section 560.210(c), (d), and (n) of this Part).

"Lobbyist" means any natural person ~~who is employed by a registered entity~~ *who undertakes to lobby State government* as defined in this Section. (Section 2(j) of the Act)~~direct lobbying communication with an official as defined herein for the ultimate purpose of influencing executive, legislative or administrative action.~~

"Lobbying entity" means any entity that hires, retains, employs or compensates a natural person to lobby State government as provided in this Section. (Section 2(k) of the Act)

"Official" means:

the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer and State Comptroller and their Chiefs of Staff;

Cabinet members of any elected constitutional officer, including Directors, Assistant Directors and Chief Legal Counsel or General Counsel, and other position titles of comparable ranking that are deemed by their employing Constitutional Officer to be an official under this Part; and

Members of the General Assembly; and~~.~~

Members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor that has authority to make binding recommendations or determinations. (Section 2(c) of the Act) (See Section 560.105 for additional information.)

"Official" shall not be construed to include those individuals possessing power of attorney on behalf of an official.

"Person" means any individual, firm, partnership, committee, association,

corporation or any other organization or group of persons. (Section 2(a) of the Act)

"Picture" means an original or photocopied photograph of a lobbyist to be affixed to the lobbyist's registration attachment.

"Professional Services and Technical Skills" shall be limited to advice and analysis directly applying any professional or technical discipline (see Section 560.210(c) and (d) of this Part). Being a professional or technical person does not in itself exempt a person from registering if that person undertakes a direct lobbying communication or makes a reportable expenditure.

~~"Registered Entity" means the firm, partnership, committee, association, corporation or any other organization or group of persons who has filed, as defined in this Section, a lobbyist registration statement with the Secretary of State Index Department as prescribed in Section 560.200(b). A self-employed individual who is not officially organized as a corporation or firm is considered such for purposes of this definition.~~

"Vendor" means any person who sells or leases commodities, equipment, or real estate to the State of Illinois.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.105 Designated Officials
EMERGENCY

As indicated in Section 560.100, the term "official" means all *members of the General Assembly;* all elected constitutional officers (*Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, and State Comptroller*), their *Chiefs of Staff*, their *cabinet members* (*including Directors, Assistant Directors, and General Counsels or Chief Legal Counsels*) and all position titles the employing constitutional officer deems comparable; and *members of any board, commission, authority, or task force of the State authorized or created by State law or by executive order of the Governor* that has authority to make binding recommendations or determinations. (Section 2(c) of the Act) For reporting purposes, the term "official" includes the following positions, boards, commissions, authorities, and task forces:

MEMBERS OF THE GENERAL ASSEMBLY

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

CONSTITUTIONAL OFFICERS

Governor
Lieutenant Governor
Attorney General
Secretary of State
Comptroller
Treasurer

ATTORNEY GENERAL'S OFFICE

Chief Deputy Attorney General
Chief of Staff
Counsel to the Attorney General
Deputy Attorney General/Child Support Enforcement
Deputy Attorney General/Civil Litigation
Deputy Attorney General/Criminal Justice
Deputy Attorney General/Springfield & Regional Coordination
Deputy Chief of Staff/Administration
Deputy Chief of Staff/Policy & Legislative Affairs
Senior Counsel to the Attorney General
Solicitor General

COMPTROLLER'S OFFICE

Assistant Comptroller – Fiscal Policy
Assistant Comptroller – Operations
Assistant Comptroller – Policy & Planning
Chief of Staff
Deputy Director of Legal Affairs
Director of Administrative Services & Budget
Director of Cemetery Care & Burial Trusts
Director of Communications
Director of Financial Reporting
Director of Human Resources
Director of Information Technology
Director of Internal Audits
Director of Issues Development

Director of Legal Affairs
Director of Legislative Affairs
Director of Local Government
Director of Research & Fiscal Information
Director of State Accounting
Legislative Liaison
Press Secretary
Purchasing Agent

LIEUTENANT GOVERNOR'S OFFICE

Director of Constituent Services
Director of Intergovernmental Affairs
Director of Operations
Director of Rural Affairs
General Counsel
Legislative Counsel
Policy Assistant
Senior Policy Advisor

SECRETARY OF STATE'S OFFICE

Chief Auditor
Deputy Chief Auditor
Deputy Chief of Staff
Deputy Director of Intergovernmental Affairs
Deputy Secretary of State/Chief of Staff
Director of Intergovernmental Affairs
Director of Policy and Programs
General Counsel
Inspector General
Executive Inspector General
Press Secretary

Directors, Chief Deputy Directors and Deputy Directors of the following departments:

Accounting Revenue
Administrative Hearings

Archives
Budget and Fiscal Management
Business Services
Communications
Court of Claims
Driver Services
Index
Information Technology
Legislative Affairs
Library
Personnel
Physical Services
Police
Securities
Vehicle Services

TREASURER'S OFFICE

Assistant Director of the Unclaimed Property Division
Chief Internal Auditor
Chief of Staff
Deputy Chief of Staff for Law and Policy
Deputy Chief of Staff/Chief Fiscal Officer
Deputy Director of the Illinois Funds
Director of Community Initiative/Intergovernmental Affairs
Director of Economic Development
Director of Human Resources
Director of the Illinois Funds
Director of the Unclaimed Property Division
Inspector General
Manager of Accounting
Manager of Banking
Manager of Estate Tax
Manager of Financial Education
Manager of Intergovernmental Affairs
Manager of MIS
Manager of the Warrant Division
Portfolio Manager
Press Secretary

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

GOVERNOR'S OFFICE

Chief of Staff
Deputy Chief of Staff – Economy & Labor
Deputy Chief of Staff – Education
Deputy Chief of Staff – Intergovernmental Affairs
Deputy Chief of Staff – Legislative Affairs
Deputy Chief of Staff – Operations
Deputy Chief of Staff – Public Safety
Deputy Chief of Staff – Social Services
Deputy Governor
Director of Communications
Director of Office of Management & Budget
Director of Policy Development
General Counsel

CODE DEPARTMENTS:

Directors, Assistant Directors and General Counsel of the following agencies:

Aging
Agriculture
Central Management Services
Children and Family Services
Commerce and Economic Opportunity
Corrections
Employment Security
Financial and Professional Regulation
Healthcare and Family Services
Human Rights
Human Services **
Illinois Power Agency
Juvenile Justice
Labor
Lottery
Natural Resources
Public Health
Revenue

State Police
Transportation **
Veterans Affairs

** Secretary, Assistant Secretary and General Counsel of this Agency

NON-CODE DEPARTMENTS:

Directors, Assistant Directors and General Counsel of the following agencies:

Emergency Management Agency
Environmental Protection Agency
Fire Marshal
Historic Preservation Agency
Military Affairs

BOARDS, COMMISSIONS, TASK FORCES AND AUTHORITIES:

Members, Executive Directors and General Counsel of the following:

Block Grants, Advisory Committee on
Boiler and Pressure Vessel Rules Board
Capital Development Board
Carnival-Amusement Safety Board
Charitable Trust Stabilization Committee
Chicago Transit Authority Board
Civil Service Commission
Clean Energy Community Foundation
Commerce Commission
Comprehensive Health Insurance Board
Conservation Foundation
Court of Claims
Credit Union Advisors Board
Currency Exchange Advisors Board
Downstate Illinois Sports Facilities Authority Board
Educational Labor Relations Board
Environmental Health Practitioners Board
Executive Ethics Commission

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Gaming Board
General Assembly Retirement System, Board of Trustees
Health Facilities and Services Review Board
Higher Education, Board of
Historic Preservation Agency, Board of Trustees
Hospital Licensing Board
Human Rights Commission
Illinois Arts Council
Illinois Development Finance Authority
Illinois Educational Facilities Authority
Illinois Finance Authority
Illinois Global Partnership, Inc., Board of Directors
Illinois Health Facilities Authority
Illinois Housing Development Authority
Illinois Juvenile Justice Commission
Illinois Math and Science Academy, Board of Trustees
Illinois Medical District Commission
Illinois Public Safety Agency Network, Inc., Board of Directors
Illinois State Board of Investment
Illinois State Toll Highway Authority
Illinois Student Assistance Commission
Illinois Workers' Compensation Commission
Joint Committee on Administrative Rules
Judges' Retirement System, Board of Trustees
Labor Relations Boards, State and Local
Liquor Control Commission
Local Records Commission
Lottery Control Board
Merit Commission for the Office of the Comptroller
Merit Commission for the Secretary of State
Metropolitan Pier and Exposition Authority
Minority Controlled and Female Controlled Business Loan Board
Motor Vehicle Review Board
Personnel Review Board for the Treasurer
Pollution Control Board
Prisoner Review Board
Property Tax Appeal Board
Purchased Care Review Board
Racing Board

Savings Institutions Board
Small Business Utility Advocate
Sports Facilities Authority Board
State Board of Education
State Board of Elections
State Employees' Retirement System, Board of Trustees
State Mining Board
State Police Merit Board
State Universities Retirement System, Board of Trustees
Teachers' Retirement System, Board of Trustees
Workforce Investment Board

(Source: Added by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

SUBPART B: LOBBYIST REGISTRATION

Section 560.200 Persons Required to Register
EMERGENCY

The following individuals shall register with the Secretary of State Index Department:

a) *Any natural person who, for compensation or otherwise, ~~either individually or as an employee or contractual employee of another person,~~ undertakes to lobby* as defined in Section 560.100.~~*influence executive, legislative or administrative action* by any direct lobbying communication with an official of the executive or legislative branch of State government even if lobbying constitutes a small percentage of the employee's job duties.~~ (Section 3(a) of the Act)

b) *Any person or entity who employs*, retains, *or compensates another person for the purposes of lobbying*, even if lobbying constitutes a small percentage of the individual's duties~~*influencing executive, legislative or administrative action* by any direct lobbying communication with an official of the executive or legislative branch of State government~~. (Section 3(a) of the Act) For example, XYZ Corporation is required to register upon retaining a lobbying~~registered~~ entity that does not lobby exclusively for XYZ Corporation~~,~~ or upon employing an individual to lobby exclusively for XYZ Corporation.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.205 Designation and Duties of Authorized Agent
EMERGENCY

a) Every lobbying~~registered~~ entity shall designate on its Registration Statement an authorized agent who shall be responsible for keeping copies of the expenditure and registration records provided to him or her by that entity's lobbyists.

b) For each lobbyist registering independently pursuant to Section 560.220, the Index Department shall assume that the authorized agent is the lobbyist himself or herself unless the lobbyist has specifically designated another individual as his or her agent.

c~~b~~) The authorized agent shall be the Index Department's contact person for the registered entity. Notices from the Department will be mailed only to the authorized agent. The authorized agent shall notify the Department of any change of address.

d~~c~~) No registered entity shall have a vacancy in the position of authorized agent. The Department shall continue to send notices to the authorized agent designated until a registered entity notifies the Department in writing of the new authorized agent.

e~~d~~) The authorized agent shall submit the official expenditure reports on behalf of the registered entity, consolidating the expenditure information for all of the lobbyists for that entity~~ (see Subpart C of this Part)~~.

f~~e~~) The Index Department shall not accept registration statements and expenditure reports that are signed by anyone other than the authorized agent unless accompanied by a written explanation.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.210 Persons Not Required to Register
EMERGENCY

This Part is not intended and shall not be construed to apply to the following:

a) *Persons or entities who, for the purpose of influencing any executive, legislative or administrative action and who do not make expenditures that are reportable pursuant to Section 6* of the Act, *~~Subpart C of this Part,~~ appear without compensation or promise thereof only as witnesses before committees of the House and Senate for the purpose of explaining or arguing for or against the passage of or action upon any legislation then pending before those~~such~~ committees, or who seek without compensation or promise thereof the approval or veto of any legislation by the Governor.* (Section 3(a)(1) of the Act)

b) *Persons or entities that~~who~~ receive no compensation* from their immediate employer or association *other than reimbursement for expenses of up to $500 per year while engaged in lobbying State government, unless those persons made expenditures that are reportable under Section 6* of the Act~~Subpart C of this Part~~. (Section 3(a)(8) of the Act) Volunteers for non-profit registered entities who undertake a direct lobbying communication within the scope of their volunteer activities are not required to register unless they make reportable expenditures. However, this exemption does not apply to non-profit entities engaged in direct lobbying communications.

c) *Persons or entities performing professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation when those~~where such~~ professional services are not otherwise, directly or indirectly, connected with executive, legislative or administrative action.* (Section 3(a)(3) of the Act) Examples include, but are not limited to, the following:

1) an entity that monitors or drafts legislation on behalf of its members or clients, but does not engage in direct lobbying communications with officials or make reportable expenditures;

2) an individual employed by a registered or non-registered entity who monitors or drafts legislation on behalf of his or her employer or client, but does not engage in direct lobbying communications with officials or make reportable expenditures.

d) *Persons or entities in possession of~~who possess~~ technical skills and knowledge relevant to certain areas of executive, legislative or administrative actions, whose skills and knowledge would be helpful to officials* regardless of whether the~~such~~

assistance was requested *when considering such actions, whose activities are limited to making occasional appearances for or communicating on behalf of a registrant and who do not make expenditures that are reportable pursuant to Section 6* of the Act~~Subpart C of this Part~~ *even though receiving expense reimbursement for those~~such~~ occasional appearances.* (Section 3(a)(6) of the Act) Examples include, but are not limited to the following:

1) A group of physicians (or individual physician if the firm is registered under this Part) that prepares a report on a particular health issue that is used to inform officials on the subject in connection with a hospital's efforts to lobby for additional funding. The physician's or physicians' contact with officials shall be limited to explanation of the medical subject matter and shall not attempt to influence the hospital's funding.~~1)A law firm (or individual lawyer if the firm is a registered entity) that prepares a contract for a client that is lobbying for a purchasing agreement. The firm's or lawyer's contact with officials shall be limited to the explanation of the contract terms, and shall not attempt to influence the procurement of the contract.~~

2) An engineering firm (or individual engineer if the firm is ~~a~~ registered under this Part~~entity~~) that prepares a technical analysis on structural performance or operational capability that~~which~~ is used in the preparation for, or negotiation of, a bid or any other executive or administrative action. The firm's or engineer's contact with officials shall be limited to the explanation of the analysis~~,~~ and shall not attempt to influence the procurement of the bid.

e) *Employees of the General Assembly, legislators, legislative agencies and legislative commissions who, in the course of their official duties only, engage in activities that otherwise qualify as lobbying*. (Section 3(a)(5) of the Act)

f) *Persons or entities who are employees of departments, divisions, or agencies of State government, and who appear before committees of the House and Senate for the purpose of explaining how the passage of or action upon any legislation then pending before those~~such~~ committees will affect those~~said~~ departments, divisions or agencies of State government*. (Section 3(a)(4) of the Act) No communication by a department, division, agency or employees thereof acting within the scope of their employment regarding any executive, legislative or administrative action shall be construed as lobbying activities requiring a department, division or

agency of State government or its employees to register under this Part.

g) *Any full-time employee of a bona fide church or religious organization who represents that organization solely for the purpose of protecting the right of the members thereof to practice the religious doctrines of that~~such~~ church or religious organization, or any such bona fide church or religious organization.* (Section 3(a)(7) of the Act)

h) *Persons or entities who own, publish, or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other bona fide news medium that~~which~~ in the ordinary course of business disseminates news, editorial or other comment, or paid advertisements that~~which~~ directly urge the passage or defeat of legislation.*

1) *This exemption shall not be applicable to such an individual insofar as he receives additional compensation or expenses from some source other than the bona fide news medium for the purpose of influencing executive, legislative or administrative action.*

2) *This exemption does not apply to newspapers and periodicals owned by or published by trade associations and not-for-profit corporations engaged primarily in endeavors other than dissemination of news.* (Section 3(a)(2) of the Act)

i) *Any attorney or group or firm of attorneys in the course of representing a legal client in any administrative or judicial proceeding in which ex parte communications are not allowed and who does not make expenditures that are reportable under Section 6* of the Act~~Subpart C~~*, or any witness providing testimony in any administrative or judicial proceeding, in which ex parte communications are not allowed and who does not make expenditures that are reportable pursuant to Section 6* of the Act~~Subpart C of this Part~~. The act of representing a legal client in any administrative or judicial proceeding begins with the retaining of legal counsel for that purpose.

j) *Persons who, in the scope of their employment as a vendor,* regardless of any ownership interest in same, *offer or solicit an official for the purchase* or lease *of any goods or services where:*

1) *the~~said~~ solicitation is limited to either an oral inquiry or written*

advertisements and informative literature; or

2) *the~~said~~ goods and services are subject to* pre-qualification or *competitive bidding requirements of the Illinois Procurement Code* [30 ILCS 500]*~~Purchasing Act~~,* Architectural, Engineering, and Land Surveying Qualifications Based Selections Act [30 ILCS 535], ~~State Paper Purchasing Act, State Printing Contracts Act,~~ Governmental Joint Purchasing Act [30 ILCS 525], and ~~Minority and Female~~ Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]; or

3) *the~~said~~ goods and services are for sale at a cost not to exceed $5,000; and*

4) *the~~such~~ persons do not make expenditures that are reportable under Section 6* of the Act. (Section (3)(a)(10) of the Act)~~Subpart C of this Part. (Section 4 of the Act)~~

k) National, State, ~~county~~ or local government units and school districts~~political subdivisions, including municipalities, school districts, and other units of local government~~, and elected or appointed officers or employees thereof, who, within the scope of their public office or employment, lobby exclusively for one of the aforementioned units of government. For purposes of this Part, a "unit of local government" shall mean a unit of local government as defined by Article VII, Section 1 of the Illinois Constitution.

l) Persons who make incidental contacts with officials at business or social functions where executive, legislative or administrative action is discussed and who do not make a reportable expenditure pursuant to Section 6 of the Act~~Subpart C~~. However, the person or entity sponsoring the event or making a reportable expenditure in connection with the event is not exempt from registering under this subsection.

m) Individuals or entities employed by a lobbying~~registered~~ entity or other participants in a grass roots lobbying event whose lobbying activity is limited to participation at a grass roots lobbying event, and who report expenditures to the lobbying~~registered~~ entity as prescribed by Section 560.325. However, persons or entities performing contractual grass roots lobbying communication services involved in organizing a grass roots lobbying event or communication shall register if there is contact with officials other than the routine communication

that~~which~~ is the subject of the contract.

n) Persons who perform ministerial functions in conjunction with an executive, legislative or administrative action that~~which~~ require routine written correspondence or contact with officials shall not subject a person to register pursuant to this Part (for example, an assistant arranging an appointment between a lobbyist and an official).

o) *Any attorney or group or firm of attorneys in the course of representing a client in an administrative or executive action involving a contractual or purchasing arrangement who does not make expenditures that are reportable pursuant to Section 6* of the Act. (Section 3(a)(9.5) of the Act)

p) A person or entity claiming an exemption under Section 3 of the Act shall complete a statement of exemption and shall *certify* under penalties existing under the Act and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] *that the person or entity is not required to register* under the Act. (Section 3(c) of the Act) The statement of exemption shall include the individual's or entity's name, address, phone number, fax number, contact person, and contact person's email address, and shall indicate the particular exemption claimed under Section 3 of the Act.

q) In addition, the individual or entity shall also cite any further statutory authority that provides a basis on which the individual or entity may claim an exemption from registration, such as an enacting statute that designates an entity as a unit of local government.

r) Each lobbying entity shall inform its clients of the requirement to register under the Act or to file a statement of exemption. All individuals or entities claiming an exemption shall utilize the form available on the Secretary of State Index Department website.

s) *Nothing prohibits the Secretary from rejecting* a statement of exemption *and requiring a person or entity to register* should the Secretary determine the individual or entity is not eligible for the claimed exemption. (Section 3(c) of the Act)

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.220 Registration Requirements
EMERGENCY

a) *Every natural person and every entity required to register under* the *Act~~Section 560.200~~ shall* register ~~*each and every year, or*~~ *before any ~~such~~ service is performed which requires the natural person or entity to register, but in any event not later than 2 business days after being employed or retained*. (Section 5 of the Act)~~*No person shall engage in lobbying or employ any person for the purpose of lobbying who is not registered with the Office of the Secretary of State except on condition that the person register and the person does in fact register within ten (10) working days of an agreement to conduct any lobbying activity* (Section 5 and Section 3(b) of the Act).~~ Every lobbying~~registered~~ entity shall designate a person as an authorized agent (see Sections 560.100 and 560.205) who shall be responsible for reporting under this Part.

b) The authorized agent shall file an Entity Registration Statement and an Exclusive Lobbyist Information Statement for all persons who lobby exclusively for the entity even if lobbying is a small percentage of that person's job duties. ~~The authorized agent shall use official forms or copies thereof for the submission of registration statements~~ (See~~see~~ Section 560.405.)~~.~~

c) *Every natural person and every entity*~~Upon the beginning of each calendar year, entities~~ *required to register under* the *Act* ~~Section 560.200~~ *shall annually* renew his or her registration *on or before*~~register by~~ *January 31* of each ~~for that~~ year if continuing~~its~~ lobbyist activities ~~are continuing~~ from the previous year. By December 15 of each year, the Secretary of State Index Department will send to all current authorized agents reminder notices of the January 31 deadline. Nothing in this Section shall relieve a lobbyist or lobbying entity from the requirement to register before commencing lobbying activities in a particular year and within 2 business days after being employed or retained for lobbying services.~~Any entity who has not re-registered by January 31 is deemed not to be engaged in lobbying activities for that calendar year, and will not be sent further notices from the Secretary of State Index Department.~~

d) *The registrant has a continuing duty to report any substantial change or addition to the information contained in the registration.* (Section 5 of the Act)

e~~d~~) Registration statements shall be filed in accordance with the definition of "filing"

(see Section 560.100).

f~~e~~) All registration statements shall include an annual, non-refundable, non-transferable registration fee, assessed as follows, in the form of a credit or debit card payment or electronic check ~~or money order made~~ payable to the Secretary of State:

1) A lobbyist's~~An entity's~~ registration shall include a single, annual, non-refundable, non-transferrable~~$50~~ registration fee of $300~~for the entity~~. ~~However, a~~ A self-employed independent contract lobbyist who does not lobby under a business entity name or an assumed business name and who has no employees engaged in lobbying activities may submit a single annual fee of $300~~$50~~ and need not pay an entity fee.

2) A lobbying~~An~~ entity's registration shall include a single, annual, non-refundable, non-transferable registration fee of $300 for the entity and a ~~$50~~ single, annual, non-refundable, non-transferable registration fee of $300 for each person registering as a lobbyist on an Exclusive Lobbyist Information Statement.~~ The entity should submit one check or money order for the total amount owed. For example, an entity registering 5 lobbyists should submit one check for $300, rather than 6 checks for $50.~~

g~~f~~) The Secretary of State Index Department will provide~~send~~ an acknowledgment to each authorized agent indicating the date of receipt for all statements ~~delivered by mail or in person. Acknowledgment will be sent only if the statement meets the definition of "filed" in~~ filed (see Section 560.100).

h~~g~~) Persons solely engaged in grass roots lobbying as an employee of a lobbying ~~registered~~ entity or a participant in a grass roots lobbying event who make a reportable expenditure are required to register unless the expenditure is reported to the registered entity pursuant to Section 560.326.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.225 Ethics Training
EMERGENCY

Each natural person required to register as a lobbyist under the Act must complete the ethics training program provided by the Secretary of State (see Section 4.5 of the Act). Each *natural person registered under* the *Act must complete the training program no later than 30 days after registration or renewal under* the *Act*. (Section 4.5 of the Act) The training may address topics including, but not limited to, registration mandates, reporting requirements, prohibited gifts, prohibited board appointments and enforcement powers of the Secretary of State's Office of the Inspector General. The Secretary of State may include the ethics training for lobbyists as part of the registration process and the training materials may be presented online. Failure to complete the ethics training by the established deadline may delay the following year's registration and may result in the registrant being reported to the Secretary of State's Office of the Inspector General.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

SUBPART C: REPORTING REQUIREMENTS

Section 560.300 Persons Required to File Expenditure Reports
EMERGENCY

a) *Except as otherwise provided in this Section, every* person required to register as prescribed in Section 560.200 *shall* report *under oath* subject to penalties existing under the Act and *pursuant to Section 1-109 of the Code of Civil Procedure to the Secretary of State all expenditures for lobbying made or incurred by the lobbyist on his or her behalf or the behalf of his or her employer* (Section 6 of the Act). For the purpose of this Subpart, "expenditures" shall refer to reportable expenditures made on behalf of officials or immediate family members of officials who reside with the officials in the 6~~four~~ categories described in ~~Section 6 of the Act and~~ Section 560.310.

b) In the case where an individual is solely employed by another person to perform job related functions, any part of which includes lobbying, the employer shall be responsible for reporting all lobbying expenditures incurred on the employer's behalf as shall be identified by the lobbyist to the employer preceding such report ~~(Section 6 of the Act)~~. The authorized agent for each lobbying~~registered~~ entity shall file one expenditure report that includes all expenditures made by persons who lobby exclusively for that entity~~,~~ and reimbursed expenditures made by persons who do not lobby exclusively for that entity. Lobbyists shall submit their expenditure information to the authorized agent for their lobbying~~registered~~

entities~~entity,~~ and shall not file separate expenditure reports with the Secretary of State. In connection with each expenditure report filed, the authorized agent shall verify, under penalties existing under the Act and Section 1-109 of the Code of Civil Procedure, that the information contained in the report is true, accurate and complete to the best of his or her knowledge as provided by the individually reporting lobbyists, if any.

c) Persons and entities that do not lobby exclusively for one lobbying~~registered~~ entity shall report all expenditures that~~which~~ were not reimbursed by employers (i.e., clients), including expenditures to establish goodwill with officials that~~which~~ were not on behalf of a client.

d) Participants in grass roots lobbying events who make reportable expenditures shall file reports as prescribed by Section 560.325.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011 , for a maximum of 150 days)

Section 560.301 Affirmations
EMERGENCY

a) Twice annually, each lobbyist required to be registered under this Part shall affirm, under oath subject to penalties existing under the Act and Section 1-109 of the Code of Civil Procedure, the accuracy of all expenditure reports filed in the reporting period on his or her behalf for the preceding 6 month period. The first affirmation statement shall be due on January 31 and shall pertain to the preceding July 1 through December 31. The second affirmation statement shall be due on July 31 and shall pertain to the preceding January 1 through June 30.

b) If a lobbyist cannot affirm the expenditures reported on his or her behalf due to errors or omissions, the lobbyist shall report the discrepancy to his or her authorized agent, after which the agent and lobbyist shall reconcile the differences and, if necessary, the agent shall make amendments to previously filed expenditure reports. The period of time used for the reconciliation of expenditure records and/or the amendment of an expenditure report may not extend the affirmation deadline unless agreed to in writing by the Secretary of State.

c) Registrants shall use official affirmation statement forms provided by the Index Department.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.305 Time, Place and Manner for Filing Expenditure Reports
EMERGENCY

a) An expenditure *report for the period beginning July 1, 2010 and ending on December 31, 2010 shall be filed no later than January 15, 2011. Beginning January 1, 2011, reports shall be filed semi-monthly as follows:*

1) *for the period beginning the first day of the month through the 15th day of the month, the report shall be filed no later than the 20th day of the month; and*

2) *for the period beginning on the 16th day of the month through the last day of the month, the report shall be filed no later than the 5th day of the following month.* (Section 6(f) of the Act)~~A semi-annual *report under this Section shall be filed by July 31, for expenditures from the previous January 1 through the later of June 30 or the final day of the regular General Assembly session, and* an annual report *by January 31, for expenditures from the entire previous calendar year* January 1 - December 31 (Section 6 of the Act). Registrants shall use official forms for the submission of expenditure reports (see Section 510.405).~~

b) Expenditure reports~~Reports~~ shall be filed in accordance with the definition of "filing" (see Section 560.100).~~ Reports may also be faxed to the Index Department at 217/524-0930.~~

~~c)~~ ~~The Secretary of State Index Department will mail to authorized agents an acknowledgment of filing indicating the date of receipt for all reports delivered by mail or in person. An acknowledgment will be sent only if the report is sworn under oath (i.e., notarized,) and meets the definition of "filed" in Section 560.100.~~

c~~d~~) *Within 5 business*~~thirty (30)~~ *days after a* reporting *deadline, the Secretary of State* Index Department *shall notify* authorized agents of their *failure to file* a report. (Section 7(b) of the Act)

~~e)~~ ~~If the regular General Assembly session adjourns later than June 30, the filing~~

~~period for the semi-annual report may be extended by notice from the Secretary of State Index Department to all Authorized Agents of registered entities.~~

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.310 Categorizing Expenditures
EMERGENCY

a) *Expenditures attributable to lobbying officials shall be listed and reported according to the following categories:*

1) *travel and lodging on behalf of others, including, but not limited to, all travel and living accommodations made for or on behalf of State officials during sessions of the General Assembly;*

2) *meals, beverages and other entertainment;*

3) *gifts;*

4) gifts on the basis of personal friendship;

5~~4~~) *honoraria.* Note: Public Act 89-405 added Section 2-110 of the Governmental Ethics Act [5 ILCS 420/2-110] to prohibit members of the General Assembly from accepting any honorarium. This amendment to the Governmental Ethics Act ~~[5 ILCS 420/2-110]~~ applies only to members of the General Assembly and contains no similar prohibition with respect to the acceptance of honoraria by other officials;~~.~~

6) *any other thing or service of value not listed under* subsections (a)(1) through (5), *setting forth a description of the expenditure.* (Section 6(b-2) of the Act)

b) *The report shall itemize each individual expenditure or transaction ~~over $100~~ and shall include the name of the* lobbyist, *the name of the official on whose behalf the expenditure was made, the name of the client on whose behalf the expenditure was made,* if applicable, *the total amount of the expenditure, a description of the expenditure,* the seller, *purveyor* or other provider *to whom the expenditure was made (including the address or location of the expenditure),* *the date on which the*

expenditure occurred and the subject matter of the lobbying activity, if any (Section 6(b) of the Act). For purposes of expenditure reporting, the address of an expenditure may be listed as a landmark, if applicable. If there is no subject matter pertaining to the lobbying activity in connection with an expenditure, the term "goodwill" should be reported as the subject matter. Allocation is permitted for determining the itemization threshold (see Section 560.315).

c) Client Information

1) Subject to the qualifications in subsection (c)(2), the report shall include the names and addresses of all the clients who retained the lobbyist or lobbying entity, together with an itemized description for each client of the following:

A) lobbying regarding executive action, including the name of any executive agency lobbied and the subject matter;

B) lobbying regarding any legislative action, including the General Assembly and any other agencies lobbied and the subject matter;

C) lobbying regarding administrative action, including the agency lobbied and the subject matter.

2) Lobbyists or lobbying entities that do not have clients or who were active on their own behalf shall so indicate in their reports. Registrants who made no reportable expenditures or who did not conduct lobbying activity during a reporting period shall file a report stating that they had no expenditures or activity. If, however, changes in lobbying activities have taken place, a registrant shall amend its registration pursuant to Section 560.220.~~*Individual expenditures required to be reported as described herein which are equal to or less than $100 in value need not be itemized but are required to be categorized and reported by officials in an aggregate total in the manner prescribed* by the Expenditure Report Non-Itemized Schedule (Section 6 of the Act). Allocation is permitted for determining the itemization threshold (see Section 560.315).~~

d) For instances in which a lobbyist is required to report "lobbying activity" and that activity is not related to an itemized expenditure, the activity reporting requirement is satisfied by identifying the name of the client, indicating whether

the lobbying involved executive, legislative or administrative action, providing the name of the officials lobbied, and identifying the subject matter of the lobbying. The subject matter description must identify a substantive issue (e.g., mining regulations) or a legislative proposal (e.g., SB 100); descriptions such as "lobbied on behalf of client's interests" are not acceptable. The lobbyist is not, however, required to report every lobbying communication separately.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.315 Allocating Expenditures
EMERGENCY

a) For reporting purposes, the registrant may allocate the expenditure by prorating the total cost of the transaction among the number of beneficiaries (officials and non-officials). Example: A lobbyist buys dinner for a group of 5~~five~~ persons, an official, the official's spouse,~~two of whom are officials~~ and three ~~of whom are~~ non-officials who are not immediate family members of an official. The total cost of the expenditure is divided by 5 ~~five~~ to compute the portion allocable to each beneficiary. The lobbyist must report the portions allocable to the official and the official's spouse.~~whether the expenditure is required to be itemized, i.e., exceeds $100 per beneficiary. If each beneficiary's share is $100 or less, the transaction is reportable as a non-itemized expenditure.~~

b) Alternatively, when the transaction includes more than one beneficiary (officials and non-officials), the registrant may report the exact amount expended on behalf of an official or member of an official's immediate family.

c) To be included in the allocation calculation, the lobbyist~~lobbyist(s)~~ must be present and participating at the event at which~~where~~ the expenditure occurred. If lobbyists for more than one lobbying~~registered~~ entity divide the bill for a single transaction, each lobbyist must report an expenditure for each official in attendance.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.330 Expenditures for Immediate Family Members of Officials
EMERGENCY

a) *Each* individual *expenditure required to be reported shall include all expenses made for or on behalf of a* State *official~~officials~~ and members of the official's immediate family living with the official ~~of those persons~~* if the expenditure was made with the intent to influence the official or to promote ~~business~~ goodwill with the official (Section 6(b) of the Act). The expenditure shall be reportable as if the expenditure were made to the official.

b) "Immediate family member" shall be defined as a spouse or ~~dependent~~ child of the official.

~~c) When a lobbyist is invited to, attends, or acknowledges a gathering that is neither political nor of a business nature where it is customary to give a gift or memorial, e.g., a wedding, hospital stay, funeral, anniversary, graduation, birthday, or holiday celebration, and the gift or memorial is not in excess of $100, the gift or memorial for or on behalf of the official or his or her immediate family member need not be reported under this Part.~~

c~~d~~) Expenditures by a lobbyist for or on behalf of an official who is a member of the lobbyist's immediate family need not be reported under this Part.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.370 Returned Expenditures~~Gifts and Honoraria~~/Reimbursement by Official EMERGENCY

Any*~~Gifts and honoraria returned to the registrant within thirty (30) days of the date of receipt need not be reported~~* ~~(Section 6 of the Act). Additionally, any~~ reportable expenditure that the *official returns to the lobbyist or for which the official reimburses the lobbyist or lobbying ~~registered~~ entity prior to the deadline for submission of the report~~within the reporting period~~ need not be reported.* (Section 6(b-7)(5) of the Act) A registrant's reports listing expenditures that~~gifts or honoraria which~~ have been returned~~, or other expenditures which have been~~ or reimbursed~~,~~ shall be amended pursuant to Section 560.380.~~, or in lieu of amending the report, the authorized agent may submit a letter of explanation.~~ The amendment shall be filed no later than ~~thirty (~~30~~)~~ days from the authorized agent's receipt of the notice of nonacceptance or reimbursement by the official.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.371 Lobbyist Notifications to Officials
EMERGENCY

Pursuant to Sections 6 and 6.5 of the Act, registrants~~lobbyists~~ shall send 2~~two~~ notifications to each official on whose behalf an expenditure was incurred during the reporting period.

a) *A registrant that makes an expenditure on behalf of an official must inform the official in writing, contemporaneously with receipt of the expenditure, that the expenditure is a reportable expenditure pursuant to* the *Act and that the official will be included in the report submitted by the registrant in accordance with Section 6* of the Act. (Section 6.5(a) of the Act)~~At least 25 days prior to the filing deadline for the report (January 6 for the annual report and July 6 for the semi-annual report), lobbyists shall notify each official for whom an expenditure will be reported of the total amount of each expenditure, the date on which each expenditure was incurred, and, if applicable, the subject matter of the lobbying activity. Lobbyists may either provide an official with a copy of the report, or a separate notification pertaining to the expenditures of that official only.~~

b) *Any official disclosed in a report submitted pursuant to Section 6* of the Act *who did not receive the notification of the expenditure required by subsection (a) of this Section or who has returned or reimbursed the expenditure included in a report submitted pursuant to Section 6* of the Act *may, at any time, contest the disclosure of an expenditure by submitting a letter to the registrant and the Secretary of State. The Secretary of State shall make the letter available to the public in the same manner as the report.* (Section 6.5(b) of the Act)

c~~b~~) Within 30 days after a filing deadline~~ (March 2 for the annual report and August 30 for the semi-annual report)~~, a registrant~~lobbyists~~ shall ~~again~~ notify each official for whom an expenditure was reported of the name of the registrant, a description of the expenditure, the total amount of the expenditure, the date on which the expenditure was incurred, and, if applicable, the subject matter of the lobbying activity.

d~~c~~) Registrants~~Lobbyists~~ shall not send the Secretary of State a copy of the notifications to officials.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.375 Reports in the Absence of Reportable Expenditures
EMERGENCY

Registrants~~Registered entities~~ that *made no reportable expenditures during a reporting period shall file* an Expenditure Summary Report *stating that no expenditures were incurred* (Section 6(b-1) of the Act). The~~Such~~ reports shall be filed ~~in accordance with~~ (see Section~~Sections~~ 560.100), in accordance with Sections~~and~~ 560.305 and 560.310.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.380 Amending Reports
EMERGENCY

Any change or error in information previously submitted in a statement or report shall be disclosed by filing an amended statement or report as soon as practicable~~within thirty (30) days~~ following the~~such~~ change or discovery of the error. *A registrant has a continuing duty to report any substantial change or addition to the information contained in* its *registration.* (Section 5 of the Act)

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.385 Termination of Lobbying Activities
EMERGENCY

a) To terminate ~~the~~ registration under this Section, a lobbyist or lobbying~~of an~~ entity~~,~~ must~~the authorized agent may~~ file with the Secretary of State Index Department via its authorized agent a written notification of the termination of lobbying activities and a final expenditure report covering the period of time since the filing of its last report to the date of termination within 30 days after the termination~~, as determined by the entity~~. *Such notice and report shall be final and relieve such~~said~~ registrant of further reporting under this Part*. (Section 6(c) of the Act) ~~Alternatively, a registered entity may terminate its lobbying status by permitting the registration to expire on December 31, and not re-registering for the next calendar year. A registered entity that does not renew its registration is~~

~~still required to file an annual expenditure report pursuant to Section 560.305.~~

b) To terminate an individual lobbyist from a lobbying~~registered~~ entity, the lobbyist shall ~~notify the Secretary of State within 30 days, as required by Section 6 of the Act, or~~ notify the authorized agent in sufficient time for the authorized agent to notify the Secretary of State within 30 days after the termination that the lobbyist no longer lobbies for that entity. The~~In either case, the~~ lobbyist must provide the authorized agent with copies of expenditure records and an affirmation for the next reporting period. The authorized agent shall include any reportable expenditures incurred by that lobbyist prior to termination in the entity's next report.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.390 Failure to File Registration Statements and Expenditure Reports EMERGENCY

Failure to file a statement or report within the time designated, or the reporting of incomplete information, may constitute a violation of the Act~~this Part~~. *Within 5 business~~ten (10)~~ days after a filing deadline, the Secretary of State* Index Department *shall notify* ~~by certified mail~~ the authorized agent for any registrant~~registered entity~~ that is deemed *required to file, but has failed to do so.* (Section 7(b) of the Act)

a) A registrant~~registered entity~~ that is required to file a registration statement or expenditure report, and ~~who~~ has not filed by the deadlines prescribed in the Act~~this Part~~, is subject to the following late filing fees in addition to any penalties imposed by the Act:

1) Filings received within ~~fifteen (~~15~~)~~ days after a filing deadline shall be accompanied by a $50 late filing fee;

2) A registrant~~registered entity~~ that fails to file within 15 days shall be subject to a penalty of $100, which shall be in addition to the $50 late filing fee specified in subsection (a)(1).~~above;~~

~~3) A registered entity that registers within 30 days after a deadline for filing expenditure reports may file such report within 30 days after the deadline without a late filing fee or penalty. Such entity is subject to the fee~~

~~schedule above for filing statements and reports later than the 30 day extension.~~

b) For good cause shown, the Director of the Index Department may extend the time for compliance for an additional ~~thirty (~~30~~)~~ days after the date of the filing deadline. ~~No further extensions of time shall be given.~~

1) Examples of such extenuating circumstances include, but are not limited to, the following:

A~~1~~) inadvertent data erasure or computer malfunction;

B~~2~~) hospitalization of the authorized agent;

C~~3~~) loss of original receipts resulting from fire, flood, or other act of nature.

2) Lobbyists must provide replacement expenditure information to the authorized agent for compilation of the entity's report.

c) A registrant~~registered entity~~ will be liable for the late filing fee and penalty if it does not receive notifications from the Secretary of State's Office due to the registrant's~~entity's~~ failure to inform the Index Department of a change of street address and/or email address or authorized agent.

d) Copies of all records shall be maintained by the Index Department for inspection by the Secretary of State Inspector General, Attorney General or appropriate State's Attorney in the course of his or her enforcement activities under Section 11 of the Act.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.395 Preservation of Records
EMERGENCY

a) *A* lobbyist, or an authorized agent, if the lobbying~~registered~~ entity prefers, *shall preserve for a period of ~~two (~~2~~)~~ years* from the filing date *copies of all receipts and records* forwarded to the Authorized Agent that~~which~~ were *used in preparing*

reports under this Part. (Section 6(d) of the Act)

b) Examples of records that~~which~~ should be maintained include, but are not limited to, the following:

1) The total of all expenditures made for or on behalf of officials;

2) Proof of payment for every expenditure~~ in excess of $100~~;

3) The allocation formula used in prorating the expenses~~expense(s)~~ incurred for or on behalf of an official when an expenditure is made for more than one ~~(1)~~ official, but fewer than ~~twenty-five (~~25~~)~~;

4) A list of the officials invited to a large gathering.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

SUBPART D: PUBLIC DISCLOSURE

Section 560.400 Requests for Reports
EMERGENCY

a) All requests to view or copy statements or expenditure reports shall be made in person or submitted in writing. Copies must be paid for in advance (see Section 560.420).

b) All statements and reports filed under this Part with the Secretary of State Index Department shall be available within 5~~four (4)~~ business days from the filing date for examination and copying by the public during regular business hours (see Section 560.402) and shall be made available via the Internet without charge.

c) The Secretary of State Index Department shall certify that an entity or individual is or is not registered pursuant to the ~~Lobbyist Registration~~ Act. The written inquiry shall include the name and address of the person submitting the request and the name and address of the individual requested and their lobbying~~registered~~ entity, if applicable.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.405 Official Forms
EMERGENCY

Registered entities are required to use only the electronic lobbyist registration and reporting system and official forms ~~or photostatic copies of official forms~~ and schedules approved by the Secretary of State Index Department when filing lobbyist registration statements or reports.

a) Copies of official forms may be obtained from the Index Department.

b) Alternative methods of reporting are prohibited unless prior written approval has been received from the Director of the Index Department.

c) Prior written approval will be given based on the compatibility of alternative methods with the Index Department's public disclosure procedures.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.410 List of Officials
EMERGENCY

The Secretary of State Index Department shall maintain and make available to registrants a list of position titles deemed by their employing Constitutional Officers to be officials under this Part. The Constitutional Officers may provide this list to the Index Department on an annual basis or as amendments are required. The Secretary of State Index Department shall post~~mail~~ an updated list of officials on its website as applicable.~~to all authorized agents if any amendments are made, or upon request.~~

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.420 Fees
EMERGENCY

Expenditure reports and lists of registrants shall be made available to the public at the following fees:

a) The~~Paper copies of the~~ list of registrants shall be available free of charge via the Internet. This list is available on compact disc~~computer disk~~ for $10.

b) Copies of statements or expenditure reports shall be available free of charge via the Internet. Paper copies of statements or expenditure reports are available for $.50 per page. ~~Only the authorized agent for a registered entity may obtain a free copy of that entity's statements or reports.~~

c) There is no charge to inspect materials filed at the Secretary of State Index Department, 111 East Monroe Street, Springfield, Illinois 62756 or via the Internet.

d) Certification that an entity or individual is or is not registered pursuant to the ~~Lobbyist Registration~~ Act shall be available for $2.00.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

Section 560.430 Enforcement
EMERGENCY

The Secretary of State Inspector General is the office having investigative authority for alleged violations of the Act. Investigations shall be conducted pursuant to Section 14 of the Act.

(Source: Added by emergency rulemaking at 35 Ill. Reg. 2424, effective January 20, 2011, for a maximum of 150 days)

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)

Section Numbers:	Peremptory Action:
310.50	Amendment
310.500	Amendment
310.APPENDIX A TABLE A	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 310.50, 310.500 and 310.Appendix A Table A to reflect the Memorandum of Understanding (MOU) between the Laborers' International Union of North America - ISEA, Local 2002; Southern and Central Illinois Laborers' District Council and the State of Illinois for the positions performing the captain function at the Department of Natural Resources allocated to the Senior Public Service Administrator title Option 7, which is Law Enforcement/Correctional, signed December 29, 2010. The positions performing the captain function at the Department of Natural Resources allocated to the Senior Public Service Administrator title Option 7 are assigned to RC-104 Pay Plan Code Q rates effective May 7, 2010. Issued on May 7, 2010 was the Illinois Labor Relations Board State Panel Certification of Representative (Case No. S-RC-09-126) assigning the classification Senior Public Service Administrator, Option 7 (informal working title of Captain) to the RC-104 bargaining unit with positions excluded.

Section 310.Appendix A Table W reflects the MOU between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois for the Gaming License Analyst title signed December 20, 2010. The Gaming License Analyst title is assigned to RC-062-13 pay grade Pay Plan Code B rates effective October 1, 2010. Effective October 1, 2010, the Civil Service Commission approved the establishment of the Gaming License Analyst classification.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1−5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

6) Effective Date: January 19, 2011

7) A Complete Description of the Subjects and Issues Involved: In Sections 310.50 and 310.500, the definition of option is altered to include Option 7 and its indication within the list of options represented by a bargaining unit for the Senior Public Service Administrator title.

In Section 310.Appendix A Table A, the Senior Public Service Administration title Option 7 (captain function) Department of Natural Resources, its title code and Pay Plan Code are added to the title table. Just after the title table, a Note is added referring to the definition of option in Section 310.50. Rate and longevity bonus rate tables are added effective May 7, 2010 for the Senior Public Service Administration title Option 7 (captain function) Department of Natural Resources. The rates assigned to the Senior Public Service Administration title Option 7 (captain function) Department of Natural Resources are added to existing rate and longevity bonus rate tables.

In Section 310.Appendix A Table W, the Gaming License Analyst title, its title code, bargaining unit and pay grade are added to the title table.

8) Does this rulemaking contain an automatic repeal date? No

9) Date filed with the Index Department: January 19, 2011

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

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.210	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table C	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table G	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table K	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table L	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table P	Amendment	35 Ill. Reg. 678, January 14, 2011
310.Appendix A Table Q	Amendment	35 Ill. Reg. 678, January 14, 2011

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

14) Information and questions regarding these peremptory 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 Peremptory 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 (Repealed)
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section
310.410 Jurisdiction
310.415 Merit Compensation Salary Range Assignments
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases and Bonuses
310.455 Intermittent Merit Increase (Repealed)
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units (Repealed)
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase and Bonus Guidechart
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.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' –

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency 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	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
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 (Departments of Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.APPENDIX C Medical Administrator Rates (Repealed)
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].

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; peremptory 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; peremptory 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; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory 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; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory

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; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory 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; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory 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; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory 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; peremptory 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; peremptory 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; peremptory 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; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory 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; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory 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; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory 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; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; 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 September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28

Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory 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; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory 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; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory 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; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory 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; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34

Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; peremptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; peremptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; peremptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; peremptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; peremptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011.

SUBPART A: NARRATIVE

Section 310.50 Definitions

The following definitions of terms are for purposes of clarification only. They affect the Schedule of Rates (Subpart B), and Negotiated Rates of Pay (Appendix A). Section 310.500 contains definitions of terms applying specifically to the Merit Compensation System.

"Adjustment in Salary" – A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Sections 310.80 and 310.90.

"Base Salary" – A dollar amount of pay specifically designated in the Negotiated Rates of Pay (Appendix A) or Schedule of Rates (Subpart B). Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the

use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Comparable Classes" – Two or more classes that are in the same pay grade.

"Creditable Service" – All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last salary increase that was at least equivalent to a full step.

"Demotion" – The assignment for cause of an employee to a vacant position in a class in a lower pay grade than the former class.

"Differential" – The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on the employee during normal schedule of work.

"Entrance Base Salary" – The initial base salary assigned to an employee upon entering State service.

"Hourly Pay Grade" – The designation for hourly negotiated pay rates is "H".

"In Between Pay Grade" – The designation for negotiated pay rates in between pay grades is ".5".

"In-hiring Rate" – An in-hiring rate is a minimum rate/step for a class that is above the normal minimum of the range, as approved by the Director of Central Management Services after a review of competitive market starting rates for similar classes.

"Option" – The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1 = General Administration/Business Marketing/Labor/Personnel
2 = Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial

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2B = Financial Regulatory
2C = Economist
3 = Management Information System/Data Processing/Telecommunications
4 = Physical Sciences/Environment
6 = Health and Human Services
6B = Day Care Quality Assurance
6C = Health Statistics
6D = Health Promotion/Disease Prevention
6E = Laboratory Specialist
6F = Infectious Disease
6G = Disaster/Emergency Medical Services
7 = Law Enforcement/Correctional
8A = Special License − Architect License
8B = Special License − Boiler Inspector License
8C = Special License − Certified Public Accountant/Certified Internal Auditor
8D = Special License − Federal Communications Commission License/National Association of Business and Educational Radio
8E = Special License − Engineer (Professional)
8F = Special License − Federal Aviation Administration Medical Certificate/First Class
8G = Special License − Clinical Professional Counselor
8H = Special License − Environmental Health Practitioner
8I = Special License − Professional Land Surveyor License
8J = Special License − Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K = Special License − Licensed Psychologist
8L = Special License − Law License
8N = Special License − Registered Nurse License
8O = Special License − Occupational Therapist License
8P = Special License − Pharmacist License
8Q = Special License − Religious Ordination by Recognized Commission
8R = Special License − Dental Hygienist
8S = Special License − Social Worker/Clinical Social Worker
8T = Special License − Administrative Certificate issued by the Illinois State Board of Education
8U = Special License − Physical Therapist License

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8V = Special License − Audiologist License
8W = Special License − Speech-Language Pathologist License
8X = Special License − Blaster Certificate
8Y = Special License − Plumbing License
8Z = Special License − Special Metrologist Training
9G = Special License − Registered Professional Geologist License

The following options are~~option is~~ for the Senior Public Service Administrator classification and have~~has~~ a negotiated pay grade or rates assigned:

7 = Law Enforcement/Correctional
8P = Pharmacist License

"Pay Grade" – The numeric designation used for an established set of steps or salary range.

"Pay Plan Code" – The designation used in assigning a specific salary rate based on a variety of factors associated with the position. Pay Plan Codes used in the Pay Plan are:

B = Negotiated regular pension formula rate for the State of Illinois

E = Educator title AFSCME negotiated 12-month regular pension formula rate for the State of Illinois

J = Negotiated regular pension formula rate for states other than Illinois, California or New Jersey

L = Educator title AFSCME negotiated 12-month alternative pension formula rate for the State of Illinois

M = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois School for the Visually Impaired

N = Educator title Illinois Federation of Teachers negotiated 9-month regular pension formula rate for the Illinois School for the Deaf

O = Educator title AFSCME negotiated 9-month regular pension formula rate at the Illinois Center for Rehabilitation and Education-Roosevelt

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P = Educator title AFSCME negotiated 12-month maximum-security institution rate for the State of Illinois

Q = Negotiated alternative pension formula rate for the State of Illinois

S = Negotiated maximum-security institution rate for the State of Illinois

U = Negotiated regular pension formula rate for the state of California or New Jersey

"Promotion" – The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher pay grade than the former class.

"Reallocation" – The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" − The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" – The assignment of a different pay grade to a class based upon change in relation to other classes or to the labor market.

"Salary Range" – The dollar value represented by Steps 1c through 8 of a pay grade assigned to a class title.

"Satisfactory Performance Increase" – An upward revision in the base salary from one designated step to the next higher step in the pay grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which, in the opinion of the agency head, is above that typified by the marginal employee.)

"Transfer" – The assignment of an employee to a vacant position having the same pay grade.

"Work Year" – That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

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(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 2465, effective January 19, 2011)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.500 Definitions

The following are definitions of certain terms and are for purposes of clarification as they affect the Merit Compensation System only.

"Adjustment in Salary" − A change in salary occasioned by previously committed error or oversight, or required in the best interest of the agency or the state as defined in Sections 310.470 and 310.480.

"Base Salary" − The dollar amount of pay of an employee as determined under the provisions of the Merit Compensation System. Base salary does not include commission, incentive pay, bilingual pay, longevity pay, overtime pay, shift differential pay or deductions for time not worked.

"Bilingual Pay" – The dollar amount per month, or percentage of the employee's monthly base salary, paid in addition to the employee's base salary when the individual position held by the employee has a job description that requires the use of sign language, Braille, or another second language (e.g., Spanish), or that requires the employee to be bilingual.

"Creditable Service" − All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or the effective date of the last in-range or promotional salary increase. Reevaluations (Sections 310.460(c) and 310.480(d)), reallocations (Sections 310.460(b) and 310.480(b)), adjustments (Sections 310.470, 310.480(e) and 310.495(c)) and interim assignments (Section 310.490(p)) shall not change the creditable service date.

"Comparable Classes" − Two or more classes that are in the same salary range.

"Demotion" − The assignment for cause of an employee to a vacant position in a class in a lower salary range than the former class.

"Differential" − The additional compensation added to the base salary of an

employee resulting from conditions of employment imposed during the normal schedule of work.

"Entrance Base Salary" − The initial base salary assigned to an employee upon entering State service.

"Maximum Rate of Pay" − The highest rate of pay for a given salary range.

"Minimum Rate of Pay" − The lowest rate of pay for a given salary range. Normally the minimum rate of pay represents the salary to be paid a qualified employee who is appointed to a position in a class assigned to a given salary range.

"Option" − The denotation of directly-related education and/or experience required to qualify for the position allocated to the classification. The requirements may meet or exceed the requirements indicated in the classification specification. The following options are for the Public Service Administrator classification and have a negotiated pay grade and/or a broad-banded salary range assigned:

1	=	General Administration/Business Marketing/Labor/Personnel
2	=	Fiscal Management/Accounting/Budget/Internal Audit/Insurance/Financial
2B	=	Financial Regulatory
2C	=	Economist
3	=	Management Information System/Data Processing/ Telecommunications
4	=	Physical Sciences/Environment
6	=	Health and Human Services
6B	=	Day Care Quality Assurance
6C	=	Health Statistics
6D	=	Health Promotion/Disease Prevention
6E	=	Laboratory Specialist
6F	=	Infectious Disease
6G	=	Disaster/Emergency Medical Services
7	=	Law Enforcement/Correctional
8A	=	Special License − Architect License
8B	=	Special License − Boiler Inspector License

8C	=	Special License − Certified Public Accountant/Certified Internal Auditor
8D	=	Special License − Federal Communications Commission License/National Association of Business and Educational Radio
8E	=	Special License − Engineer (Professional)
8F	=	Special License − Federal Aviation Administration Medical Certificate/First Class
8G	=	Special License − Clinical Professional Counselor
8H	=	Special License − Environmental Health Practitioner
8I	=	Special License − Professional Land Surveyor License
8J	=	Special License − Registered American Dietetic Association/Public Health Food Service Sanitation Certificate/Licensed Dietitian
8K	=	Special License − Licensed Psychologist
8L	=	Special License − Law License
8N	=	Special License − Registered Nurse License
8O	=	Special License − Occupational Therapist License
8P	=	Special License − Pharmacist License
8Q	=	Special License − Religious Ordination by Recognized Commission
8R	=	Special License − Dental Hygienist
8S	=	Special License − Social Worker/Clinical Social Worker
8T	=	Special License − Administrative Certificate issued by the Illinois State Board of Education
8U	=	Special License − Physical Therapist License
8V	=	Special License − Audiologist License
8W	=	Special License − Speech-Language Pathologist License
8X	=	Special License − Blaster Certificate
8Y	=	Special License − Plumbing License
8Z	=	Special License − Special Metrologist Training
9G	=	Special License − Registered Professional Geologist License

The following options are~~option is~~ for the Senior Public Service Administrator classification and have~~has~~ a negotiated pay grade or rates assigned:

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7	=	Law Enforcement/Correctional
8P	=	Pharmacist License

"Performance Review" − The required review of an employee's on-the-job performance as measured by a specific set of criteria.

"Performance Review Date" − The date on which the annual merit increase and bonus shall be made effective if a performance review indicates it is appropriate. Actual performance review procedures are to be completed prior to the effective date of any recommendation to allow sufficient time for the records to be processed by the originating agency.

"Promotion" − The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary range than the former class.

"Reallocation" − The change in the classification of a position resulting from significant changes in assigned duties and responsibilities.

"Reclassification" – The assignment of a position or positions to a different classification based on creation of a new classification or the revision of existing class specification, and approved by the Civil Service Commission.

"Reevaluation" − The assignment of a different salary range to a class of positions based upon a change in relation to other classes or to the labor market.

"Salary Range" − The dollar values encompassed by the minimum and maximum rates of pay of a salary range assigned to a class title.

"Transfer" − The assignment of an employee to a vacant position in a class having the same salary range.

"Work Year" − That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300.

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 2465, effective January 19, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' − ISEA Local #2002)

Title	Title Code	Bargaining Unit	Pay Plan Code
Conservation Police Sergeant	09347	RC-104	Q
Conservation Police Lieutenant	09340	RC-104	Q
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	40070	RC-104	Q

NOTE: The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated RC-104 rates have the option 7. See the definition of option in Section 310.50.

Effective May 7, 2010

	STEPS						
Title	1	2	3	4	5	6	7
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	5205	5472	5735	6002	6279	6573	6573

Longevity Bonus Rates

Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	6879	7278	7454	7454	7807	8173	8567	8647	9054	9482

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Effective July 1, 2010

Title	STEPS 1	2	3	4	5	6	7
Conservation Police Sergeant	4910	5162	5412	5663	5926	6203	6203
Conservation Police Lieutenant	5056	5315	5571	5830	6100	6385	6385
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	5309	5581	5850	6122	6405	6704	6704

Longevity Bonus Rates

Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Sergeant	6492	6867	7036	7036	7367	7712	8086	8162	8544	8948
Conservation Police Lieutenant	6682	7070	7241	7241	7584	7940	8322	8400	8795	9211
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	7017	7424	7603	7603	7963	8336	8738	8820	9235	9672

Effective January 1, 2011

Title	STEPS 1	2	3	4	5	6	7
Conservation Police Sergeant	5008	5265	5520	5776	6045	6327	6327
Conservation Police Lieutenant	5157	5421	5682	5947	6222	6513	6513
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	5415	5693	5967	6244	6533	6838	6838

Longevity Bonus Rates

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Title	9 Yrs	10 Yrs	12.5 Yrs	14 Yrs	15 Yrs	17.5 Yrs	20 Yrs	21 Yrs	22.5 Yrs	25 Yrs
Conservation Police Sergeant	6622	7004	7177	7177	7514	7866	8248	8325	8715	9127
Conservation Police Lieutenant	6816	7211	7386	7386	7736	8099	8488	8568	8971	9395
Senior Public Service Administrator, Option 7 (captain function) Department of Natural Resources	7157	7572	7755	7755	8122	8503	8913	8996	9420	9865

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 2465, effective January 19, 2011)

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Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE W RC-062 (Technical Employees, AFSCME)

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

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

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

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Educational Diagnostician	12965	RC-062	12
Educator – Provisional	13105	RC-062	12
Employment Security Field Office Supervisor	13600	RC-062	20
Employment Security Manpower Representative I	13621	RC-062	12
Employment Security Manpower Representative II	13622	RC-062	14
Employment Security Program Representative	13650	RC-062	14
Employment Security Program Representative – Intermittent	13651	RC-062	14H
Employment Security Service Representative	13667	RC-062	16
Employment Security Service Representative (Intermittent)	13667	RC-062	16H
Employment Security Specialist I	13671	RC-062	14
Employment Security Specialist II	13672	RC-062	16
Employment Security Specialist III	13673	RC-062	19
Employment Security Tax Auditor I	13681	RC-062	17
Employment Security Tax Auditor II	13682	RC-062	19
Energy and Natural Resources Specialist I	13711	RC-062	15
Energy and Natural Resources Specialist II	13712	RC-062	17
Energy and Natural Resources Specialist III	13713	RC-062	19
Energy and Natural Resources Specialist Trainee	13715	RC-062	12
Engineering Technician IV (Department of Public Health)	13734	RC-062	18
Environmental Health Specialist I	13768	RC-062	14
Environmental Health Specialist II	13769	RC-062	16
Environmental Health Specialist III	13770	RC-062	18
Environmental Protection Associate	13785	RC-062	12
Environmental Protection Specialist I	13821	RC-062	14
Environmental Protection Specialist II	13822	RC-062	16
Environmental Protection Specialist III	13823	RC-062	18
Environmental Protection Specialist IV	13824	RC-062	22
Equal Pay Specialist	13837	RC-062	17
Executive I	13851	RC-062	18
Executive II	13852	RC-062	20
Financial Institutions Examiner I	14971	RC-062	16
Financial Institutions Examiner II	14972	RC-062	19
Financial Institutions Examiner III	14973	RC-062	22
Financial Institutions Examiner Trainee	14978	RC-062	13
Fire Protection Specialist I	15351	RC-062	16
Flight Safety Coordinator	15640	RC-062	22
Forensic Scientist I	15891	RC-062	18
Forensic Scientist II	15892	RC-062	20
Forensic Scientist III	15893	RC-062	22

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Forensic Scientist Trainee	15897	RC-062	15
Gaming Licensing Analyst	17171	RC-062	13
Gaming Senior Special Agent	17191	RC-062	23
Gaming Special Agent	17192	RC-062	19
Gaming Special Agent Trainee	17195	RC-062	14
Guardianship Representative	17710	RC-062	17
Habilitation Program Coordinator	17960	RC-062	17
Handicapped Services Representative I	17981	RC-062	11
Health Facilities Surveyor I	18011	RC-062	16
Health Facilities Surveyor II	18012	RC-062	19
Health Facilities Surveyor III	18013	RC-062	20
Health Information Administrator	18041	RC-062	15
Health Services Investigator I – Opt. A	18181	RC-062	19
Health Services Investigator I – Opt. B	18182	RC-062	20
Health Services Investigator II – Opt. A	18185	RC-062	22
Health Services Investigator II – Opt. B	18186	RC-062	22
Health Services Investigator II – Opt. C	18187	RC-062	25
Health Services Investigator II – Opt. D	18188	RC-062	25
Historical Documents Conservator I	18981	RC-062	13
Historical Exhibits Designer	18985	RC-062	15
Historical Research Editor II	19002	RC-062	14
Human Relations Representative	19670	RC-062	16
Human Resources Representative	19692	RC-062	17
Human Resources Specialist	19693	RC-062	20
Human Rights Investigator I	19774	RC-062	16
Human Rights Investigator II	19775	RC-062	18
Human Rights Investigator III	19776	RC-062	19
Human Rights Specialist I	19778	RC-062	14
Human Rights Specialist II	19779	RC-062	16
Human Rights Specialist III	19780	RC-062	18
Human Services Casework Manager	19788	RC-062	20
Human Services Caseworker	19785	RC-062	16
Human Services Grants Coordinator I	19791	RC-062	14
Human Services Grants Coordinator II	19792	RC-062	17
Human Services Grants Coordinator III	19793	RC-062	20
Human Services Grants Coordinator Trainee	19796	RC-062	12
Human Services Sign Language Interpreter	19810	RC-062	16
Iconographer	19880	RC-062	12
Industrial and Community Development Representative I	21051	RC-062	17

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

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Liability Claims Adjuster II	23372	RC-062	18
Library Associate	23430	RC-062	12
Life Sciences Career Trainee	23600	RC-062	12
Liquor Control Special Agent II	23752	RC-062	15
Local Historical Services Representative	24000	RC-062	17
Local Housing Advisor I	24031	RC-062	14
Local Housing Advisor II	24032	RC-062	16
Local Housing Advisor III	24033	RC-062	18
Local Revenue and Fiscal Advisor I	24101	RC-062	15
Local Revenue and Fiscal Advisor II	24102	RC-062	17
Local Revenue and Fiscal Advisor III	24103	RC-062	19
Lottery Regional Coordinator	24504	RC-062	19
Lottery Sales Representative	24515	RC-062	16
Management Operations Analyst I	25541	RC-062	18
Management Operations Analyst II	25542	RC-062	20
Manpower Planner I	25591	RC-062	14
Manpower Planner II	25592	RC-062	17
Manpower Planner III	25593	RC-062	20
Manpower Planner Trainee	25597	RC-062	12
Medical Assistance Consultant I	26501	RC-062	13
Medical Assistance Consultant II	26502	RC-062	16
Medical Assistance Consultant III	26503	RC-062	19
Mental Health Administrator I	26811	RC-062	18
Mental Health Administrator II	26812	RC-062	20
Mental Health Administrator Trainee	26817	RC-062	16
Mental Health Recovery Support Specialist I	26921	RC-062	17
Mental Health Recovery Support Specialist II	26922	RC-062	18
Mental Health Specialist I	26924	RC-062	12
Mental Health Specialist II	26925	RC-062	14
Mental Health Specialist III	26926	RC-062	16
Mental Health Specialist Trainee	26928	RC-062	11
Meteorologist	27120	RC-062	18
Methods and Procedures Advisor I	27131	RC-062	14
Methods and Procedures Advisor II	27132	RC-062	16
Methods and Procedures Advisor III	27133	RC-062	20
Methods and Procedures Career Associate I	27135	RC-062	11
Methods and Procedures Career Associate II	27136	RC-062	12
Methods and Procedures Career Associate Trainee	27137	RC-062	09
Metrologist Associate	27146	RC-062	15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Microbiologist I	27151	RC-062	16
Microbiologist II	27152	RC-062	19
Natural Resources Advanced Specialist	28833	RC-062	20
Natural Resources Coordinator	28831	RC-062	15
Natural Resources Specialist	28832	RC-062	18
Oral Health Consultant	30317	RC-062	18
Paralegal Assistant	30860	RC-062	14
Pension and Death Benefits Technician I	30961	RC-062	12
Pension and Death Benefits Technician II	30962	RC-062	19
Plumbing Consultant (Department of Public Health)	32910	RC-062	22
Police Training Specialist	32990	RC-062	17
Program Integrity Auditor I	34631	RC-062	16
Program Integrity Auditor II	34632	RC-062	19
Program Integrity Auditor Trainee	34635	RC-062	12
Property Consultant	34900	RC-062	15
Public Aid Investigator	35870	RC-062	19
Public Aid Investigator Trainee	35874	RC-062	14
Public Aid Lead Casework Specialist	35880	RC-062	17
Public Aid Program Quality Analyst	35890	RC-062	19
Public Aid Quality Control Reviewer	35892	RC-062	17
Public Aid Quality Control Supervisor	35900	RC-062	19
Public Aid Staff Development Specialist I	36071	RC-062	15
Public Aid Staff Development Specialist II	36072	RC-062	17
Public Health Educator Associate	36434	RC-062	14
Public Health Program Specialist I	36611	RC-062	14
Public Health Program Specialist II	36612	RC-062	16
Public Health Program Specialist III	36613	RC-062	19
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
Public Safety Inspector	37007	RC-062	16
Public Safety Inspector Trainee	37010	RC-062	10
Public Service Administrator, Option 8Z	37015	RC-062	19
Public Service Administrator, Options 2, 7 Gaming Board and Department of Revenue and 8F executive chief pilot function Department of Transportation	37015	RC-062	24

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Public Service Administrator, Options 8B and 8Y	37015	RC-062	23
Railroad Safety Specialist I	37601	RC-062	19
Railroad Safety Specialist II	37602	RC-062	21
Railroad Safety Specialist III	37603	RC-062	23
Railroad Safety Specialist IV	37604	RC-062	25
Real Estate Investigator	37730	RC-062	19
Real Estate Professions Examiner	37760	RC-062	22
Recreation Worker I	38001	RC-062	12
Recreation Worker II	38002	RC-062	14
Rehabilitation Counselor	38145	RC-062	17
Rehabilitation Counselor Senior	38158	RC-062	19
Rehabilitation Counselor Trainee	38159	RC-062	15
Rehabilitation Services Advisor I	38176	RC-062	20
Rehabilitation Workshop Supervisor I	38194	RC-062	12
Rehabilitation Workshop Supervisor II	38195	RC-062	14
Rehabilitation Workshop Supervisor III	38196	RC-062	16
Reimbursement Officer I	38199	RC-062	14
Reimbursement Officer II	38200	RC-062	16
Research Economist I	38207	RC-062	18
Research Scientist I	38231	RC-062	13
Research Scientist II	38232	RC-062	16
Research Scientist III	38233	RC-062	20
Residential Services Supervisor	38280	RC-062	15
Resource Planner I	38281	RC-062	17
Resource Planner II	38282	RC-062	19
Resource Planner III	38283	RC-062	22
Retirement System Disability Specialist	38310	RC-062	19
Revenue Audit Supervisor (IL)	38369	RC-062	25
Revenue Audit Supervisor (states other than IL and not assigned to RC-062-29)	38369	RC-062	27
Revenue Audit Supervisor (See Note)	38369	RC-062	29
Revenue Auditor I (IL)	38371	RC-062	16
Revenue Auditor I (states other than IL and not assigned to RC-062-21)	38371	RC-062	19
Revenue Auditor I (See Note)	38371	RC-062	21
Revenue Auditor II (IL)	38372	RC-062	19
Revenue Auditor II (states other than IL and not assigned to RC-062-24)	38372	RC-062	22
Revenue Auditor II (See Note)	38372	RC-062	24

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Revenue Auditor III (IL)	38373	RC-062	22
Revenue Auditor III (states other than IL and not assigned to RC-062-26)	38373	RC-062	24
Revenue Auditor III (See Note)	38373	RC-062	26
Revenue Auditor Trainee (IL)	38375	RC-062	12
Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062	13
Revenue Auditor Trainee (See Note)	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 and not assigned to RC-062-27)	38425	RC-062	25
Revenue Computer Audit Specialist (See Note)	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

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NOTICE OF PEREMPTORY AMENDMENTS

Staff Development Specialist I	41771	RC-062	18
Staff Development Technician I	41781	RC-062	12
Staff Development Technician II	41782	RC-062	15
State Mine Inspector	42230	RC-062	19
State Police Field Specialist I	42001	RC-062	18
State Police Field Specialist II	42002	RC-062	20
Statistical Research Specialist I	42741	RC-062	12
Statistical Research Specialist II	42742	RC-062	14
Statistical Research Specialist III	42743	RC-062	17
Storage Tank Safety Specialist	43005	RC-062	18
Telecommunications Specialist	45295	RC-062	15
Telecommunications Systems Analyst	45308	RC-062	17
Telecommunications Systems Technician I	45312	RC-062	10
Telecommunications Systems Technician II	45313	RC-062	13
Terrorism Research Specialist I	45371	RC-062	18
Terrorism Research Specialist II	45372	RC-062	20
Terrorism Research Specialist III	45373	RC-062	22
Terrorism Research Specialist Trainee	45375	RC-062	14
Unemployment Insurance Adjudicator I	47001	RC-062	11
Unemployment Insurance Adjudicator II	47002	RC-062	13
Unemployment Insurance Adjudicator III	47003	RC-062	15
Unemployment Insurance Revenue Analyst I	47081	RC-062	15
Unemployment Insurance Revenue Analyst II	47082	RC-062	17
Unemployment Insurance Revenue Specialist	47087	RC-062	13
Unemployment Insurance Special Agent	47096	RC-062	18
Vehicle Emission Compliance Supervisor, Environmental Protection Agency	47583	RC-062	15
Veterans Educational Specialist I	47681	RC-062	15
Veterans Educational Specialist II	47682	RC-062	17
Veterans Educational Specialist III	47683	RC-062	21
Veterans Employment Representative I	47701	RC-062	14
Veterans Employment Representative II	47702	RC-062	16
Volunteer Services Coordinator I	48481	RC-062	13
Volunteer Services Coordinator II	48482	RC-062	16
Volunteer Services Coordinator III	48483	RC-062	18
Wage Claims Specialist	48770	RC-062	09
Weatherization Specialist I	49101	RC-062	14
Weatherization Specialist II	49102	RC-062	17
Weatherization Specialist III	49103	RC-062	20

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NOTICE OF PEREMPTORY AMENDMENTS

Weatherization Specialist Trainee	49105	RC-062	12
Workers Compensation Insurance Compliance Investigator	49640	RC-062	20

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-062 pay grade have the following options: 2; 7; 8B; 8F; 8Y; and 8Z. See the definition of option in Section 310.50.

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

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

Revenue Audit Supervisor, RC-062-29
Revenue Auditor I, RC-062-21
Revenue Auditor II, RC-062-24
Revenue Auditor III, RC-062-26
Revenue Auditor Trainee, RC-062-25
Revenue Computer Audit Specialist, RC-062-27

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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if the employee lives in California, 50% or more of the employee's work is within a 200 mile radius of the Paramus NJ Illinois Department of Revenue office, or 50% or more of the employee's work is within the District of Columbia.

Effective January 1, 2010
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	STEPS 1b	1a	1	2	3	4	5	6	7	8
09	B	2776	2846	2917	3008	3104	3200	3303	3400	3560	3703
09	Q	2888	2960	3036	3128	3230	3329	3437	3540	3710	3859
09	S	2956	3025	3099	3194	3296	3398	3507	3609	3780	3932
10	B	2867	2939	3011	3121	3213	3319	3424	3530	3711	3860
10	Q	2979	3054	3132	3246	3345	3458	3566	3678	3874	4029
10	S	3047	3120	3197	3311	3413	3525	3634	3752	3946	4104
11	B	2970	3047	3122	3228	3332	3453	3566	3677	3872	4027
11	Q	3090	3167	3248	3363	3473	3598	3718	3835	4043	4204
11	S	3156	3232	3312	3429	3539	3666	3788	3908	4114	4278
12	B	3088	3165	3248	3367	3477	3607	3725	3863	4070	4232
12	Q	3211	3294	3381	3506	3622	3761	3889	4030	4250	4420
12	S	3276	3361	3447	3573	3690	3833	3963	4106	4326	4499
12H	B	19.00	19.48	19.99	20.72	21.40	22.20	22.92	23.77	25.05	26.04
12H	Q	19.76	20.27	20.81	21.58	22.29	23.14	23.93	24.80	26.15	27.20
12H	S	20.16	20.68	21.21	21.99	22.71	23.59	24.39	25.27	26.62	27.69
13	B	3201	3281	3370	3494	3627	3762	3899	4046	4270	4441
13	Q	3331	3418	3510	3638	3781	3930	4073	4223	4463	4641
13	S	3399	3486	3577	3709	3854	4005	4145	4300	4540	4722
14	B	3332	3423	3514	3648	3790	3956	4100	4255	4504	4684
14	Q	3473	3565	3663	3803	3958	4129	4285	4448	4707	4894

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

14	S	3539	3633	3731	3878	4029	4204	4359	4525	4781	4971
14H	B	20.50	21.06	21.62	22.45	23.32	24.34	25.23	26.18	27.72	28.82
14H	Q	21.37	21.94	22.54	23.40	24.36	25.41	26.37	27.37	28.97	30.12
14H	S	21.78	22.36	22.96	23.86	24.79	25.87	26.82	27.85	29.42	30.59
15	B	3463	3557	3653	3815	3972	4127	4296	4455	4724	4911
15	Q	3608	3708	3812	3979	4145	4312	4491	4656	4934	5133
15	S	3675	3778	3883	4053	4218	4389	4567	4731	5012	5212
16	B	3619	3718	3824	3995	4173	4345	4528	4708	4986	5185
16	Q	3773	3881	3991	4173	4361	4543	4730	4920	5213	5422
16	S	3847	3955	4067	4248	4438	4622	4806	4998	5285	5496
16H	B	22.27	22.88	23.53	24.58	25.68	26.74	27.86	28.97	30.68	31.91
16H	Q	23.22	23.88	24.56	25.68	26.84	27.96	29.11	30.28	32.08	33.37
16H	S	23.67	24.34	25.03	26.14	27.31	28.44	29.58	30.76	32.52	33.82
17	B	3783	3893	4008	4191	4385	4571	4756	4949	5243	5453
17	Q	3949	4065	4181	4382	4583	4774	4968	5171	5478	5699
17	S	4023	4139	4256	4458	4660	4853	5045	5246	5559	5780
18	B	3979	4094	4217	4420	4627	4837	5033	5236	5548	5770
18	Q	4154	4277	4405	4624	4836	5056	5262	5471	5800	6031
18	S	4227	4355	4479	4696	4911	5132	5339	5550	5873	6109
19	B	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	J	4189	4313	4444	4671	4891	5117	5334	5556	5894	6130
19	Q	4379	4510	4644	4882	5108	5352	5574	5808	6158	6405
19	S	4456	4588	4723	4959	5187	5427	5652	5886	6234	6484
20	B	4430	4560	4695	4933	5162	5407	5644	5877	6233	6483
20	Q	4629	4765	4907	5154	5397	5653	5896	6142	6517	6777
20	S	4703	4842	4985	5231	5471	5728	5972	6218	6590	6853
21	B	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883
21	U	4676	4814	4958	5214	5465	5720	5981	6230	6619	6883

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

21	Q	4887	5030	5182	5450	5710	5979	6251	6513	6917	7193
21	S	4962	5106	5259	5523	5786	6056	6327	6587	6993	7274
22	B	4942	5092	5242	5515	5784	6058	6339	6601	7013	7293
22	Q	5165	5319	5476	5764	6048	6330	6623	6901	7328	7620
22	S	5240	5396	5556	5838	6123	6405	6700	6980	7406	7702
23	B	5242	5398	5560	5855	6155	6447	6744	7037	7480	7780
23	Q	5476	5643	5814	6121	6435	6737	7049	7355	7815	8127
23	S	5556	5720	5889	6195	6510	6814	7125	7430	7892	8206
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	J	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	J	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913
25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
26	U	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510
27	B	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	J	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
27	U	6641	6842	7185	7576	7976	8380	8773	9167	9759	10150
28	B	6970	7179	7540	7949	8369	8794	9206	9619	10242	10652
29	U	7313	7535	7912	8342	8782	9230	9660	10094	10747	11176

Effective July 1, 2010
Bargaining Unit: RC-062

Pay Grade	Pay Plan

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	Code	STEPS								
		1a	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**
09	B	2874	2946	3038	3135	3232	3336	3434	3596	3740
09	Q	2990	3066	3159	3262	3362	3471	3575	3747	3898
09	S	3055	3130	3226	3329	3432	3542	3645	3818	3971
10	B	2968	3041	3152	3245	3352	3458	3565	3748	3899
10	Q	3085	3163	3278	3378	3493	3602	3715	3913	4069
10	S	3151	3229	3344	3447	3560	3670	3790	3985	4145
11	B	3077	3153	3260	3365	3488	3602	3714	3911	4067
11	Q	3199	3280	3397	3508	3634	3755	3873	4083	4246
11	S	3264	3345	3463	3574	3703	3826	3947	4155	4321
12	B	3197	3280	3401	3512	3643	3762	3902	4111	4274
12	Q	3327	3415	3541	3658	3799	3928	4070	4293	4464
12	S	3395	3481	3609	3727	3871	4003	4147	4369	4544
12H	B	19.67	20.18	20.93	21.61	22.42	23.15	24.01	25.30	26.30
12H	Q	20.47	21.02	21.79	22.51	23.38	24.17	25.05	26.42	27.47
12H	S	20.89	21.42	22.21	22.94	23.82	24.63	25.52	26.89	27.96
13	B	3314	3404	3529	3663	3800	3938	4086	4313	4485
13	Q	3452	3545	3674	3819	3969	4114	4265	4508	4687
13	S	3521	3613	3746	3893	4045	4186	4343	4585	4769
14	B	3457	3549	3684	3828	3996	4141	4298	4549	4731
14	Q	3601	3700	3841	3998	4170	4328	4492	4754	4943
14	S	3669	3768	3917	4069	4246	4403	4570	4829	5021
14H	B	21.27	21.84	22.67	23.56	24.59	25.48	26.45	27.99	29.11
14H	Q	22.16	22.77	23.64	24.60	25.66	26.63	27.64	29.26	30.42
14H	S	22.58	23.19	24.10	25.04	26.13	27.10	28.12	29.72	30.90
15	B	3593	3690	3853	4012	4168	4339	4500	4771	4960
15	Q	3745	3850	4019	4186	4355	4536	4703	4983	5184
15	S	3816	3922	4094	4260	4433	4613	4778	5062	5264

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NOTICE OF PEREMPTORY AMENDMENTS

16	B	3755	3862	4035	4215	4388	4573	4755	5036	5237
16	Q	3920	4031	4215	4405	4588	4777	4969	5265	5476
16	S	3995	4108	4290	4482	4668	4854	5048	5338	5551
16H	B	23.11	23.77	24.83	25.94	27.00	28.14	29.26	30.99	32.23
16H	Q	24.12	24.81	25.94	27.11	28.23	29.40	30.58	32.40	33.70
16H	S	24.58	25.28	26.40	27.58	28.73	29.87	31.06	32.85	34.16
17	B	3932	4048	4233	4429	4617	4804	4998	5295	5508
17	Q	4106	4223	4426	4629	4822	5018	5223	5533	5756
17	S	4180	4299	4503	4707	4902	5095	5298	5615	5838
18	B	4135	4259	4464	4673	4885	5083	5288	5603	5828
18	Q	4320	4449	4670	4884	5107	5315	5526	5858	6091
18	S	4399	4524	4743	4960	5183	5392	5606	5932	6170
19	B	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	J	4356	4488	4718	4940	5168	5387	5612	5953	6191
19	Q	4555	4690	4931	5159	5406	5630	5866	6220	6469
19	S	4634	4770	5009	5239	5481	5709	5945	6296	6549
20	B	4606	4742	4982	5214	5461	5700	5936	6295	6548
20	Q	4813	4956	5206	5451	5710	5955	6203	6582	6845
20	S	4890	5035	5283	5526	5785	6032	6280	6656	6922
21	B	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	U	4862	5008	5266	5520	5777	6041	6292	6685	6952
21	Q	5080	5234	5505	5767	6039	6314	6578	6986	7265
21	S	5157	5312	5578	5844	6117	6390	6653	7063	7347
22	B	5143	5294	5570	5842	6119	6402	6667	7083	7366
22	Q	5372	5531	5822	6108	6393	6689	6970	7401	7696
22	S	5450	5612	5896	6184	6469	6767	7050	7480	7779
23	B	5452	5616	5914	6217	6511	6811	7107	7555	7858
23	Q	5699	5872	6182	6499	6804	7119	7429	7893	8208

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

23	S	5777	5948	6257	6575	6882	7196	7504	7971	8288
24	B	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	J	5802	5977	6294	6626	6942	7263	7590	8067	8389
24	Q	6066	6248	6581	6923	7256	7588	7933	8431	8768
24	S	6141	6326	6655	6998	7332	7667	8011	8506	8847
25	B	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	J	6185	6371	6719	7073	7427	7779	8134	8655	9002
25	Q	6461	6656	7022	7389	7763	8133	8500	9046	9408
25	S	6544	6735	7099	7466	7838	8206	8574	9122	9488
26	B	6540	6798	7170	7551	7934	8303	8676	9236	9605
26	U	6540	6798	7170	7551	7934	8303	8676	9236	9605
27	B	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	J	6910	7257	7652	8056	8464	8861	9259	9857	10252
27	U	6910	7257	7652	8056	8464	8861	9259	9857	10252
28	B	7251	7615	8028	8453	8882	9298	9715	10344	10759
29	U	7610	7991	8425	8870	9322	9757	10195	10854	11288

Effective January 1, 2011
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	STEPS 1a	1	2	3	4	5	6	7	8
09	B	2903	2975	3068	3166	3264	3369	3468	3632	3777
09	Q	3020	3097	3191	3295	3396	3506	3611	3784	3937
09	S	3086	3161	3258	3362	3466	3577	3681	3856	4011
10	B	2998	3071	3184	3277	3386	3493	3601	3785	3938
10	Q	3116	3195	3311	3412	3528	3638	3752	3952	4110
10	S	3183	3261	3377	3481	3596	3707	3828	4025	4186

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

11	B	3108	3185	3293	3399	3523	3638	3751	3950	4108
11	Q	3231	3313	3431	3543	3670	3793	3912	4124	4288
11	S	3297	3378	3498	3610	3740	3864	3986	4197	4364
12	B	3229	3313	3435	3547	3679	3800	3941	4152	4317
12	Q	3360	3449	3576	3695	3837	3967	4111	4336	4509
12	S	3429	3516	3645	3764	3910	4043	4188	4413	4589
12H	B	19.87	20.39	21.14	21.83	22.64	23.38	24.25	25.55	26.57
12H	Q	20.68	21.22	22.01	22.74	23.61	24.41	25.30	26.68	27.75
12H	S	21.10	21.64	22.43	23.16	24.06	24.88	25.77	27.16	28.24
13	B	3347	3438	3564	3700	3838	3977	4127	4356	4530
13	Q	3487	3580	3711	3857	4009	4155	4308	4553	4734
13	S	3556	3649	3783	3932	4085	4228	4386	4631	4817
14	B	3492	3584	3721	3866	4036	4182	4341	4594	4778
14	Q	3637	3737	3879	4038	4212	4371	4537	4802	4992
14	S	3706	3806	3956	4110	4288	4447	4616	4877	5071
14H	B	21.49	22.06	22.90	23.79	24.84	25.74	26.71	28.27	29.40
14H	Q	22.38	23.00	23.87	24.85	25.92	26.90	27.92	29.55	30.72
14H	S	22.81	23.42	24.34	25.29	26.39	27.37	28.41	30.01	31.21
15	B	3629	3727	3892	4052	4210	4382	4545	4819	5010
15	Q	3782	3889	4059	4228	4399	4581	4750	5033	5236
15	S	3854	3961	4135	4303	4477	4659	4826	5113	5317
16	B	3793	3901	4075	4257	4432	4619	4803	5086	5289
16	Q	3959	4071	4257	4449	4634	4825	5019	5318	5531
16	S	4035	4149	4333	4527	4715	4903	5098	5391	5607
16H	B	23.34	24.01	25.08	26.20	27.27	28.42	29.56	31.30	32.55
16H	Q	24.36	25.05	26.20	27.38	28.52	29.69	30.89	32.73	34.04

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

16H	S	24.83	25.53	26.66	27.86	29.02	30.17	31.37	33.18	34.50
17	B	3971	4088	4275	4473	4663	4852	5048	5348	5563
17	Q	4147	4265	4470	4675	4870	5068	5275	5588	5814
17	S	4222	4342	4548	4754	4951	5146	5351	5671	5896
18	B	4176	4302	4509	4720	4934	5134	5341	5659	5886
18	Q	4363	4493	4717	4933	5158	5368	5581	5917	6152
18	S	4443	4569	4790	5010	5235	5446	5662	5991	6232
19	B	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	J	4400	4533	4765	4989	5220	5441	5668	6013	6253
19	Q	4601	4737	4980	5211	5460	5686	5925	6282	6534
19	S	4680	4818	5059	5291	5536	5766	6004	6359	6614
20	B	4652	4789	5032	5266	5516	5757	5995	6358	6613
20	Q	4861	5006	5258	5506	5767	6015	6265	6648	6913
20	S	4939	5085	5336	5581	5843	6092	6343	6723	6991
21	B	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	U	4911	5058	5319	5575	5835	6101	6355	6752	7022
21	Q	5131	5286	5560	5825	6099	6377	6644	7056	7338
21	S	5209	5365	5634	5902	6178	6454	6720	7134	7420
22	B	5194	5347	5626	5900	6180	6466	6734	7154	7440
22	Q	5426	5586	5880	6169	6457	6756	7040	7475	7773
22	S	5505	5668	5955	6246	6534	6835	7121	7555	7857
23	B	5507	5672	5973	6279	6576	6879	7178	7631	7937
23	Q	5756	5931	6244	6564	6872	7190	7503	7972	8290
23	S	5835	6007	6320	6641	6951	7268	7579	8051	8371
24	B	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	J	5860	6037	6357	6692	7011	7336	7666	8148	8473
24	Q	6127	6310	6647	6992	7329	7664	8012	8515	8856

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

24	S	6202	6389	6722	7068	7405	7744	8091	8591	8935
25	B	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	J	6247	6435	6786	7144	7501	7857	8215	8742	9092
25	Q	6526	6723	7092	7463	7841	8214	8585	9136	9502
25	S	6609	6802	7170	7541	7916	8288	8660	9213	9583
26	B	6605	6866	7242	7627	8013	8386	8763	9328	9701
26	U	6605	6866	7242	7627	8013	8386	8763	9328	9701
27	B	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	J	6979	7330	7729	8137	8549	8950	9352	9956	10355
27	U	6979	7330	7729	8137	8549	8950	9352	9956	10355
28	B	7324	7691	8108	8538	8971	9391	9812	10447	10867
29	U	7686	8071	8509	8959	9415	9855	10297	10963	11401

Effective June 1, 2011
Bargaining Unit: RC-062

Pay Grade	Pay Plan Code	STEPS 1a	1	2	3	4	5	6	7	8
09	B	2961	3035	3129	3229	3329	3436	3537	3705	3853
09	Q	3080	3159	3255	3361	3464	3576	3683	3860	4016
09	S	3148	3224	3323	3429	3535	3649	3755	3933	4091
10	B	3058	3132	3248	3343	3454	3563	3673	3861	4017
10	Q	3178	3259	3377	3480	3599	3711	3827	4031	4192
10	S	3247	3326	3445	3551	3668	3781	3905	4106	4270
11	B	3170	3249	3359	3467	3593	3711	3826	4029	4190
11	Q	3296	3379	3500	3614	3743	3869	3990	4206	4374
11	S	3363	3446	3568	3682	3815	3941	4066	4281	4451

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

12	B	3294	3379	3504	3618	3753	3876	4020	4235	4403
12	Q	3427	3518	3648	3769	3914	4046	4193	4423	4599
12	S	3498	3586	3718	3839	3988	4124	4272	4501	4681
12H	B	20.27	20.79	21.56	22.26	23.10	23.85	24.74	26.06	27.10
12H	Q	21.09	21.65	22.45	23.19	24.09	24.90	25.80	27.22	28.30
12H	S	21.53	22.07	22.88	23.62	24.54	25.38	26.29	27.70	28.81
13	B	3414	3507	3635	3774	3915	4057	4210	4443	4621
13	Q	3557	3652	3785	3934	4089	4238	4394	4644	4829
13	S	3627	3722	3859	4011	4167	4313	4474	4724	4913
14	B	3562	3656	3795	3943	4117	4266	4428	4686	4874
14	Q	3710	3812	3957	4119	4296	4458	4628	4898	5092
14	S	3780	3882	4035	4192	4374	4536	4708	4975	5172
14H	B	21.92	22.50	23.35	24.26	25.34	26.25	27.25	28.84	29.99
14H	Q	22.83	23.46	24.35	25.35	26.44	27.43	28.48	30.14	31.34
14H	S	23.26	23.89	24.83	25.80	26.92	27.91	28.97	30.62	31.83
15	B	3702	3802	3970	4133	4294	4470	4636	4915	5110
15	Q	3858	3967	4140	4313	4487	4673	4845	5134	5341
15	S	3931	4040	4218	4389	4567	4752	4923	5215	5423
16	B	3869	3979	4157	4342	4521	4711	4899	5188	5395
16	Q	4038	4152	4342	4538	4727	4922	5119	5424	5642
16	S	4116	4232	4420	4618	4809	5001	5200	5499	5719
16H	B	23.81	24.49	25.58	26.72	27.82	28.99	30.15	31.93	33.20
16H	Q	24.85	25.55	26.72	27.93	29.09	30.29	31.50	33.38	34.72
16H	S	25.33	26.04	27.20	28.42	29.59	30.78	32.00	33.84	35.19
17	B	4050	4170	4361	4562	4756	4949	5149	5455	5674
17	Q	4230	4350	4559	4769	4967	5169	5381	5700	5930

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	S	4306	4429	4639	4849	5050	5249	5458	5784	6014
18	B	4260	4388	4599	4814	5033	5237	5448	5772	6004
18	Q	4450	4583	4811	5032	5261	5475	5693	6035	6275
18	S	4532	4660	4886	5110	5340	5555	5775	6111	6357
19	B	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	J	4488	4624	4860	5089	5324	5550	5781	6133	6378
19	Q	4693	4832	5080	5315	5569	5800	6044	6408	6665
19	S	4774	4914	5160	5397	5647	5881	6124	6486	6746
20	B	4745	4885	5133	5371	5626	5872	6115	6485	6745
20	Q	4958	5106	5363	5616	5882	6135	6390	6781	7051
20	S	5038	5187	5443	5693	5960	6214	6470	6857	7131
21	B	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	U	5009	5159	5425	5687	5952	6223	6482	6887	7162
21	Q	5234	5392	5671	5942	6221	6505	6777	7197	7485
21	S	5313	5472	5747	6020	6302	6583	6854	7277	7568
22	B	5298	5454	5739	6018	6304	6595	6869	7297	7589
22	Q	5535	5698	5998	6292	6586	6891	7181	7625	7928
22	S	5615	5781	6074	6371	6665	6972	7263	7706	8014
23	B	5617	5785	6092	6405	6708	7017	7322	7784	8096
23	Q	5871	6050	6369	6695	7009	7334	7653	8131	8456
23	S	5952	6127	6446	6774	7090	7413	7731	8212	8538
24	B	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	J	5977	6158	6484	6826	7151	7483	7819	8311	8642
24	Q	6250	6436	6780	7132	7476	7817	8172	8685	9033
24	S	6326	6517	6856	7209	7553	7899	8253	8763	9114
25	B	6372	6564	6922	7287	7651	8014	8379	8917	9274
25	J	6372	6564	6922	7287	7651	8014	8379	8917	9274

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

25	Q	6657	6857	7234	7612	7998	8378	8757	9319	9692
25	S	6741	6938	7313	7692	8074	8454	8833	9397	9775
26	B	6737	7003	7387	7780	8173	8554	8938	9515	9895
26	U	6737	7003	7387	7780	8173	8554	8938	9515	9895
27	B	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	J	7119	7477	7884	8300	8720	9129	9539	10155	10562
27	U	7119	7477	7884	8300	8720	9129	9539	10155	10562
28	B	7470	7845	8270	8709	9150	9579	10008	10656	11084
29	U	7840	8232	8679	9138	9603	10052	10503	11182	11629

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 2465, effective January 19, 2011)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
FEBRUARY 8, 2011

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

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

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

Email: jcar@ilga.gov

Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Children and Family Services

1. Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)
   -First Notice Published: 34 Ill. Reg. 13011 – 9/10/10
   -Expiration of Second Notice: 3/6/10

Deaf and Hard of Hearing Commission

2. Interpreter for the Deaf Licensure Act of 2007 (68 Ill. Adm. Code 1515)
   -First Notice Published: 34 Ill. Reg. 13727 – 10/1/10
   -Expiration of Second Notice: 2/10/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

Education

3. Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)
-First Notice Published: 34 Ill. Reg. 14599 – 10/8/10
-Expiration of Second Notice: 3/3/11

4. Certification (23 Ill. Adm. Code 25)
-First Notice Published: 34 Ill. Reg. 16224 – 10/22/10
-Expiration of Second Notice: 2/27/11

5. Transitional Bilingual Education (23 Ill. Adm. Code 228)
-First Notice Published: 34 Ill. Reg. 17180 – 11/12/10
-Expiration of Second Notice: 2/27/11

6. Early Childhood Block Grant (23 Ill. Adm. Code 235)
-First Notice Published: 34 Ill. Reg. 17187 – 11/12/10
-Expiration of Second Notice: 2/27/11

7. School Technology Program (23 Ill. Adm. Code 575)
-First Notice Published: 34 Ill. Reg. 17213 – 11/12/10
-Expiration of Second Notice: 2/27/11

Financial and Professional Regulation

8. Debt Management Service Act (38 Ill. Adm. Code 140)
-First Notice Published: 34 Ill. Reg. 11955 – 8/20/10
-Expiration of Second Notice: 2/27/11

9. Debt Settlement Consumer Protection Act (38 Ill. Adm. Code 145)
-First Notice Published: 34 Ill. Reg. 11970 – 8/20/10
-Expiration of Second Notice: 2/25/11

Healthcare and Family Services

10. Child Support Services (89 Ill. Adm. Code 160)
-First Notice Published: 34 Ill. Reg. 17134 – 11/12/10
-Expiration of Second Notice: 3/4/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

Human Rights

11. Procedures Applicable to All Agencies (44 Ill. Adm. Code 750)
-First Notice Published: 34 Ill. Reg. 17170 – 11/12/10
-Expiration of Second Notice: 2/16/11

Human Services

12. Closure of a Rehabilitation Case (89 Ill. Adm. Code 595)
-First Notice Published: 34 Ill. Reg. 13013 – 9/10/10
-Expiration of Second Notice: 2/26/11

13. Developmental Disabilities Services (89 Ill. Adm. Code 144)
-First Notice Published: 34 Ill. Reg. 13742 – 10/1/10
-Expiration of Second Notice: 2/26/11

Natural Resources

14. Sport Fishing Regulations for the Waters of Illinois (17 Ill. Adm. Code 810)
-First Notice Published: 34 Ill. Reg. 16697 – 10/29/10
-Expiration of Second Notice: 2/11/11

15. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)
-First Notice Published: 34 Ill. Reg. 17920 – 11/29/10
-Expiration of Second Notice: 3/3/11

16. Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010)
-First Notice Published: 34 Ill. Reg. 17929 – 11/29/10
-Expiration of Second Notice: 3/3/11

Public Health

17. Hospital Licensing Requirements (77 Ill. Adm. Code 250)
-First Notice Published: 34 Ill. Reg. 13748 – 10/1/10
-Expiration of Second Notice: 3/3/11

18. Automated External Defibrillator Code (77 Ill. Adm. Code 525)
-First Notice Published: 34 Ill. Reg. 15779 – 10/15/10
-Expiration of Second Notice: 2/19/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

19. Podiatric Scholarship and Residency Programs Code (77 Ill. Adm. Code 593)
-First Notice Published: 34 Ill. Reg. 16802 – 10/29/10
-Expiration of Second Notice: 2/20/11

20. Nursing Education Scholarships (77 Ill. Adm. Code 597)
-First Notice Published: 34 Ill. Reg. 16820 – 10/29/10
-Expiration of Second Notice: 2/25/11

Revenue

21. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 34 Ill. Reg. 12658 – 9/3/10
-Expiration of Second Notice: 2/20/11

22. Amnesty Regulations (86 Ill. Adm. Code 520)
-First Notice Published: 34 Ill. Reg. 15269 – 10/8/10
-Expiration of Second Notice: 2/9/11

23. STAR Bonds (86 Ill. Adm. Code 4000)
-First Notice Published: 34 Ill. Reg. 16939 – 11/5/10
-Expiration of Second Notice: 2/25/11

Secretary of State

24. Standard Procurement (44 Ill. Adm. Code 2000)
-First Notice Published: 34 Ill. Reg. 12682 – 9/3/10
-Expiration of Second Notice: 3/1/11

25. Department of Personnel (80 Ill. Adm. Code 420)
-First Notice Published: 34 Ill. Reg. 17546 – 11/19/10
-Expiration of Second Notice: 2/17/11

26. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 34 Ill. Reg. 18347 – 11/29/10
-Expiration of Second Notice: 3/5/11

Transportation

27. Airport Hazard Zoning (92 Ill. Adm. Code 16)

-First Notice Published: 34 Ill. Reg. 17224 – 11/12/10
-Expiration of Second Notice: 2/11/11

28. Bloomington-Normal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 24)
-First Notice Published: 34 Ill. Reg. 17234 – 11/12/10
-Expiration of Second Notice: 2/11/11

29. Freeport Albertus Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 44)
-First Notice Published: 34 Ill. Reg. 17254 – 11/12/10
-Expiration of Second Notice: 2/11/11

30. Litchfield Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 58)
-First Notice Published: 34 Ill. Reg. 17273 – 11/12/10
-Expiration of Second Notice: 2/11/11

31. Pekin Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 73)
-First Notice Published: 34 Ill. Reg. 17293 – 11/12/10
-Expiration of Second Notice: 2/11/11

32. Stransky Memorial Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 84)
-First Notice Published: 34 Ill. Reg. 17319 – 11/12/10
-Expiration of Second Notice: 2/11/11

EMERGENCY RULEMAKINGS

Central Management Services

33. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 35 Ill. Reg. 1092 – 1/14/11

Commerce and Economic Opportunity

34. Angel Investment Credit Program (14 Ill. Adm. Code 531)
-Notice Published: 35 Ill. Reg. 553 – 1/7/11

Executive Ethics Commission

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

35. Organization, Information, Rulemaking and Hearings (2 Ill. Adm. Code 1620)
-Notice Published: 35 Ill. Reg. 563 – 1/7/11

Human Services

36. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)
-Notice Published: 35 Ill. Reg. 1128 – 1/14/11

37. Award and Monitoring of Funds (77 Ill. Adm. Code 2030)
-Notice Published: 35 Ill. Reg. 1448 – 1/21/11

38. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2090)
-Notice Published: 35 Ill. Reg. 1465 – 1/21/11

Procurement Policy Board

39. General Policies (2 Ill. Adm. Code 3002)
-Notice Published: 35 Ill. Reg. 1146 – 1/14/11

PEREMPTORY RULEMAKINGS

Agriculture

40. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 35 Ill. Reg. 571 – 1/7/11

41. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 35 Ill. Reg. 1802 – 1/28/11

EXEMPT RULEMAKINGS

Emergency Management Agency

42. Medical Use of Radioactive Material (32 Ill. Adm. Code 335)
-Proposed Date: 10/8/10
-Adopted Date: 1/14/11

43. Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
-Proposed Date: 10/8/10
-Adopted Date: 1/14/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
FEBRUARY AGENDA

44. Licenses and Radiation Safety Requirements for Irradiators (32 Ill. Adm. Code 346)
-Proposed Date: 10/8/10
-Adopted Date: 1/14/11

AGENCY RESPONSE

Financial and Professional Regulation

45. Cemetery Oversight Act (68 Ill. Adm. Code 1249; 34 Ill. Reg. 5047)

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 January 18, 2011 through January 24, 2011 and have been scheduled for review by the Committee at its February 8, 2011 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/3/11	Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)	10/1/10 34 Ill. Reg. 13748	2/8/11
3/3/11	State Board of Education, Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)	10/8/10 34 Ill. Reg. 14599	2/8/11
3/4/11	Department of Healthcare and Family Services, Child Support Services (89 Ill. Adm. Code 160)	11/12/10 34 Ill. Reg. 17134	2/8/11
3/5/11	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	11/29/10 34 Ill. Reg. 18347	2/8/11
3/6/11	Department of Children and Family Services, Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)	9/10/10 34 Ill. Reg. 13011	2/8/11

PROCLAMATIONS

2010-399 (Revised)
Pearl Harbor Remembrance Day

WHEREAS, December 7, 1941 is one of the most memorable dates of the 20th century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and,

WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans as few other events in our nation's history; and,

WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and its allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and,

WHEREAS, on May 7, 1945 Germany surrendered, which was soon followed by Japan's surrender on August 14 of that same year; and,

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war's end, more than eight million Americans were serving in the Army alone; and,

WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which were endangered by the aggressions of Germany and Japan; and,

WHEREAS, this year marks the 69th anniversary of the attack on Pearl Harbor and the 65th anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 7, 2010 as **PEARL HARBOR REMEMBRANCE DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff on such day from sunrise until sunset in memory of all the heroes who died in the attack on Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor December 2, 2010
Filed by the Secretary of State January 24, 2011

PROCLAMATIONS

2010-408
Flag Honors – Representative Rich Myers

WHEREAS, longtime State Representative Richard P. "Rich" Myers, a loyal and dedicated public servant to Illinois, passed away on Wednesday, December 1, 2010. He was 62; and,

WHEREAS, born and raised on a farm outside of Colchester, Illinois, Representative Myers was a lifelong resident of Western Illinois; and,

WHEREAS, after receiving his early education in the public school system, Representative Myers earned his B.S. from Western Illinois University; and,

WHEREAS, Representative Myers continued to work the family farm after graduating from college before being elected to his first term in the state House of Representatives; and,

WHEREAS, since 1995, Representative Myers represented the people of the 94th District in the Illinois House, where he was most proud of his constituent service and his advocacy on behalf of local school districts and Western Illinois University; and,

WHEREAS, over the course of his life, Representative Myers made the State of Illinois a better place to live and work, and has left behind a legacy that will continue to resonate in the state for many years to come; and,

WHEREAS, a devoted husband, loving father, loyal friend, and dedicated legislator, Representative Myers will be deeply missed by all who had the opportunity to know him; and,

WHEREAS, funeral services for Representative Myers, who is survived by his wife Chris and his daughter Alison, will be held on Sunday, December 5:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on December 4, 2010 until sunset on December 5, 2010 in honor and remembrance of Representative Myers, whose dedication and commitment to public service was unwavering.

Issued by the Governor December 3, 2010
Filed by the Secretary of State January 24, 2011

2010-409
Medical Assistants Week

WHEREAS, today, doctors in Illinois are under mounting pressure. Due to increasing medical liability insurance rates, many doctors have been forced to leave our state; and,

WHEREAS, in 2005, the Illinois General Assembly passed legislation that amends medical liability insurance rates and regulation, which will keep and attract more doctors to the State of Illinois; and,

WHEREAS, medical assistants are helping doctors in Illinois cover the vacuum of medical services left behind by the departure of their colleagues; and,

WHEREAS, doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and medical assistants provide the necessary support needed to keep their offices functioning and running smoothly; and,

WHEREAS, patients are also receiving better care and treatment thanks to medical assistants, who improve their knowledge and skills through educational programs offered by professional organizations such as the Illinois Society of Medical Assistants:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim October 17-21, 2011 as **MEDICAL ASSISTANTS WEEK** in Illinois, in recognition of medical assistants for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for both patients and doctors.

Issued by the Governor December 9, 2010
Filed by the Secretary of State January 24, 2011

2010-410
National MS Education and Awareness Month

WHEREAS, multiple sclerosis (MS) is a chronic, progressive, disabling neurological disease of unknown origin that affects the central nervous system and has no known cure; and,

WHEREAS, MS has been diagnosed in more than 400,000 people nationwide, including more than 2,300 Illinoisans, whose families, friends, and employers are affected as well; and,

WHEREAS, people with MS are often misunderstood because many of their symptoms – including fatigue, weakness, cognition difficulties, vision loss, and depression – are "invisible"; and,

WHEREAS, with early drug therapy and proper healthcare management, disease progression can be slowed, allowing people with MS to live active, rewarding and productive lives; and,

WHEREAS, increased public education and awareness about MS not only helps people who must cope with the disease, but also helps to support vital research aimed at developing more disease-modifying treatments and ultimately a cure; and,

WHEREAS, the mission of the Multiple Sclerosis Foundation is, in part, to improve the quality of life of people with MS nationwide through educational programs and materials, grant programs, support groups and other services; and,

WHEREAS, it is in the public interest to promote awareness of MS and a better understanding of people who live with the disease:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois do hereby proclaim March 2011 as **NATIONAL MS EDUCATION AND AWARENESS MONTH** in Illinois.

Issued by the Governor December 9, 2010
Filed by the Secretary of State January 24, 2011

2010-411
Rare Disease Day

WHEREAS, there are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States; and,

WHEREAS, while each of these diseases alone may affect only a small number of people, rare diseases as a group affect millions of Americans; and,

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and,

WHEREAS, unfortunately, there is often no treatment specific to these rare diseases; and,

WHEREAS, individuals and families affected by rare diseases often experience problems such as a sense of isolation, difficulty in obtaining an accurate and timely diagnosis, few treatment options, and problems related to accessing or being reimbursed for treatment; and,

WHEREAS, while some rare diseases, such as "Lou Gehrig's disease" and Huntington's disease are relatively well known, many others are not known at all by the public, which means that a large share of the burden of raising awareness of these diseases and raising funds for research is borne by patients and their families; and,

WHEREAS, thousands of residents of Illinois are among those affected by rare diseases, since statistically nearly 1 in 10 Americans are affected; and,

WHEREAS, the National Organization for Rare Diseases (NORD) is organizing a nationwide observance of Rare Disease Day on February 28, 2011, and patients, medical professionals, researchers, government officials, and companies developing treatments for rare diseases are joining together to focus attention on rare diseases as a public health issue on that day:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2011 as **RARE DISEASE DAY** in Illinois, in support of this important public awareness campaign.

Issued by the Governor December 9, 2010
Filed by the Secretary of State January 24, 2011

2010-412
Student Council Week

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and,

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and,

WHEREAS, once a vision is established, it is important to determine how to get there, establish communication, build teamwork, and exhibit perseverance in the face of challenges. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and,

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

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and,

WHEREAS, this year, the 77th Annual Illinois Association of Student Councils State Convention will be held on May 5-7 at the Chicago Hilton Hotel. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 1-7, 2011 as **STUDENT COUNCIL WEEK** in Illinois, in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor December 9, 2010
Filed by the Secretary of State January 24, 2011

2010-413
Dr. Dale Mortensen Day

WHEREAS, the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel, known as the Nobel Prize in Economics, was established by Sveriges Riksbank (Sweden's Central Bank) in 1968 to recognize the contributions of the World's leading economic scholars and theorists to the field of economics; and,

WHEREAS, the Nobel Prize in Economics is widely considered one of the most prestigious awards in the field of economic sciences, and has named only 67 Laureates since 1969 and will honor a resident of the Land of Lincoln on Friday, December 10, 2010; and,

WHEREAS, Dr. Dale Mortensen, a professor of Managerial Economics and Decision Sciences at Northwestern University in Evanston, Illinois, was selected by the Royal Swedish Academy of Sciences for his landmark research to "help us understand the ways in which unemployment, job vacancies, and wages are affected by regulation and economic policy"; and,

WHEREAS, Dr. Mortensen, with collaborators Peter Diamond and Christopher Pissarides, was selected by the Royal Swedish Academy of Sciences for their theory on the time and resources it takes for an unemployed worker to find a job compared to the time it takes an employer to select the right employee to fill a job vacancy; and,

WHEREAS, Dr. Mortensen, in a climate of economic and employment crises, has not only asked questions, but studied answers and forged solutions to foster a deeper understanding of unemployment and job vacancies and the effects of public policy on the complex economic and employment problems facing our nation; and,

WHEREAS, in a time of economic uncertainty and high unemployment, the work of Dr. Mortensen has addressed challenges that face not only residents of the State of Illinois and the United States of America, but the world; and,

WHEREAS, Dr. Mortensen, an accomplished scholar, received his Bachelor of Arts in Economics degree from Willamette University, his Ph.D. in Economics from Carnegie Mellon University, has served the students of Northwestern University as a professor since 1965, and is currently the Niels Bohr Visiting Professor at the School of Economics and Management at the University of Aarhaus in Denmark; and,

WHEREAS, Dr. Mortensen will receive the Nobel Prize in Economics on Friday, December 10, 2010, the anniversary of Alfred Nobel's death:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 10, 2010 as **DR. DALE MORTENSEN DAY** in Illinois, in recognition of his outstanding accomplishments in the study of employment and labor markets and of his contributions to the field of economics.

Issued by the Governor December 9, 2010
Filed by the Secretary of State January 24, 2011

2010-414
Bo Diddley Day

WHEREAS, born December 30, 1928, Ellas Otha Bates, better known as Bo Diddley, was an influential rock and roll vocalist, guitarist, and songwriter; and,

WHEREAS, at the age of seven Bo Diddley's family moved to the South Side of Chicago where his illustrious musical career began; and,

WHEREAS, in Chicago Bo Diddley was an active member of his local Ebenezer Baptist Church, where he studied the trombone and the violin, becoming proficient enough on the latter for the musical director to invite him to join the orchestra, which he played in until the age of 18; and,

WHEREAS, Bo Diddley found that he was more interested in the guitar and soon began busking on street corners with friends and playing for tips around Chicago before landing a regular gig at the 708 Club; and,

WHEREAS, Bo Diddley first achieved national fame in 1954 when he recorded the tracks "I'm A Man" and "Bo Diddley," at Chicago-based record label Chess Studios. The record was released in March 1955, and the A-side, "Bo Diddley", became a #1 R&B hit; and,

WHEREAS, throughout the 1950's and 60's, Bo Diddley continued to release a number of hits as his musical talent and international acclaim grew; and,

WHEREAS, over the years, Bo Diddley's venues ranged from intimate clubs to stadiums; and,

WHEREAS, Bo Diddley was known as "The Originator" because of his key role in the transition from the blues to rock and roll, influencing a host of legendary acts in the process; and,

WHEREAS, over the course of his career, Bo Diddley achieved numerous accolades in recognition of his significant role as one of the founding fathers of rock and roll, including induction into the Rock and Roll Hall of Fame, a Lifetime Achievement Award from the Rhythm and Blues Foundation, and a Grammy Award from the National Academy of Recording Arts and Sciences; and,

WHEREAS, in spite of his terrific success, Bo Diddley never forgot his roots, raising millions of dollars for disadvantaged children and homeless individuals; and,

WHEREAS, although Bo Diddley is no longer with us, his influence continues to be felt in rock and roll music, and his legacy endures in countless grateful fans around the world; and,

WHEREAS, on December 30, 2010, which would be Bo Diddley's 82nd birthday, simultaneous events will be held in his birthplace of Mississippi, in Illinois where his musical career first began, and in Florida where he spent much of his later life; and,

WHEREAS, in Illinois, Bo Diddley's life and legacy will be celebrated with a tribute concert to be held at Rosa's Lounge in Chicago:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 30, 2010 as **BO DIDDLEY DAY** in Illinois, in recognition of his life and enduring musical contributions.

Issued by the Governor December 14, 2010
Filed by the Secretary of State January 24, 2011

2010-415
Chicago Music Awards Day

WHEREAS, on Sunday, January 16, 2011, Martin's International Culture will present the 30th Annual Chicago Music Awards; and,

WHEREAS, the Annual Chicago Music Awards is the primary program honoring Illinois entertainers in various music genres such as: Pop, Rock, Gospel, Soul/R&B, Blues, Jazz, Reggae, Country/Western, Latin, Opera, Dance Classical, Polka, Kids and other World Music; and,

WHEREAS, the Chicago Music Awards were founded in 1981 by Ephraim M. Martin, a journalist, entrepreneur and television personality, to honor reggae and other world-beat music, arts and cultures, but has expanded so that all categories of music performed in Illinois can be better appreciated; and,

WHEREAS, at the 30th Annual Chicago Music Awards, Lifetime and Special Awards will be bestowed on several Illinois legends: Janet Hubert, Columbia College Professor Maurice White, Metro Club's Jo Shanahan, Benjamin "Funkman" Osafo, Lennin "Doc" Pellegrino, Leanne Faine and Fitzgerald Club's Bill Fitzgerald; and,

WHEREAS, the 30th Annual Chicago Music Awards Ceremony encourages high standards of performance, conduct and professionalism in the music industry, and exhibits the wealth of talent that Illinois has to offer:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 16, 2011 as **CHICAGO MUSIC AWARDS DAY** in Illinois, in recognition of the Chicago Music Awards' and its honorees' contributions to music, art, and culture in the Land of Lincoln.

Issued by the Governor December 20, 2010
Filed by the Secretary of State January 24, 2011

2010-416
Congenital Heart Defect Awareness Week

WHEREAS, Congenital Heart Defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and,

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with Congenital Heart Defects; and,

WHEREAS, every year 40,000 babies are born in the United States with Congenital Heart Defects; and,

WHEREAS, some Congenital Heart Defects are not diagnosed until months or years after birth; and,

WHEREAS, undiagnosed Congenital Heart conditions cause many cases of sudden cardiac death in young athletes; and,

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for Congenital Heart Defects; and,

WHEREAS, there is a need for increased funding for Congenital Heart Defect research and support; and,

WHEREAS, the observance of Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and,

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 7-14, 2011 as **CONGENITAL HEART DEFECT AWARENESS WEEK** in Illinois, in order to increase awareness of Congenital Heart Defects that affect thousands of babies in Illinois each year.

Issued by the Governor December 20, 2010
Filed by the Secretary of State January 24, 2011

2010-417
Proviso West Holiday Tournament Day

WHEREAS, since 1961, the Proviso West Holiday Tournament has thrilled spectators with some of the best high school basketball action in Illinois; and,

WHEREAS, the Proviso West Holiday Tournament originated with eight teams competing the first year before expanding to the current sixteen-team format; and,

WHEREAS, the Proviso West Holiday Tournament consistently draws Illinois' finest talents in prep basketball; and,

WHEREAS, the Proviso West Holiday Tournament has seen twenty-nine players who have participated in the competition go on to play professional basketball in either the American or National Basketball Association; and,

WHEREAS, in addition to showcasing and nurturing the future talents of professional basketball, the Proviso West Holiday Tournament has also served as a barometer of success for prep school

basketball programs, with fourteen teams that have participated in the Tournament going on to win the Illinois State Championship in the same season; and,

WHEREAS, the Proviso West Holiday Tournament has produced a team that qualified for the state finals for the last 33 consecutive years; and,

WHEREAS, 2010 marks the fiftieth anniversary of the Proviso West Holiday Tournament; and,

WHEREAS, to commemorate fifty years of basketball excellence, the Proviso West Holiday Tournament has announced the 50 Year All-Tournament Team which represents 50 of the greatest players from all decades of past play, in addition to ten coaches and several contributors from the media, officials and tournament administrators; and,

WHEREAS, once again this year, the Proviso West Holiday Tournament returns to delight high school basketball fans in the Land of Lincoln, with tip-off for the first games taking place on December 27, and culminating in the Championship Final Round on December 30:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 27, 2010 as **PROVISO WEST HOLIDAY TOURNAMENT DAY** in Illinois, in recognition of this time-honored holiday athletic tradition, and congratulate all of the teams competing this year in Illinois' Favorite Christmas Classic.

Issued by the Governor December 22, 2010
Filed by the Secretary of State January 24, 2011

2010-418
Flag Honors – Firefighter Edward J. Stringer

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but have the courage to act calmly and professionally in otherwise terrifying situations; and,

WHEREAS, on the morning of Wednesday, December 22, 2010 one of these brave souls, Firefighter Edward J. Stringer of the Chicago Fire Department, was suddenly taken from us; and,

WHEREAS, Firefighter Stringer and Firefighter/EMT Cory D. Ankum of the Chicago Fire Department were participating in fire extinguishment and search and rescue operations when the

roof of the structure they were working in collapsed upon them. Both men lost their lives as a result of the incident; and,

WHEREAS, we will always remember that throughout his twelve year career as a proud member of the Chicago Fire Department, Firefighter Stringer courageously volunteered to walk into fires as everyone else ran out; and,

WHEREAS, Firefighter Stringer loved being a firefighter and was remembered as a good neighbor and a good friend. He will be missed by all who had the opportunity to know him; and,

WHEREAS, although Firefighter Stringer is no longer with us we will not forget the countless lives that were impacted by his public service; and,

WHEREAS, Firefighter Stringer was 47, and leaves behind two grown children. Not only did he serve the citizens of Chicago and of this great state, but was a hero in his role as a father; and,

WHEREAS, funeral services will be held on Tuesday, December 28, 2010 for Firefighter Stringer:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on December 26, 2010 until sunset on December 28, 2010 in honor and remembrance of Firefighter Stringer, whose selfless service and sacrifice is an inspiration.

Issued by the Governor December 24, 2010
Filed by the Secretary of State January 24, 2011

2010-419
Flag Honors – Firefighter/EMT Corey Ankum

WHEREAS, we hold the highest esteem and reverence for the men and women who answer the call to serve their friends, family and communities; and,

WHEREAS, first responders save countless lives every year with their heroic efforts; and,

WHEREAS, firefighters not only demonstrate the desire to serve, but have the courage to act calmly and professionally in otherwise terrifying situations; and,

WHEREAS, on the morning of Wednesday, December 22, 2010 one of these brave souls, Firefighter/EMT Corey Ankum of the Chicago Fire Department, was suddenly taken from us; and,

WHEREAS, Firefighter/EMT Ankum and Firefighter Edward J. Stringer of the Chicago Fire Department were participating in fire extinguishment and search and rescue operations when the roof of the structure they were working in collapsed upon them. Both men lost their lives as a result of the incident; and,

WHEREAS, we will always remember that throughout his career as a proud member of the Chicago Fire Department, Firefighter/EMT Ankum courageously volunteered to walk into fires as everyone else ran out; and,

WHEREAS, prior to joining the Chicago Fire Department, Firefighter/EMT Ankum served the community as a police officer; and,

WHEREAS, Firefighter/EMT Ankum loved being a firefighter, following in the footsteps of his older brother – a 25 year veteran of the Chicago Fire Department; and,

WHEREAS, Firefighter/EMT Ankum was remembered as a big sports fan and athlete, a great cook and a jokester, always trying to make people laugh. He will be missed by all who had the opportunity to know him; and,

WHEREAS, although Firefighter/EMT Ankum is no longer with us we will not forget the countless lives that were impacted by his public service; and,

WHEREAS, Firefighter/EMT Ankum was 34, and leaves behind a wife, two daughters, and a son. Not only did he serve the citizens of Chicago and of this great state, but was a hero in his role as a husband and a father; and,

WHEREAS, funeral services will be held on Thursday, December 30, 2010 for Firefighter/EMT Ankum:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on December 28, 2010 until sunset on December 30, 2010 in honor and remembrance of Firefighter/EMT Ankum, whose selfless service and sacrifice is an inspiration.

Issued by the Governor December 27, 2010
Filed by the Secretary of State January 24, 2011

2011-1
Flag Honors – Lance Corporal Kenneth A. Corzine

WHEREAS, on Friday, December 24, 2010, United States Marine Corps Lance Corporal Kenneth A. Corzine of Bethalto, Illinois died at age 23 of wounds received December 5 while conducting combat operations in Helmand Province, Afghanistan, where Lance Corporal Corzine was serving in support of Operation Enduring Freedom; and,

WHEREAS, Lance Corporal Corzine was a rifleman assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Camp Pendleton, California; and,

WHEREAS, Lance Corporal Corzine enlisted in the Marine Corps in September 2007. This was his first combat deployment; and,

WHEREAS, Lance Corporal Corzine followed in the footsteps of his older brother when he joined the Marine Corps after graduating from Civic Memorial High School in Bethalto; and,

WHEREAS, funeral services will be held on Thursday, January 6, 2011 for Lance Corporal Corzine, who is survived by his mother and father, his brother, and a three-year-old daughter:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on January 4, 2011 until sunset on January 6, 2011 in honor and remembrance of Lance Corporal Corzine, whose selfless service and sacrifice is an inspiration.

Issued by the Governor January 3, 2011
Filed by the Secretary of State January 24, 2011

2011-2
Cervical Cancer Awareness Month

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer causes, screenings and treatment; and,

WHEREAS, in 2011, a projected 590 women in Illinois will be diagnosed with cervical cancer and a projected 180 women in Illinois will lose their life to cervical cancer; and,

WHEREAS, with routine screening and follow-up, cervical cancer is highly preventable; and,

WHEREAS, early detection through routine screening can significantly increase chances of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free mammograms, breast exams, pelvic exams, and Pap tests to uninsured women; and,

WHEREAS, the IBCCP has provided 17,908 cervical cancer screenings to uninsured women in the past fiscal year alone; and,

WHEREAS, throughout January, public and private organizations and state and local governments all around the country will promote education about cervical cancer causes, screenings, and treatment:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2011 as **CERVICAL CANCER AWARENESS MONTH** in Illinois, to raise awareness about cervical cancer, encourage all women to get screened regularly for the disease, and invite all citizens to join me in the continued fight against cervical cancer.

Issued by the Governor January 11, 2011
Filed by the Secretary of State January 24, 2011

2011-3
Four Chaplains Sunday

WHEREAS, on February 3, 1943, four United States Army Lieutenants and Chaplains sacrificed their lives in one of the most inspiring acts of heroism during the Second World War; and,

WHEREAS, once a luxury coastal liner, the U.S.A.T. Dorchester set out with three escort ships on February 2 for an American base in Greenland. Less than 150 miles from its destination, the ship was attacked by a German submarine shortly after midnight; and,

WHEREAS, aboard the U.S.A.T. Dorchester, panic and chaos set in. The blast killed scores of men, and many more were seriously wounded. Alerted that the Dorchester was taking on water and sinking rapidly, the captain gave the order to abandon ship; and,

WHEREAS, those who were capable made their way towards the deck through the darkness. Once topside, men jumped from the ship for lifeboats. Some were overcrowded and capsized. Others drifted away before soldiers and sailors could get in them; and,

WHEREAS, through the pandemonium, Reverend George L. Fox, Rabbi Alexander D. Goode, Reverend John P. Washington and Reverend Clark V. Poling spread out among the soldiers to calm the frightened, tend the wounded and guide the disoriented toward safety; and,

WHEREAS, at one point, Rabbi Goode gave away his own gloves to a comrade who had the bad fortune of forgetting his. Shortly thereafter, the Chaplains opened a storage locker filled with lifejackets and began distributing them; and,

WHEREAS, it was then that John Ladd witnessed an astonishing sight. When they ran out of lifejackets, the Chaplains removed theirs and gave them to four frightened young men. John said, "It was the finest thing I have seen or hope to see this side of heaven"; and,

WHEREAS, as the ship went down, other survivors in nearby rafts saw the Chaplains with arms linked and braced against the slanting deck. They were also heard offering prayers; and,

WHEREAS, the Dorchester sunk less than 27 minutes after it was struck. Of the 902 men aboard, 672 died, including all four Chaplains. When news reached American shores, the nation was stunned by the magnitude of the tragedy and heroic conduct of the Chaplains; and,

WHEREAS, all four Chaplains were posthumously awarded the Distinguished Service Cross and Purple Heart, as well as a Special Medal of Heroism specially authorized for them by Congress; and,

WHEREAS, every year, the Combined Veterans Association of Illinois sponsors a memorial service for the four Chaplains, which this year is hosted by the Italian American War Veterans of Illinois, and which will be held at the Main Chapel of the Edward Hines VA Medical Center in Hines, Illinois on February 6, 2011; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 6, 2011 as **FOUR CHAPLAINS SUNDAY** in Illinois, in honor and remembrance of the four brave and courageous Chaplains who selflessly made the ultimate sacrifice to save the lives of others.

Issued by the Governor January 11, 2011
Filed by the Secretary of State January 24, 2011

2011-4
Martin Luther King, Jr. Day of Service

WHEREAS, Martin Luther King, Jr. devoted his life to the advancement of civil rights and public service. He believed in a nation of freedom and justice for all, and challenged all citizens to help build a more perfect union and live up to the purpose and potential of America; and,

WHEREAS, Dr. King recognized that everybody can be great because everybody can serve, and during his lifetime encouraged all Americans to serve their neighbors and their communities; and,

WHEREAS, in 1973, the State of Illinois became the first state to make Dr. King's birthday a state holiday. The citizens of Illinois honor Dr. King's legacy each year on the third Monday in January; and,

WHEREAS, legislation creating a federal holiday marking the birthday of Rev. Dr. Martin Luther King, Jr. was signed into law in 1983, and the holiday was first observed in 1986, making 2011 the 25th anniversary of the nationwide observance of the Martin Luther King, Jr. federal holiday; and,

WHEREAS, in 1994, Congress initiated the King Day of Service, a nationwide effort to transform the federal holiday honoring Dr. Martin Luther King, Jr. into a day of community service, grounded in Dr. King's teachings, that helps solve social problems; and,

WHEREAS, this day focuses on bringing people together and breaking down the barriers that have divided us as a nation; and,

WHEREAS, thousands of Illinois residents use Martin Luther King Day as a "day on, not a day off," by spending it performing community service; and,

WHEREAS, each year hundreds of thousands of volunteers in cities and towns across the nation participate in thousands of King Day service projects in all fifty states, the District of Columbia, Guam, and Puerto Rico; and,

WHEREAS, the King Day of Service, which falls on January 17 this year, is an opportune time for the people of Illinois to recognize Dr. King's teachings on advancing equality and opportunity for all by contributing their own time and talents in a day of service; and,

WHEREAS, each citizen is encouraged to take part in service that will benefit communities and neighborhoods and provide a fitting memorial to the life of Martin Luther King, Jr.;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim January 17, 2011, as **MARTIN LUTHER KING, JR. DAY OF SERVICE** in Illinois, and urge citizens throughout Illinois to honor the memory of Dr. King and put his teachings into action by participating in the King Day of Service and finding ways to give back to their communities on this day and throughout the year.

Issued by the Governor January 11, 2011

Filed by the Secretary of State January 24, 2011

2011-5
Free Throws for Heroes Day

WHEREAS, The Charity Stripe is a not-for-profit charitable organization based in Illinois dedicated to raising funds for charitable recipients who are experiencing financial and/or emotional hardship due to military service, debilitating illness, or natural disaster; and,

WHEREAS, The Charity Stripe's vision is to empower communities to unite as one for a series of rotating annual charitable free throw shooting events which focus on a specific philanthropic cause; and,

WHEREAS, Free Throws for Heroes, The Charity Stripe's program to benefit military families, invites basketball players, coaches, fans and the entire community to step up to the foul line (the 'charity stripe') on the basketball court to make a difference for veterans, their families, and family members of currently deployed servicemen and women in need; and,

WHEREAS, Free Throws for Heroes participants raise money for the families of active duty and veteran Illinois military families who are experiencing financial hardship by shooting 50 free throws, while collecting pledges from friends and family for each one they make; and,

WHEREAS, Free Throws for Heroes raised more than $80,000 in its inaugural year to support Illinois military families, far surpassing the charity's goal of $50,000 that year. In just two years, the program has raised nearly $180,000; and,

WHEREAS, Free Throws for Heroes has grown exponentially since its first year, due in part to partnerships with the Illinois High School Association, the Illinois Basketball Coaches Association, and the Illinois Athletic Directors Association; and,

WHEREAS, in the words of The Charity Stripe founder Mitch Salzstein, "Free throws undeniably determine the outcome of basketball games, and now, free throws can help determine the positive outcome of people's lives."; and,

WHEREAS, although Free Throws for Heroes has its roots in Illinois, The Charity Stripe hopes to expand this worthy program nationwide; and,

WHEREAS, this year's Free Throws for Heroes event will take place on January 19 at locations throughout the state; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 19, 2011 as **FREE THROWS FOR HEROES DAY** in Illinois, in support of this wonderful program, and encourage all citizens to show their support of our state's active duty military and veteran families.

Issued by the Governor January 13, 2011
Filed by the Secretary of State January 24, 2011

2011-6
AMBUCS Appreciation Month

WHEREAS, AMBUCS is a National Organization comprised of local civic clubs located throughout the United States dedicated to creating mobility and independence for people with disabilities, by performing community service, providing AmTryke therapeutic tricycles for children with disabilities and providing scholarships for therapists; and,

WHEREAS, there are twelve AMBUCS Chapters located in the great State of Illinois and devoted to the Mission of National AMBUCS, namely: Cornbelt Bloomington AMBUCS; Champaign-Urbana AMBUCS; Danville AMBUCS; Decatur AMBUCS; Lincolnland Decatur AMBUCS; Jacksonville AMBUCS; Pekin AMBUCS; Rockford AMBUCS; Springfield AMBUCS; Sullivan AMBUCS; Rock River AMBUCS; and Greater Champaign County AMBUCS; and,

WHEREAS, the number of AMBUCS actively involved in their local and National AMBUCS Chapters in the great State of Illinois totals 595, with the largest AMBUCS Chapter in the entire National AMBUCS network being the Springfield AMBUCS Chapter, with 205 members and friends; and,

WHEREAS, AMBUCS Chapters and Ambuc individuals throughout the great State of Illinois annually and freely contribute thousands of hours of community service and hundreds of thousands of dollars of monetary gifts to providing AmTrykes to disabled children, endowing scholarships for therapy students, building ramps for disabled persons, and countless other deserving local and national projects; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2011 as **AMBUCS APPRECIATION MONTH** in Illinois, in recognition of the fine accomplishments, unequaled charitable giving, and selfless contributions of the individual Ambucs and AMBUCS Chapters throughout the Land of Lincoln.

Issued by the Governor January 14, 2011
Filed by the Secretary of State January 24, 2011

2011-7
Dolly Parton Day

WHEREAS, Dolly Rebecca Parton was born in humble beginnings in Sevierville, Tennessee to Robert Lee and Avie Lee Parton, the fourth of twelve children; and,

WHEREAS, Dolly Parton began performing at age 10 on local television and radio shows in Knoxville, Tennessee, marking the beginning of an extraordinary musical career that would successfully span decades; and,

WHEREAS, Dolly Parton has made remarkable contributions to both the recording and film industries. Not only is she the most honored female country performer of all time, Dolly Parton can be seen in major motion pictures such as Rhinestone, Straight Talk and the Academy Award-nominated hits Steel Magnolias and 9 to 5; and,

WHEREAS, Dolly Parton, after 14 top ten hits, released the song "I Will Always Love You" in 1974, which topped the charts twice, once in 1974 and again in 1982. It was also recorded by Whitney Houston in 1992 and was named Most Performed Song of the Year in 1993 by Broadcast Music, Inc. (BMI); and,

WHEREAS, Dolly Parton opened her own theme park, Dollywood, in 1986 in Pigeon Forge, Tennessee. It was named one of the top three theme parks in the World in 2006 by the theme park industry and received the International Liseberg Applause Award in 2010, among others; and,

WHEREAS, Dolly Parton has received 7 Grammy Awards, 10 Country Music Association Awards, 5 Academy of Country Music Awards, 3 American Music Awards and has been recognized as the Country Music Association's Entertainer of the Year, making her one of only 5 female performers to be so honored. In 2004 Dolly Parton received the Living Legend Award from the United State Library of Congress for her cultural heritage contributions; this is the highest honor given by the United States for excellence in the arts; and,

WHEREAS, Dolly Parton, in addition to her credits as a music and film superstar, is also a true public servant. Dolly Parton established the Dollywood Foundation in 1988, which funds the Dolly Parton Imagination Library, a program that provides books to preschool-aged children in over 800 communities in 41 states and has donated millions of books each year; and,

WHEREAS, Dolly Parton is an extraordinary musician, celebrated actress, philanthropist, author, entrepreneur and hometown hero; and,

WHEREAS, Dolly Parton will be visiting the Land of Lincoln on January 19, 2011, her birthday, to open her musical production "9 to 5":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 19, 2011 as **DOLLY PARTON DAY** in Illinois, in recognition of Dolly Parton's extraordinary contributions to the global community through the arts and commend her on the success of her most recent venture.

Issued by the Governor January 19, 2011
Filed by the Secretary of State January 24, 2011

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