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March 23, 2012 Volume 36, Issue 12

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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012

24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
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32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
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45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1240.10	Amendment
1240.20	New Section
1240.100	Amendment
1240.110	New Section
1240.200	Amendment
1240.210	New Section
1240.300	Amendment
1240.310	Amendment
1240.320	Repealed
1240.330	New Section
1240.400	Amendment
1240.500	Amendment
1240.501	New Section
1240.502	New Section
1240.505	Amendment
1240.510	Amendment
1240.515	Amendment
1240.520	Amendment
1240.525	Amendment
1240.530	Amendment
1240.535	Amendment
1240.540	Amendment
1240.550	Amendment
1240.560	Amendment
1240.565	Amendment
1240.570	Amendment
1240.580	Amendment
1240.700	New Section
1240.710	New Section
1240.720	New Section
1240.730	New Section
1240.740	New Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 4) Statutory Authority: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Section 2105-15(7) and 2105-100 (b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements provisions from Public Act 95-613 by providing that persons using or handling a canine for the protection of persons or property or conducting investigations must have a canine handler authorization card or canine trainer authorization card issued by the Department. The proposed rulemaking also implements provisions in Public Act 96-1445 by providing for additional consumer protection provisions regarding locksmiths, including requiring that any locksmith agency licensed to do business in Illinois must have an office within the State or have an out of state office no further than 50 miles from the Illinois border. It sets procedures for the issuance of licenses for private detective agencies, private alarm contractor agencies, private security contractor agencies, and locksmith agencies.

The rulemaking also provides procedures for the issuance of branch office licenses and requirements for an agency licensee-in-charge. It defines “armed employee” in reference to the registration of an armed proprietary security force and provides for the expiration and renewal of approval as a firearm instructor. It also sets fees for certification and renewal as a firearm instructor, issuance and renewal of a canine handler authorization card, issuance and renewal of a canine trainer authorization card, approval of a canine handler training program, approval of a canine instructor training program, and approval of a firearm training program. It increases the current fees for issuance and renewal of a firearm control card and issuance and renewal of an armed proprietary security force registration and also provides for confidentiality of investigation files. The rulemaking also includes several technical and clean-up changes.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objective (if applicable): This rulemaking has no impact on local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Private detectives, security contractors, alarm contractors, locksmiths, fingerprint vendors, canine handlers/trainers and agencies and employees regulated under the Act will be affected.

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

C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240

PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, FINGERPRINT VENDOR, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section

1240.10 Application for Examination and Licensure – Private Detective

| [1240.20](#) [Application for Licensure – Private Detective Agency](#)

SUBPART B: PRIVATE ALARM

Section

1240.100 Application for Examination and Licensure – Private Alarm Contractor

| [1240.110](#) [Application for Licensure – Private Alarm Contractor Agency](#)

SUBPART C: PRIVATE SECURITY

Section

1240.200 Application for Examination and Licensure – Private Security Contractor

| [1240.210](#) [Application for Licensure – Private Security Contractor Agency](#)

SUBPART D: LOCKSMITH

Section

1240.300 Application for Examination and Licensure – Locksmith

1240.310 20-Hour Basic Training Course – Locksmith

| 1240.320 Recordkeeping Requirements – Locksmith (~~Repealed~~)

| [1240.330](#) [Application for Licensure – Locksmith Agency](#)

SUBPART E: PROPRIETARY SECURITY FORCE

Section

1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section

1240.500 Definitions

| [1240.501](#) [Licensee-in-charge](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- [1240.502](#) [Application for Branch Office License](#)
1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor, ~~and~~ Private Security Contractor [and Proprietary Security Force Employee](#)
1240.510 Firearm Training Course
1240.515 Approval of Firearm Training Programs and Firearm Instructors
1240.520 Permanent Employee Registration Card
1240.525 Refusal to Issue Employee Registration Card or Firearm ~~Control~~[Authorization](#) Card Due to Criminal History Record Information
1240.530 Firearm ~~Control~~[Authorization](#) Cards
1240.535 Recordkeeping Requirements
1240.540 Reporting Requirements
1240.550 Renewals
1240.555 Endorsement
1240.560 Restoration
1240.561 Inactive Status
1240.565 Requests for Duplicate Certificates
1240.570 Fees
1240.575 Conduct of Hearings
1240.580 Investigation by the Division
1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

- 1240.600 Application for Licensure – Fingerprint Vendor
1240.610 Licensure – Fingerprint Vendor Agency
1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct
1240.630 Fingerprint Vendor – Training

[SUBPART H: CANINE HANDLER](#)

- [1240.700](#) [Canine Handler Training Course Requirements](#)
[1240.710](#) [Canine Handler Authorization Card](#)
[1240.720](#) [Canine Handler Training Program](#)
[1240.730](#) [Canine Trainer Authorization Card](#)
[1240.740](#) [Canine Handler and Canine Training Instructor – Unprofessional Conduct](#)

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Sections 2105-15(7) and

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

2105-100(b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004; amended at 36 Ill. Reg. 1486, effective February 3, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: PRIVATE DETECTIVE

Section 1240.10 Application for Examination and Licensure – Private Detective

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:

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- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- 2) "~~Full-time investigator supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.~~ 3) "~~Investigator~~ in a law enforcement agency" shall mean a sworn peace officer, as defined in Section 5-10 of the Act, who serves in the capacity of a full-time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for licensure. The application must be complete and must be accompanied by:
 - 1) One of the following:
 - A) ~~Copy of the verification of~~ Verification of electronic fingerprint processing from ~~ISP~~ the Illinois Department of State Police or from one of the ~~ISP live scan~~ Illinois State Police approved vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. ~~Applicants shall contact one of the approved vendors for fingerprint processing;~~
 - B) Out-of-state residents unable to utilize the ~~ISP~~ Illinois State Police electronic fingerprint process may submit to ~~ISP~~ one of the Illinois State Police approved vendors one fingerprint card issued by ~~the ISP~~ Illinois State Police, accompanied by the fee specified by ~~ISP~~ the vendor; or
 - C) In lieu of fingerprints, verification ~~Verification~~, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application in lieu of fingerprints. ~~The~~ A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to

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~~make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such~~ verification shall be signed by the applicant's employer;

- 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
 - 5) Has not been dishonorably discharged from the armed forces of the United States;

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- 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
- 7) Has not violated any provision of the Act or this Part.
- g) For applicants utilizing the experience referenced in Section 15-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:
 - 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
 - 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.20 Application for Licensure – Private Detective Agency

- a) An applicant for licensure as a private detective agency shall, in accordance with Section 15-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:
 - 1) Agency name, address and telephone number of principal office in Illinois where services are provided. A post office box by itself is not acceptable.
 - 2) If the agency does not maintain a principal office in Illinois, the address and telephone number of its out-of-state office where its licensee-in-charge is located and records of its operations within Illinois are kept in compliance with the requirements of the Act and this Part. A post office box by itself is not acceptable.
 - 3) Name and Illinois private detective license number of its licensee-in-charge.
 - 4) The required fees specified in Section 1240.570.
 - 5) The type of business (sole proprietorship, partnership, corporation, etc.).

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- A) If a sole proprietorship, the name of the owner and his or her license number;
 - B) If a partnership, a listing of all partners and their license numbers;
 - C) If a corporation, a copy of the Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the officers and directors of the corporation, including license numbers, if applicable. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
 - D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the members of the limited liability company and their license numbers, if applicable.
- b) The name of the agency shall not include the words "law enforcement" or "police" or any other words or combination that implies that the agency is a law enforcement or police agency or a governmental agency.
 - c) Any unlicensed officers, directors or members of the applicant corporation or limited liability company shall be persons of good moral character as determined by the Division.
 - d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure or any of its owners, partners, officers, directors or members shall be requested to:
 - 1) Provide information as may be necessary; and/or

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- 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor

- a) Application for~~An individual seeking~~ licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of examination.~~as a private alarm contractor shall make application to the Department of Financial and Professional Regulation Division of Professional Regulation (Division), on forms provided by the Division, at least 60 days prior to the examination. The application shall include proof acceptable to the Division that the applicant has~~
- b) No candidate shall be admitted to the examination until having fulfilled the required experience and/or education requirements specified in Section 20-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:~~1) The~~ term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- 2) ~~Applicants qualified to sit for the examination pursuant to Section 20-10 of the Act shall have private alarm experience which shall include, but not be limited to:~~
- A) ~~Private alarm contractor experience as defined in Section 5-10 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or~~
- B) ~~A minimum of 3 years experience of the 5 years immediately preceding application working as a full time manager for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in~~

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~~*the judgment of the Board, satisfies the standards of alarm industry competence. (Section 20-10(a)(6))*~~

- ~~c)b)~~ The passing score on the examination is 70 or above.
- ~~d)e)~~ Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
- 1) One of the following:
 - A) ~~Copy of the verification~~Verification of ~~electronic~~ fingerprint processing from ~~ISP~~the Illinois Department of State Police or ~~from~~ one of the ~~ISP live scan~~Illinois State Police approved vendors ~~whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. Applicants shall contact one of the approved vendors for fingerprint processing;~~
 - B) Out-of-state residents unable to utilize the ~~ISP~~Illinois State Police electronic fingerprint process may submit to ~~ISP~~ one ~~of the Illinois State Police approved vendors one~~ fingerprint card issued by ~~ISP~~the Illinois State Police, accompanied by the fee specified by ~~ISP~~the vendor; or
 - C) ~~In lieu of fingerprints, verification~~Verification, on forms provided by the Division, of proof of retirement as a peace officer, ~~as defined in Section 5-10 of the Act,~~ within 12 months prior to application ~~in lieu of fingerprints. The~~A peace officer is defined as ~~any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)~~ Such verification shall be signed by the applicant's employer;
 - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

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3) The required fees specified in Section 1240.570.

e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

f) In addition to any other requirements, an applicant for licensure shall meet the following:

- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
- 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
- 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
- 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
- 5) Has not been dishonorably discharged from the armed forces of the United States;
- 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
- 7) Has not violated any provision of the Act or this Part.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.110 Application for Licensure – Private Alarm Contractor Agency

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- a) An applicant for licensure as a private alarm contractor agency shall, in accordance with Section 20-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:
- 1) Agency name, address and telephone number of principal office in Illinois where services are provided. A post office box by itself is not acceptable.
 - 2) If the agency does not maintain a principal office in Illinois, the address and telephone number of its out-of-state office where its licensee-in-charge is located and records of its operations within Illinois are kept in compliance with the requirements of the Act and this Part. A post office box by itself is not acceptable.
 - 3) Name and Illinois private alarm contractor license number of its licensee-in-charge.
 - 4) The required fees specified in Section 1240.570.
 - 5) The type of business (sole proprietorship, partnership, corporation, etc.).
 - A) If a sole proprietorship, the name of the owner and his or her license number;
 - B) If a partnership, a listing of all partners and their license numbers;
 - C) If a corporation, a copy of the Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the officers and directors of the corporation, including license numbers, if applicable. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
 - D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the members of the limited liability company and their license numbers, if applicable.

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- b) The name of the agency shall not include the words "law enforcement" or "police" or any other words or combination that implies that the agency is a law enforcement or police agency or a governmental agency.
- c) Any unlicensed officers, directors or members of the applicant corporation or limited liability company shall be persons of good moral character as determined by the Division.
- d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure or any of its owners, partners, officers, directors or members shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 25-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
 - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

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- 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application must be complete and must be accompanied by:
 - 1) One of the following:
 - A) ~~Copy of the verification~~Verification of electronic fingerprint processing from ~~ISP the Illinois State Police~~ or from one of the ~~ISP live scan~~Illinois State Police-approved vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. ~~Applicants shall contact one of the approved vendors for fingerprint processing;~~
 - B) Out-of-state residents unable to utilize the ~~ISP Illinois State Police~~ fingerprint process may submit to ~~ISP~~ one ~~of the Illinois State Police approved vendors~~ one fingerprint card issued by ~~ISP the Illinois State Police~~, accompanied by the fee specified by ~~ISP the vendor~~; or
 - C) In lieu of fingerprints, verification~~Verification~~, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application in lieu of fingerprints. ~~The~~A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) ~~Such~~ verification shall be signed by the applicant's employer;

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- 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
 - 5) Has not been dishonorably discharged from the armed forces of the United States;
 - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
 - 7) Has not violated any provision of the Act or this Part.

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g) For applicants utilizing the experience referenced in Section 25-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:

- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
- 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.210 Application for Licensure – Private Security Contractor Agency

a) An applicant for licensure as a private security contractor agency shall, in accordance with Section 25-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

- 1) Agency name, address and telephone number of principal office in Illinois where services are provided. A post office box by itself is not acceptable.
- 2) If the agency does not maintain a principal office in Illinois, the address and telephone number of its out-of-state office where its licensee-in-charge is located and records of its operations within Illinois are kept in compliance with the requirements of the Act and this Part. A post office box by itself is not acceptable.
- 3) Name and Illinois private security contractor license number of its licensee-in-charge.
- 4) The required fees specified in Section 1240.570.
- 5) The type of business (sole proprietorship, partnership, corporation, etc.).
 - A) If a sole proprietorship, the name of the owner and his or her license number;
 - B) If a partnership, a listing of all partners and their license numbers;

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- C) If a corporation, a copy of the Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the officers and directors of the corporation, including license numbers, if applicable. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
- D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the members of the limited liability company and their license numbers, if applicable.
- b) The name of the agency shall not include the words "law enforcement" or "police" or any other words or combination that implies that the agency is a law enforcement or police agency or a governmental agency.
- c) Any unlicensed officers, directors or members of the applicant corporation or limited liability company shall be persons of good moral character as determined by the Division.
- d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure or any of its owners, partners, officers, directors or members shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART D: LOCKSMITH

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Section 1240.300 Application for Examination and Licensure – Locksmith

- a) An individual seeking licensure by examination as a locksmith shall make application to the Division, on forms provided by the Division, at least 60 days prior to the examination. The application form shall include questions necessary for the Division to establish that the applicant meets the qualifications for licensure specified in Section 30-10 of the Act.
- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
 - 1) One of the following:
 - A) ~~Copy of the verification~~Verification of ~~electronic~~ fingerprint processing from ~~ISP~~the Illinois Department of State Police or one of the ~~ISP live scan~~Illinois State Police approved vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. ~~Applicants shall contact one of the approved vendors for fingerprint processing;~~
 - B) Out-of-state residents unable to utilize the ~~ISP~~Illinois State Police fingerprint process may submit to ISP one ~~of the Illinois State Police approved vendors one~~ fingerprint card issued by ISP~~the Illinois State Police~~, accompanied by the fee specified by the vendor; or
 - C) In lieu of fingerprints, verification~~Verification~~, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application ~~in lieu of fingerprints.~~ *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered*

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~~peace officers. (Section 5-10 of the Act)~~ ~~The~~ Such verification shall be signed by the applicant's employer;

- 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
 - 3) The required fees specified in Section 1240.570.
- d) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- e) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared ~~the applicant~~ to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
 - 5) Has not been dishonorably discharged from the armed forces of the United States;
 - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;

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7) Has not violated any provision of the Act or this Part.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.310 20-Hour Basic Training Course – Locksmith

- a) Every person employed as a registered employee of a locksmith agency certified under the Act shall complete, within 30 days after the applicant's employment, a course of basic training.
- b) The training shall be a minimum of 20 hours of training related to the applicant's employment that shall be certified by the employer and shall include at a minimum the following subject areas:
 - 1) Public Safety Codes (NFPA 80 & NFPA 101)
 - A) Life Safety Codes
 - B) Building Code
 - C) ADA Law
 - 2) Practical Locksmithing
 - A) Master Keying
 - B) Key Records and Codes
 - C) Key Blanks and Keyways
 - D) Product Liability
 - E) Professional Installations
 - F) Do Not Duplicate
 - G) Basic Electronic Access Control
 - 3) Responsibilities as Required by the Act

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- A) When to ask for identification
- B) What identification is acceptable
- C) Required Information for Consumers
- D) Record Keeping
- 4) Permanent~~Personal~~ Employee Registration Card (PERC)
 - A) Cause for revoking the card
 - B) Disciplinary Sanctions
 - C) Renewal
- c) Upon successful completion of the training prescribed in subsection (b), each individual shall be issued, by the employer or the instructor, a Certification of Completion of a Basic and/or Refresher Training Course and/or refresher course, which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.
- d) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.
- e) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of a Basic and/or Refresher Training Course and/or refresher course shall be kept with the employee statement in lieu of the original Certification.
- f) Basic training materials will be made available to Division personnel upon request to verify content.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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Section 1240.320 Recordkeeping Requirements – Locksmith (Repealed)

- a) ~~A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document where the work was performed and the name, address, date of birth, telephone number, and driver's license number or other identification number of the person requesting the work to be done and shall obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(a) of the Act)~~
- b) ~~A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(b) of the Act)~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 1240.330 Application for Licensure – Locksmith Agency

- a) An applicant for licensure as a locksmith agency shall, in accordance with Section 30-15 of the Act, file an application with the Division, on forms provided by the Division, together with the following:
- 1) Agency name, address and telephone number of principal office in Illinois where services are provided. A post office box by itself is not acceptable.
 - 2) All trade or business names used by the applicant.

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- 3) If the agency does not maintain a principal office in Illinois, the address and telephone number of its out-of-state office where its licensee-in-charge is located and records of its operations within Illinois are kept in compliance with the requirements of the Act and this Part. A post office box by itself is not acceptable. This office shall be located within 50 miles or less in distance from the borders of Illinois.
 - 4) Name and Illinois locksmith license number of its licensee-in-charge.
 - 5) The required fees specified in Section 1240.570.
 - 6) The type of business (sole proprietorship, partnership, corporation, etc.).
 - A) If a sole proprietorship, the name of the owner and his or her license number;
 - B) If a partnership, a listing of all partners and their license numbers;
 - C) If a corporation, a copy of the Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the officers and directors of the corporation, including license numbers, if applicable. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;
 - D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of the members of the limited liability company and their license numbers, if applicable.
- b) The name of the agency shall not include the words "law enforcement" or "police" or any other words or combination that implies that the agency is a law enforcement or police agency or a governmental agency.

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- c) Any unlicensed officers, directors or members of the applicant corporation or limited liability company shall be persons of good moral character as determined by the Division.
- d) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure or any of its owners, partners, officers, directors or members shall be requested to:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

- a) Pursuant to Section [35-45 of the Act](#) and [Section 24-2](#) of the Criminal Code of 1961 [720 ILCS 5/24-2], all commercial or industrial operations who employ 5 or more persons as armed employees in accordance with Section 24-2(a)(6) and all financial institutions who employ armed employees in accordance with Section 24-2(a)(8) shall register their security forces with the Division, on forms provided by the Division, which include the following:
 - 1) Business name and address of the proprietary security force;
 - 2) Any doing business as (d/b/a) names [used by](#) the proprietary security force [and proof of legal authorization to use that name](#);
 - 3) The type of business (sole proprietorship, partnership, corporation, etc.);
 - A) [If a sole proprietorship, the name and address of the owner](#);
 - B) If a partnership, a listing of all partners and addresses;

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- CB) If a corporation, a copy of Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois and a list of all officers and members of the board of directors shall be submitted;
- DC) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors;
- 4) The nature or type of business conducted or to be conducted;
- 5) The number of armed employees; and
- 65) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.
- b) For the purposes of this Section, "armed employee" means an employee whose primary employment responsibility is one or more of the functions of a private security contractor as defined in Section 5-10 of the Act.
- c) All armed ~~security guard~~ employees of the registered proprietary security force in subsection (a) shall be required to complete a 20-hour basic training course in accordance with Section 1240.505 and a 20-hour firearm training course in accordance with Section 1240.510.
- de) Each proprietary force shall be required to apply to the Division, on forms supplied by the Division, for the issuance of a firearm ~~control~~authorization card, in accordance with Section 1240.530(b) and (c), for each armed employee of the security force. Each application shall include:
- 1) One of the following:
- A) Copy of the verification~~Verification~~ of ~~electronic~~ fingerprint processing from ISP~~the Illinois Department of State Police~~ or from

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one of the ~~ISP live scan~~Illinois State Police approved vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division. ~~Applicants shall contact one of the approved vendors for fingerprint processing;~~

- B) Out-of-state residents unable to utilize the ~~ISP~~Illinois State Police electronic fingerprint process may submit to ~~ISP~~ one ~~of the Illinois State Police approved vendors~~ one fingerprint card issued by ~~ISP~~the Illinois State Police, accompanied by the fee specified by ~~ISP~~the vendor; or
- C) In lieu of fingerprints, verification~~Verification~~, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, subsection (j) within 12 months prior to application ~~in lieu of the fingerprint cards~~. The~~Such~~ verification shall be signed by the applicant's employer;

~~If the employee has State and federal fingerprints on file with the Division, additional fingerprints are not required;~~

- 2) Verification that the employee has completed the training required in subsection ~~(c)(b)~~. If the employee's firearm training was completed more than two years before the request for a firearm control~~authorization~~ card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and
- 3) The fee required in Section 1240.570.

ed) The firearm control~~authorization~~ card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm control~~authorization~~ card to the employer, the employer shall notify the Division in writing why the card was not returned.

fe) No employee shall carry a firearm until the requirements of this Section have been satisfied.

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- gf) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm ~~control~~authorization card for each proprietary security force for which he or she uses, carries, or possesses a firearm.
- hg) The Division may conduct an inspection to verify the information on the application prior to the proprietary security force being registered or renewed with the Division.
- i) All proprietary security force registrations and renewals shall expire on the date specified in the registration or last renewal. The Division shall renew the registration after payment of the renewal fee and upon proof that:
- 1) The proprietary security force still meets all requirements for registration under the Act and this Part; and
 - 2) The proprietary security force has either updated or reaffirmed all required information on file with the Division.
- jh) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm ~~control~~authorization card complete classroom and range training in weapons on an annual basis and shall maintain a copy of the verification of fingerprint processing from ~~ISP~~the Illinois Department of State Police or from one of the ~~ISP live scan vendors~~State Police designated agents. The armored car company shall make these documents available to the Division upon request.
- ki) Individuals ~~who are~~ currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain firearm ~~control~~authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm ~~control~~authorization card in accordance with this Section. For active peace officers, the proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- l) Maintaining a security director responsible for the daily activities of the force is a continuing requirement for proprietary security force registration. The Division

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must be notified within 14 days after any change in name or title of the security director.

- m) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking registration shall be requested to:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.
- j) ~~A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL

Section 1240.500 Definitions

"Act" means Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447].

"Board" means the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Board.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

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"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"ISP" means the Illinois State Police.

~~"Participation in agency affairs"— Participation in agency affairs includes but is not limited to responsibility for delivery of professional services and compliance with the Act, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee in charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. The address of the location where files are maintained shall be on file with the Division. If an agency does not maintain an office or jobsite within Illinois or the licensee in charge resides outside of the State, it may seek a variance from the requirement of this Part pursuant to Section 1240.585. In determining whether a licensee in charge participates in agency affairs, the Division may consider those responsibilities identified in this Section, the number of employees under the direct supervision of the licensee in charge, and the employment relationship between the licensee in charge and the agency, including the existence of a contract for employment and any other relevant fact or circumstance.~~

"Qualified Instructor" – An individual employed or retained by a licensed agency under the Act who can provide the basic training as outlined in the Act. This shall include:

A licensed private detective, private alarm contractor, private security contractor or locksmith active and in good standing;

A registered employee, retained or employed by a licensed agency, who has a minimum of 5 years experience in the discipline being taught ~~and has been conducting training classes in at least 3 of the past 5 years;~~

Registered employees of licensed agencies with a least 3 years full-time supervisory experience in the area in which the individual will conduct training;

Full time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education or the Illinois

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Community College Board to teach firearms training courses or security training courses.

A registered employee, retained or employed by a licensed agency, who has a baccalaureate degree in education, business, law enforcement or other related degree to provide training in the discipline to be taught or has 3 years previous experience as a corporate trainer or equivalent in another industry.

For private alarm contractors, a qualified instructor may also include factory trained and certified personnel on the types of systems or work being trained; National Institute of Certification in Engineering Technologies (NICET) certified personnel; or a Certified Protection Professional (CPP) as designated by the American Society for Industrial Security.

"Related to" – The immediate family living in the same household.

"Restored" – A court has declared an individual to be competent, as referenced in Section 35-30 of the Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Traffic Offense" – As used in Section 35-30(1)(C) of the Act, means a minor offense concerning the operation and use of a motor vehicle or is related to motor vehicles and that does not rise to the level of a misdemeanor or felony or misdemeanor conviction related to vehicle usage.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.501 Licensee-in-charge

- a) Every private detective agency, private alarm contractor agency, private security contractor agency, fingerprint vendor agency, and locksmith agency shall designate a licensee-in-charge. Maintaining a licensee-in-charge is a continuing requirement for agency licensure.
- b) The licensee-in-charge shall be a full-time officer or employee of the agency and shall participate in agency affairs. Participation in agency affairs includes, but is

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not limited to, responsibility for delivery of professional services and compliance with the Act and this Part, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee-in-charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. If the agency does not maintain an office in Illinois, the licensee-in-charge is responsible for maintaining these records at the agency's out-of-state office named in its application for licensure.

- c) The licensee-in-charge is responsible for notifying the Division, on forms provided by the Division, of any change of address of the agency or any other change of information required to be reported in any application for licensure within 14 days after the change. Placing this responsibility on the licensee-in-charge does not relieve the agency of any of its related legal obligations.
- d) If the agency is a corporation or a limited liability company, the licensee-in-charge is responsible for maintaining the good standing of the corporation or limited liability company with the Secretary of State. If the agency is a foreign corporation, the licensee-in-charge is responsible for maintaining its authorization to conduct business in Illinois. Placing this responsibility on the licensee-in-charge does not relieve the agency of any of its related legal obligations.
- e) In determining whether a licensee-in-charge participates in agency affairs, the Division may consider those responsibilities identified in this Section, the number of employees under the direct supervision of the licensee-in-charge, and the employment relationship between the licensee-in-charge and the agency, including the existence of a contract for employment and any other relevant fact or circumstance.
- f) An agency applying for a temporary certificate of authority or an extension of a temporary certificate of authority pursuant to Section 15-15, 20-15, 25-15, 30-15, or 31-15 of the Act shall file an application with the Division on forms provided by the Division. The agency shall report to the Division the name and contact information of an officer or other authorized person who will serve as a contact person in the absence of the licensee-in-charge and who has access to agency records.

(Source: Added at 36 Ill. Reg. _____, effective _____)

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Section 1240.502 Application for Branch Office License

- a) A licensed private detective agency, private alarm contractor agency, private security contractor agency, or locksmith agency shall not operate a branch office within this State without first applying for and receiving a branch office license for each location. An applicant for a branch office license shall, in accordance with Section 10-5 of the Act, file an application with the Division, on forms provided by the Division, together with the following:
- 1) Agency name and license number;
 - 2) Branch office address and telephone number. A post office box by itself is not acceptable;
 - 3) County in which the branch office is located;
 - 4) Name and license number of the licensee-in-charge; and
 - 5) The required fees specified in Section 1240.570.
- b) The branch office must use the same name as the licensed agency. Use of a different name shall require a new application for an agency license in that name.
- c) If the branch office is relocated, a new branch office license application must be submitted to the Division.
- d) This Section shall not apply to a licensed fingerprint vendor agency.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor, ~~and~~ Private Security Contractor and Proprietary Security Force Employee

- a) Every person employed as a registered employee of a private detective, private alarm or private security agency certified under the Act or as an armed employee of a proprietary security force shall complete, within 30 days after commencing employment, a course of basic training. The training shall be a minimum of 20 hours of classroom basic training related to the employment and shall be certified to by the employer. For purposes of this Section, "classroom instruction" shall

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mean instruction that takes place in a setting where those individuals receiving the training learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed-circuit instruction), as distinguished from on-the-job training.

- b) Registered employees of a private security contractor agency who provide guarding or other private security related functions, in addition to the classroom training required under subsection (a), within 6 months after their employment, shall complete an additional 8 hours of training on subjects to be determined by the employer. This training may be site-specific and may be conducted on the job.
- c) In addition to the basic training provided for in subsections (a) and (b), registered employees of a private security contractor agency who provide guarding or other private security related functions shall complete an additional 8 hours of refresher training on subjects to be determined by the employer each calendar year commencing with the calendar year following the employee's first employment anniversary date. The refresher training may be site-specific and may be conducted on the job.
- d) Upon successful completion of the training prescribed in subsections (a) through (c), each individual shall be issued, by the employer or the instructor, a Certification of Completion of Basic [Training](#) and/or [refresher training courses](#)~~Refresher Training~~ signed by the instructor or the employer. The licensee-in-charge shall be responsible for the documentation of the training. Documentation of the refresher training shall consist of the date and location of the training, the subject matter covered and instructor or employee who administered the training. The Certificate of Completion of Basic [Training](#) and/or [refresher training courses](#)~~Refresher Training~~ may be reproduced digitally provided the form is printed out and signed and the printed form is a virtual identical copy of the current form in use by the Division.
- e) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the file during the term of employment. Upon termination of employment, the original Certification shall be returned to the employee.

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- f) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of Basic and/or Refresher Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certification.
- g) Copies of basic training, additional training, site-specific training and refresher training materials shall be made available to Division personnel upon request.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.510 Firearm Training Course

- a) No registered or armed employee shall be allowed to perform duties that require the use, carrying or possession of a firearm until that employee has completed the 20 hours of basic training required by the Act, and has satisfactorily completed a 20-hour firearm training course approved by the Division. The firearm training course shall include both classroom instruction and firing range experience. Classroom instruction shall include, but not be limited to, the following subject matter:
 - 1) Legal use of firearms;
 - 2) Ethical and moral considerations of weapons use;
 - 3) Liability for acts while armed;
 - 4) Use of deadly force;
 - 5) Search, seizure and arrest procedures while armed;
 - 6) Firearm safety and maintenance; and
 - 7) Fundamentals of firearm use:
 - A) Stance;
 - B) Grip;

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- C) Sight alignment;
 - D) Sight picture; and
 - E) Trigger control.
- b) Each student shall be allotted time on the firing range to apply, in supervised practice, the techniques and methods described in subsection (a). The personal firearm of each student or the firearm assigned to the student shall be inspected for safety and approved by the range master prior to the beginning of actual range firing. Instruction shall include double-action shooting.
- c) The range where the training is to be given, whether indoor or outdoor, shall be maintained in a safe condition and shall be located in an area where the firing of live ammunition is allowed. In determining whether the range is maintained in a safe condition, the Division mayshall conduct an on-site inspection and mayshall consider the following factors:
- 1) Safety of participants;
 - 2) Safety of any persons or property in the area;
 - 3) Safety maintenance procedures; and
 - 4) Operational rules and policy.
- d) Upon application to the Division, any firearm training course approved by the Illinois Community College Board and/or Illinois Board of Higher Education that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved as satisfying the requirements of this Section.
- e) Upon application to the Division, any Law Enforcement Firearms Instructor Course approved and registered by the National Rifle Association that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved for the range portion of the training.
- f) Each individual shall be required to fire a minimum of 50 rounds of live ammunition (factory loaded service ammunition or factory reloaded ammunition).

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- g) Each student must qualify with a minimum score of 70% with each type of weapon (revolver, semi-automatic, shotgun, rifle) he/she will be authorized to carry.
- h) The range instructor shall be responsible for maintaining a safe range environment. Any student who refuses to adhere to proper safety requirements shall be dismissed from training by the instructor or the range master. The range master shall also have full authority as to whether a weapon is in safe operating condition.
- i) Upon completion of the training, each student must successfully complete a written examination. A copy of the examination shall be made available to the Division upon request (e.g., course audit). The examination shall test the subjects encompassed in both classroom and range instruction. Passage of the examination shall require a score of 75%.
- j) Each instructor shall file with the Division, on forms provided by the Division, Certification of Completion of Firearm Training for each student who successfully completes the training. Upon receipt by the Division of the Certification of Completion of Firearm Training, a Certificate of Training shall be issued to the student which shall bear the training number assigned by the Division.
- k) The Certificate of Firearm Training shall be the permanent record of firearm training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certificate of Training or certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the employee file during the term of employment. Upon termination of employment, the original Certificate of Firearm Training shall be returned to the employee.
- l) In the case that the employee is employed by more than one employer, a notarized copy of the Certificate of Firearm Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certificate of Firearm Training.

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- m) Those persons employed as registered armed employees on August 5, 2003 shall be considered to have completed the training prescribed in this Section.
- n) The training requirements of this Section shall be waived for an individual approved by the Division as an instructor under the provisions of Section 1240.515. Such individual shall, upon application to the Division, be issued a Certificate of Firearm Training by the Division.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors

- a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.505 of this Part shall first apply to and receive approval of the course, based upon compliance with Section 1240.510, from the Division. Application shall be made on forms provided by the Division [and accompanied by the required application fee](#).
- b) Any person teaching the firearms training course described in Section 1240.510 of this Part must be approved by the Division. Application [for approval](#) shall be on forms provided by the Division and must be accompanied by the [required application fee and following](#):
 - 1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) having taken a Law Enforcement Firearms Instructor Course that includes Security Personnel within the course. Proof shall be a copy of the applicant's Certificate from the NRA; or
 - 2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Law Enforcement Training and Standards Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or
 - 3) Proof of other firearm instructor education or experience that the Division may consider to be substantially equivalent to subsection (b)(1) or (2),

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such as experience or education received in military service or federal law enforcement service.

- c) Upon application to the Division, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
- d) Any firearm training program approved by the Law Enforcement Training and Standards Board shall be approved as satisfying the requirements of this Section.
- e) All approvals of firearm instructors shall expire on December 31, 2012 and then every five years thereafter. Failure to apply for and receive renewal of approval by that date shall cause the Division's previously granted approval to expire. The approval may be renewed by the firearm instructor by making application for renewal on forms provided by the Division and accompanied by the required renewal fee and an affirmation by the firearm instructor that the certification or other qualifying basis on which the Division originally granted approval remains current or in effect.
- f) In addition to any other requirements, an applicant for approval as a firearm instructor shall meet the following:
 - 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
 - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
 - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
 - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;

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- 5) [Has not been dishonorably discharged from the armed forces of the United States;](#)
- 6) [Has not violated any provision of the Act or this Part.](#)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.520 Permanent Employee Registration Card

- a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:
 - 1) One of the following:
 - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
 - C) [In lieu of fingerprints, verification](#)~~Verification~~, on forms provided by the Division, of proof of retirement as a peace officer, as defined in [Section 5-10 of the Act, subsection \(g\)](#) within 12 months prior to application ~~in lieu of fingerprints~~. ~~The~~[Such](#) verification shall be signed by the applicant's employer;
 - 2) The required registration fee specified in Section 1240.570, ~~made payable to the Division of Professional Regulation~~.
- b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:

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- 1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;
 - 2) verifying on the Division's website (www.idfpr.com) that the applicant has no criminal conviction pursuant to the ISP criminal history check;
 - 3) maintaining a separate roster of the names of all employees whose applications are pending; and
 - 4) meeting any other requirements set forth in this Part or the Act.
- c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.
- d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.
- e) Exempt employees are as follows:
- 1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.
 - 2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.

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- 3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
- 4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data.* (Section 30-5(10) of the Act)
- 5) Fingerprint Vendor
 - A) Persons who have no access to confidential or security information and who otherwise do not provide or operate fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of cashiers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
 - B) *No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP.* (Section 31-20(d) of the Act)
- 6) Individuals ~~who are~~ currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain permanent employee registration cards. If the individual ceases to

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be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

- 7) ~~*A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)*~~8) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.
- 8) Clerical or administrative personnel who do not perform services for clients but prepare or assist in the preparation of reports, memoranda, correspondence or other documents or records that contain confidential information are not exempt from employee registration.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.525 Refusal to Issue Employee Registration Card or Firearm ~~Control~~Authorization Card Due to Criminal History Record Information

- a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising from those charges, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.
- b) In determining whether an applicant for a permanent employee registration card or firearm ~~control~~authorization card is unfit for such registration because of criminal history record information, the Division shall consider the following standards:
- 1) Whether the crime was one of armed violence or any two or more repeated acts of violence towards persons or property [720 ILCS 5/Art. 33A] or:

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- A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
 - B) Drug offenses including, but not limited to, the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
 - C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].
- 2) Whether the crime is related to the detective, security, alarm or locksmith profession.
 - 3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.
 - 4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.
 - 5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
 - A) Completion of probation;
 - B) Completion of parole supervision; or
 - C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.
- c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):

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- 1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
 - 2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
 - 3) Falsification of an application for registration with the Division;
 - 4) Failure to furnish to the Division additional information or failure to appear for a conference with the Division in relation to the applicant's application for registration.
- d) The following criminal history records shall not be considered in connection with an application for registration:
- 1) Juvenile adjudications;
 - 2) Records of arrest not followed by a conviction;
 - 3) Convictions overturned by a higher court;
 - 4) Convictions that have been the subject of a pardon or expungement.
- e) If determination is made that the applicant is unfit for registration, the applicant shall be notified in writing that the Division intends to deny or intends to refuse to renew the permanent employee registration card or firearm ~~control~~authorization card. The applicant/licensee shall be given an opportunity to appear at a Division conference regarding the matter. Failure to appear at the conference shall result in the denial or the refusal to renew an applicant's permanent employee registration card or firearm ~~control~~authorization card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding ~~thesuch~~ determination prior to final action by the Division in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

| Section 1240.530 Firearm ~~Control~~Authorization Cards

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- a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm [controlauthorization](#) card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm [controlauthorization](#) card unless employed by a proprietary security force in accordance with Section 1240.400.
- b) Upon verification by the Division that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm [controlauthorization](#) card, and meet all the requirements of the Act for issuance of a firearm [controlauthorization](#) card, the Division shall issue a card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm [controlauthorization](#) card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.
- c) The firearm [controlauthorization](#) card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm [controlauthorization](#) card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.
- d) No employee may carry a firearm until the requirements of this Section have been satisfied.
- e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that employee must possess a separate firearm [controlauthorization](#) card for each agency.
- f) Individuals ~~who are~~ employed as peace officers, [as defined in Section 5-10 of the Act, who are](#) in good standing are not required to obtain firearm [controlauthorization](#) cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm [controlauthorization](#) card in accordance with this Section.
- g) *A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to*

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~~make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) h)~~ A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.

- h) The Division shall not grant or authorize the issuance of a firearm ~~control~~~~authorization~~ card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless:
- 1) the individual is licensed as a private detective, private alarm contractor or private security contractor; or
 - 2) the individual is employed by a private detective agency, private alarm contractor agency or private security agency licensed under the Act who carries a weapon while engaged in the performance of his or her official duties providing detective, private security contracting or alarm contractor services within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services while possessing or carrying a firearm; or
 - 3) the person is employed by an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of his or her official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is accomplished within one hour from departure from home or place of employment and the individual is not providing fingerprinting services.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.535 Recordkeeping Requirements

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- a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:
- 1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;
 - 2) The employee's statement required in Section 35-30(b) of the Act;
 - 3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
 - 4) The employee identification card of a terminated employee pursuant to Section 35-30(h);
 - 5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;
 - 6) Application for employment;
 - 7) Certification of Completion of Basic [Training](#) and/or [refresher training courses](#)~~Refresher Training~~ as provided in Section 1240.505 of this Part;
 - 8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;
 - 9) Copy of employee's permanent employee registration card and firearm [control authorization](#) card and active Firearm Owner's Identification Card (FOID), if applicable;
 - 10) Certification or certified copy of requalification (Section 1240.510);

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- 11) [Copy of employee's certification of completion of canine handler training, canine handler authorization card and canine trainer authorization card, if applicable;](#)
 - [12\)](#) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
 - [1312\)](#) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the ISP criminal history check for individuals employed prior to issuance of the permanent employee registration card; and
 - [1413\)](#) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed letter from the peace officer's chief of police or his/her designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.
- c) Fingerprint Vendors Records
- 1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;
 - 2) The fingerprint vendor shall require each individual seeking to be fingerprinted to present a Primary, Secondary or Requesting Agency authorized form of identification in order to be fingerprinted by the

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fingerprint vendor. The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.

- A) Primary Identification – The work order shall include the name, address, date of birth, aliases, telephone number and driver's license number or Secretary of State issued State identification number of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.
 - B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). In the absence of a driver's license or State identification number, the work order shall contain verification that the individual seeking to be fingerprinted provided at least two forms of identity verification described within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy Compact Council at the Federal Bureau of Investigation's website (<http://www.fbi.gov/about-us/cjis/cc>), no later amendments or editions apply. A copy of the documentation used to establish identity verification shall be attached as part of the work order.
 - C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;
- 3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;

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- 4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;
- 5) All work orders, including fee applicant submissions, shall be maintained for a minimum of two years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;
- 6) Each fee applicant submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;
- 7) Beginning January 1, 2014, all work orders, including fee applicant submissions, must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;
- 8) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;
- 9) Work order forms, including fee applicant submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;
- 10) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions (i.e., passport, adoption and

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employment related criminal background checks, etc.). The privacy statement within the consent form must be pre-approved by ISP.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.540 Reporting Requirements

- a) All licensees and registrants shall notify the Division in writing within 30 days after any convictions, arrests, felony information, and/or indictments against [him or her and shall provide a copy of that notification to his or her current employer, if any](#)~~him/her~~.
- b) All agencies shall submit a monthly roster of employees with PERC applications pending with the Division.
- c) All agencies shall submit a weapons discharge report, on forms provided by the Division, along with the police report of the incident, within 30 days after the incident.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.550 Renewals

- a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.570 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.
- b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date by paying the required fee.
- c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew the card during the month preceding the expiration date by submitting the required fee to the Division.

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- d) It is the responsibility of each licensee and employee registration card holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 45-10 of the Act.
- e) Every firearm [control authorization](#) card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
- 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
 - 2) The employee continues to be employed by the agency to which the card was issued.
- f) No employer shall, after the expiration of a firearm [control authorization](#) card, employ the holder of the card in an armed capacity.
- g) In addition to the other requirements of this Section, fingerprint vendor licensees shall provide the following in order to renew:
- 1) verification that the applicant's fingerprinting equipment and software meets all specifications outlined in Section 1240.600 and that the equipment has been scheduled for recertification if required by ISP, or the licensee has received notice from ISP that recertification is not required at the time of renewal. The licensed vendor shall maintain all correspondence or notices related to recertification of equipment that have been received from ISP for a period of 6 years since the last renewal of the vendor's license. The correspondence or notices shall be made available to the Division upon request. Current certification with ISP is a continuing requirement of licensure;
 - 2) verification that the licensee currently maintains insurance in the type and amounts required in Section 1240.600. Insurance in the type and amounts required in Section 1240.600 shall be a continuing requirement for licensure;

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- 3) the licensee shall provide proof, acceptable to the Division, that the requirements of subsections (g)(1) and (2) have been met.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.560 Restoration

A licensee seeking restoration of a license shall file an application on forms provided by the Division and shall also submit the following:

- a) If the license has [been](#) expired for 6 years or less, the application must be accompanied by the required fees specified in Section 1240.570 or an affidavit attesting to military service as provided in Section 10-25c of the Act.
- b) If the license has [been](#) expired for more than 6 years, the applicant must submit proof of competence to resume practice satisfactory to the Division. The proof may include active practice in another jurisdiction; an affidavit attesting to military service; or passing a written examination. The applicant must also submit the required restoration fee specified in Section 1240.570.
- c) *Any permanent employee registration card expired for less than one year may be restored upon payment of lapsed renewal fees. Any permanent employee registration card expired for one year or more may be restored by making application to the Division and filing proof acceptable (proof of no past due child support) to the Division of the licensee's fitness to have the permanent employee registration card restored, including verification of fingerprint processing through the Department of State Police and Federal Bureau of Investigation and paying the restoration fee. (Section 10-25(d) of the Act)*

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.565 Requests for Duplicate Certificates

- a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Division and shall be made by the individuals to whom the certificates were issued.

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- b) Any person requesting a duplicate firearm [controlauthorization](#) card shall first file a report with the local police authority that specifies the circumstances under which the firearm [controlauthorization](#) card was lost, stolen or destroyed.
- c) Requests for a duplicate firearm [controlauthorization](#) card shall be accompanied by an affidavit from the person making the request, specifying the date and with what police authority the above-mentioned police report was filed, and summarizing the circumstances under which the firearm [controlauthorization](#) card was lost, stolen or destroyed. The fee, as required by Section 1240.570, shall also accompany the request.
- d) For purposes of this Section, the word "certificates" shall mean and include the following:
- 1) Individual licenses (private detective, private security contractor, private alarm contractor, [fingerprint vendor](#) and locksmith)
 - 2) Certificate of Registration for an agency
 - 3) Licensee Pocket Cards
 - 4) Permanent Employee Registration Cards
 - 5) Certification of Completion of Firearm Training
 - 6) Firearm [ControlAuthorization](#) Card
 - 7) [Canine Handler Authorization Card](#)
 - 8) [Canine Trainer Authorization Card](#)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.570 Fees

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

- a) Application Fees

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- 1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is \$500. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of 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 for a license as a fingerprint vendor is \$150.
- 3) The fee for application for an agency [license certificate](#) is \$500.
- 4) The fee for application for a branch office [license certificate](#) is \$200.
- 5) The fee for issuance of a permanent employee registration card is \$55.
- 6) The fee for issuance of a firearm [control authorization](#) card is ~~\$75~~\$55.
- 7) The fee for issuance of an armed proprietary security force registration is ~~\$300~~\$20.
- 8) The fee for the ISP fingerprint training course is the fee, if any, charged by ISP.
- 9) The fee for ISP equipment certification or recertification is the fee, if any, charged by ISP.
- 10) [The fee for certification as a firearm instructor is \\$75.](#)
- 11) [The fee for issuance of a canine handler authorization card is \\$75.](#)
- 12) [The fee for issuance of a canine trainer authorization card is \\$100.](#)
- 13) [The fee for issuance of a duplicate/replacement canine handler authorization card or a canine trainer authorization card is \\$20.](#)

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14) The fee for reissuance of a canine handler authorization card to an agency that has changed its name is \$10.

15) The fee for approval of a canine handler training program is \$100.

16) The fee for approval of a canine instructor training program is \$100.

b) Renewal Fees

1) The fee for the renewal of a private detective, private alarm contractor, private security contractor or locksmith license, ~~except for fingerprint vendors,~~ shall be calculated at the rate of \$150 per year.

2) The fee for the renewal of a fingerprint vendor license shall be calculated at the rate of \$50 per year.

32) The fee for the renewal of an agency licensecertificate is \$450 for the renewal period ~~(see Section 1240.550(b)).~~

43) The fee for the renewal of a branch office licensecertificate is \$200 for the renewal period ~~(see Section 1240.550(b)).~~

54) The fee for the renewal of a permanent employee registration card is \$45 for the renewal period ~~(see Section 1240.550(e)).~~

65) The fee for the renewal of a firearm controlauthorization card is \$45 for the renewal period ~~(see Section 1240.550(e)).~~

76) The fee for the renewal of an armed proprietary security force registration is \$200\$20 for the renewal period ~~(see Section 1240.550(b)).~~

8) The fee for renewal of certification as a firearm instructor is \$45.

9) The fee for renewal of a canine handler authorization card is \$45.

10) The fee for renewal of a canine trainer authorization card is \$45.

c) General Fees

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- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.
- 2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration card, Certification of Firearm Training, firearm [control authorization](#) card, or a certificate issued for 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 reissuance of a firearm [control authorization](#) card to an agency that has changed its name is \$10.
- 4) The fee for electronic fingerprint processing by [ISP or one of the ISP live scan designated](#) vendors [whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division](#) is the cost of processing that shall be made payable to the vendor.
- 5) The fee for a certification of a licensee's record for any purpose is \$20.
- 6) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20, plus any fee charged by the testing service.
- 7) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.
- 9) [The fee for approval of a firearm training program is \\$100.](#)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 1240.580 Investigation by the Division

- a) ~~The Pursuant to Section 2105-100(b) of the Civil Administrative Code of Illinois,~~ the Division may conduct an investigation for the purpose of investigating an

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applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or this Part or to determine qualifications to be granted a license or registration by the Division.

- b) The Division may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 40-10 of the Act. Nothing in Section 35-10 of the Act shall be construed to interfere with the Division's authority to investigate licensees under the Act.
- c) All information collected by the Division in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Division and information collected to investigate any such complaint, shall be maintained for the confidential use of the Division and shall not be disclosed. The Division may not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Division. Information and documents disclosed to a federal, state, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Division or any order issued by the Division against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART H: CANINE HANDLERSection 1240.700 Canine Handler Training Course Requirements

- a) No licensed private detective, licensed private security contractor, or registered employee of a private detective agency or private security contractor agency shall use or handle a trained canine to protect persons or property or to conduct investigations until that person has satisfactorily completed a canine handler training course approved by the Division and has been issued a canine handler authorization card by the Division. The canine handler training course shall consist of basic training and specialized training and shall include both classroom instruction and practical field experience as set forth in this Section.

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- b) Basic training shall consist of a minimum of 100 hours and shall include:
- 1) canine handling safety procedures;
 - 2) basic veterinary health and wellness principles, including canine first aid;
 - 3) principles of canine conditioning;
 - 4) canine obedience techniques;
 - 5) search patterns and techniques; and
 - 6) legal guidelines affecting canine odor detection operations.
- c) Specialized training shall consist of a minimum of 80 hours of additional training related to the particular canine discipline or disciplines in which the canine and canine handler are to be used and may include, without limitation:
- 1) patrol;
 - 2) narcotics odor detection;
 - 3) explosives odor detection;
 - 4) cadaver odor detection; or
 - 5) any other specialized detection discipline in which the canine and canine handler are to be used.
- d) All odor detection certification conducted with the canines shall use the actual explosive materials, controlled substances, fire accelerants, or sample human tissue to which the canine is being trained to identify and respond.
- e) All training facilities shall be maintained in a safe and good working condition. The Division may conduct on-site inspections and may consider the following factors:

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- 1) display of all required licenses under the Act and any other licenses required under federal or State law;
 - 2) safety of persons and property in the area;
 - 3) operational rules and policies;
 - 4) canine training logs;
 - 5) display of canine care logs;
 - 6) storage of training materials;
 - 7) training documentation and records; and
 - 8) kennel facility compliance with United States Department of Agriculture animal welfare guidelines.
- f) Upon completion of the training, each canine handler must successfully complete a written and practical examination. The canine training facility shall make a copy of the examination or a copy of any person's examination or related records available to the Division upon request. Passage of the written examination shall require a score of 70%. Passage of the field examination shall be determined by the canine training facility in accordance with United States Police Canine Association, Inc. (USPCA) Certification Standards (2008), no later editions or amendments included, or other nationally recognized standards. Every canine handler and canine shall be required to recertify annually according to the USPCA Certification Standards.
- g) Each canine trainer shall issue a certification of completion of canine handler training for each person who successfully completes the course. This certification shall include the name of the canine handler, the name or identification of the canine with which he or she is certified to work, the patrol and/or detection specialty or specialties the canine handler and canine are certified to perform, the name of the canine instructor, and the name of the agency employing the canine instructor. This certification shall be the permanent record of canine handler training and shall be retained by the canine handler as proof of the training. During the term of a canine handler's employment with an agency licensed by the Division, the certification or a copy of the certification shall remain in the

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employee's file as maintained by the employer. Upon termination of employment, an original certification shall be returned to the employee.

- h) Upon application to the Division within two years after the effective date of this Subpart, any canine handler who completed training from a canine training facility prior to the effective date of this Subpart and whose course syllabus meets or exceeds the requirements of this Section, shall be deemed by the Division to have complied with the requirements of this Section.
- i) The training requirements of this Section shall be waived for a person who holds an active canine trainer authorization card issued by the Division.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 1240.710 Canine Handler Authorization Card

- a) The employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a canine handler authorization card for each employee whose duties include the use or handling of a canine to protect persons or property or to conduct investigations.
- b) Upon verification by the Division that the employee has completed the required canine handler training course within the one year preceding the request for a canine handler authorization card, or is exempt under Section 1240.700, has an active private detective license, private security contractor license, or permanent employee registration card, has paid the required fee, and meets all other requirements of the Act and this Part, the Division shall issue a canine handler authorization card to the employer for the employee. A photocopy of the certification of completion of canine handler training issued by the canine trainer pursuant to Section 1240.700(g) and submitted with the application for issuance of a canine handler authorization card shall suffice as verification.
- c) The canine handler authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a canine handler authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.

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- d) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or entity or different persons or entities, that employee must possess a separate canine handler authorization card for each agency.
- e) All canine handlers and canines certified in either explosives odor detection or narcotics odor detection shall be required to conduct, at a minimum, four hours per week of maintenance training. Maintenance training shall consist of classroom, self-study or field training exercises performed at the discretion of the agency. The maintenance training shall be fully documented and maintained by the agency in accord with other training documentation.
- f) "Canine handler registration card", as used in Section 35-41 of the Act, means a canine handler authorization card.
- g) In the event that the private detective license, private security contractor license, or permanent employee registration card issued to a person who also has been issued a canine handler authorization card is revoked, suspended, not renewed or otherwise terminated, the canine handler authorization card shall be terminated or cancelled. Any probationary terms or other restrictions imposed upon a private detective license, private security contractor license, or permanent employee registration card shall also be imposed on the person's canine handler authorization card.
- h) Every canine handler authorization card shall expire on the date specified on the face of the card. The card shall be renewed, after payment of the renewal fee, upon proof that:
- 1) The employee has been recertified on the canine handler field training course within one year preceding the renewal date;
 - 2) The employee continues to be employed by the agency to which the card was issued; and
 - 3) The employee continues to hold a valid private detective license, private security contractor license, or permanent employee registration card.

(Source: Added at 36 Ill. Reg. _____, effective _____)

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Section 1240.720 Canine Handler Training Program

- a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.700 shall first apply to and receive approval of the course or courses from the Division and pay the applicable fee. Application shall be made on forms provided by the Division.
- b) Each applicant shall state on its application the types of odor detection training it intends to offer and shall provide copies of the following licenses, as applicable, to the Division prior to receiving canine training course approval:
- 1) United States Department of Transportation Hazardous Materials Certificate of Registration;
 - 2) Drug Enforcement Administration Controlled Substance Registration;
 - 3) Alcohol, Tobacco, and Firearms User of High Explosives Registration;
 - 4) Illinois Department of Natural Resources Storage Certificate; or
 - 5) Illinois Department of Financial and Professional Regulation Controlled Substances License Class I, II, IIN.
- c) Any canine handler training program approved by the Division that utilizes human remains or human body parts as part of its odor detection training course shall ensure:
- 1) that the human remains or body parts are procured from a licensed medical facility or other lawful establishment authorized to provide human parts to medical schools, research institutions or canine agencies;
 - 2) that the human remains or human body parts shall be stored and maintained in a manner consistent with all applicable local, state and federal public health codes.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 1240.730 Canine Trainer Authorization Card

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- a) The employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a canine trainer authorization card for each instructor applicant whose duties include the training of canine handlers and canines to protect persons or property or to conduct investigations.
- b) The employer shall submit with its application evidence of the following in regards to each instructor applicant:
 - 1) 2 years full-time employment as a canine handler in this or another state; and
 - 2) Either:
 - A) 200 hours of canine instructor training from a program approved by the Division pursuant to this Section; or
 - B) Proof of other canine instructor education or experience that the Division may consider to be substantially equivalent to subsections (b)(1) and (2), such as experience or education received in military service or local, state or federal law enforcement service.
- c) The 200 hours of canine instructor training referenced in subsection (b)(2)(A) shall include all elements of the training specified in Section 1240.700 and additional courses in instruction methods.
- d) Upon verification by the Division that the instructor applicant has an active private detective license, private security contractor license, or permanent employee registration card, meets all requirements of the Act and this Part for the issuance of a canine trainer authorization card, and has paid the fee required by Section 1240.570, the Division shall issue a card to the employer for the instructor applicant.
- e) The canine trainer authorization card shall be retained by the instructor for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an instructor fails to return a canine trainer authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.

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- f) If an instructor is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or entity or different persons or entities, that instructor must possess a separate canine trainer authorization card for each agency.
- g) In the event that the private detective license, private security contractor license, or permanent employee registration card issued to a person who has been issued a canine trainer authorization card is revoked, suspended, not renewed or otherwise terminated, the canine trainer authorization card shall be terminated or cancelled. Any probationary terms or other restrictions imposed upon a private detective license, private security contractor license, or permanent employee registration card shall also be imposed on the person's canine trainer authorization card.
- h) Every canine trainer authorization card shall expire on the date specified on the face of the card. The card shall be renewed, after payment of the renewal fee required by Section 1240.570, upon proof that:
- 1) The instructor has completed 10 hours of canine instructor training from a program approved by the Division since the card's issuance or last renewal;
 - 2) The instructor continues to be employed by the agency to which the card was issued; and
 - 3) The instructor continues to hold a valid private detective license, private security contractor license, or permanent employee registration card.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 1240.740 Canine Handler and Canine Training Instructor – Unprofessional Conduct

The Division may deny issuance, or refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or non-disciplinary action against any license, registration, permanent employee registration card, canine handler authorization card, canine trainer authorization card, or firearm control card, and may impose a fine not to exceed \$10,000 for each violation, (Section 40-10 of the Act) based on a finding of unprofessional conduct, which shall include, but is not limited to, the following acts or practices:

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- a) Failure to comply with all federal and State requirements regarding the transportation of explosives, including obtaining the appropriate driver's license classification from the Illinois Secretary of State, as well as regulations regarding the proper placarding of vehicles used in the transport of the explosives; or
- b) Failure to maintain the highest level of dignity and respect for human remains or human body parts while in possession of the remains or body parts or while displaying or utilizing them for any training program or other purpose.

(Source: Added at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
650.20	Amendment
650.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments to this Part are being made to: change the dates for the Random Daily Drawing, the First and Second Lottery Drawings and the application period; update the list of sites open for the 2012 hunting season; and add two new sites; and make procedural changes at site-specific areas.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way

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Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.45	Reporting Harvest
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt (Repealed)
650.66	Special Hunts for Young Hunters
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468,

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effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 650.20 Statewide Deer Permit Requirements

- a) All deer hunters must have a current, valid Firearm Deer Permit. Fees for deer permits are as follows:
- 1) Illinois Resident Permits (issued by Deer Permit Office):
Either-sex – \$25
Bonus antlerless-only – \$17.50
Antlerless only for Special Hunt Areas with antlerless-only hunts – \$25
 - 2) Nonresident Permits (issued by Deer Permit Office):
Either-sex – \$300
Bonus antlerless-only – \$25
Antlerless-only for Special Hunt Areas with antlerless-only hunts – \$300
 - 3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available.

Fees:

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Either-sex (full, 1st or 2nd season) – \$25 regardless of residency
Antlerless-only (full, 1st or 2nd season) – \$17.50 regardless of residency
One-day standby permits – \$5 regardless of residency

- b) A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Random Daily Drawing Period that begins in ~~August~~September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
P.O. Box 19227
Springfield, Illinois 62794-9227

- c) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through ~~the last weekday in~~ April 30 of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after ~~the last weekday in~~ April 30 will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (c).
- e) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.

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- f) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- g) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through ~~June 30~~ ~~the third Monday in August~~ of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- h) There will be an application period that starts the second Tuesday in ~~August~~ ~~September~~ and ends the ~~second~~ ~~first~~ Monday in ~~September~~ ~~October~~, during which anyone (regardless of any other permit they may have, subject to subsection (b)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the "~~Random Daily Drawings~~ ~~September Drawing—Multiple Permits~~" box on the firearm deer permit application.
- i) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the firearm deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must

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supply all necessary applicant information to the agents in order to properly complete the permit.

- j) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:
- 1) The applicant must apply using the official Department application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- k) Applications may be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
- l) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- m) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source will be deposited in the Wildlife

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and Fish Fund.

- n) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
- o) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:

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Alvah Borah State Habitat Area (1)

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands except for Jim Hawn and East Spillway areas that are closed to firearm deer hunting)

Carlyle Lake State Wildlife Management Area (except subimpoundment area)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (2)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park – Cedar/Draper Bluff Hunting Area (1) (2)

Flag Pond State Natural Area

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Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (2)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; ~~antlerless deer only~~)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the

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site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake State Fish and Wildlife Area (2)

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

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Wise Ridge State Natural Area (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Butterfield Trail State Recreation Area (2)

Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (first or second season only) (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Chain O'Lakes State Park (first season permits only; ~~an antlerless deer permit must be filled before filling an either-sex permit~~; hunting from elevated stands only, 6 feet minimum above the ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

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Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (+)

Coffeen Lake State Fish and Wildlife Area

Des Plaines State Conservation Area (first season only) (2) (5)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (1) (2)

Fort Massac State Park (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

French Bluff State Natural Area (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1)

~~Horseshoe Lake State Conservation Area—Alexander County (Refuge, second Saturday and Sunday in November; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit) (2)~~

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Hurricane Creek State Habitat Area

Iroquois County State Conservation Area (first season only) (2) (5)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jubilee College State Park (first or second season only; hunting is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; ~~all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit;~~ hunting from elevated stands only; six feet minimum above ground; hunting must occur within ~~20+~~ yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 – last 2 days of second season)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River State Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station)

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operating hours; hunters may enter the site only from designated parking lots) (1)
(2) (5)

Marshall State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only) (1) (2) (5)

Momence Wetlands State Natural Area

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2)
(5)

Morrison-Rockwood State Park (first season only) (5)

Prairie Ridge State Natural Area (Jasper County)

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

Pyramid State Park – Galum Unit (3)

Rall Woods State Natural Area (formerly Falling Down Prairie) (first or second season only) (2)

Ray Norbut State Fish and Wildlife Area (2)

Revis Hill Prairie State Natural Area (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (2)

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Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season) (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

Starved Rock State Park (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park – Piatt County Unit

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

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Winston Tunnel State Natural Area (first or second season only) (2)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3)

- i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
660.20	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments to this Part are being made to: change the date of the Random Daily Drawing, the application deadline for the First Lottery Period and Second Lottery Drawing and the application period; update the list of sites open for the 2012 hunting season; add two new sites; and make procedural changes at site-specific areas.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way

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Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements – Landowner/Tenant Permits
660.22	Deer Permit Requirements – Special Hunts
660.25	Deer Permit Requirements – Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19,

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2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 660.20 Statewide Deer Permit Requirements

- a) All deer hunters must have a current, valid Muzzleloading Rifle Deer Permit. Fees for deer permits are as follows:
- 1) Illinois Resident Permits (issued by Deer Permit Office):
Either-sex – \$25
Bonus antlerless-only – \$17.50
Antlerless only for Special Hunt Areas with antlerless-only hunts – \$25
 - 2) Nonresident Permits (issued by Deer Permit Office):
Either-sex – \$300
Bonus antlerless-only – \$25
Antlerless-only for Special Hunt Areas with antlerless-only hunts – \$300
 - 3) In addition to a Special Hunt Area permit issued under subsection (a)(1) or (a)(2), a hunter may obtain additional Special Hunt Area permits, issued by staff at the Special Hunt Area, when unfilled permits are available.
Fees:
Either-sex (full, 1st or 2nd season) – \$25 regardless of residency
Antlerless-only (full, 1st or 2nd season) – \$17.50 regardless of residency
One-day standby permits – \$5 regardless of residency
- b) A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area (with the exception of special hunt areas offering antlerless-only hunts), until the Random Daily Drawing Period that begins in ~~August~~September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
P.O. Box 19227

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Springfield, IL 62794-9227

- c) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through ~~the last weekday in~~ April 30 of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after ~~the last weekday in~~ April 30 shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.
- d) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- e) Applicants must check the antlerless-only box and provide the appropriate fee to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through ~~June 30~~~~the third Monday in August~~ of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing the appropriate fee. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) There will be an application period that starts the second Tuesday in ~~August~~~~September~~ and ends the ~~second Monday in September~~~~first Monday in October~~ during which anyone (regardless of any other permit they may have,

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subject to the restriction in subsection (b)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the "[Random Daily Drawings](#)" ~~September Drawing—Multiple Permits~~ box on the muzzleloading rifle deer permit application.

- h) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Tuesday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the muzzleloader deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.
- i) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
 - 4) Where applicants apply as a group, preference for the entire group shall

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apply as it does above for the individual. All county choices for the group must be identical.

- j) Applications shall be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing shall be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- m) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.
- n) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site

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assigned identification number.

- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

[Alvah Borah State Habitat Area \(1\)](#)

[Big Grand Pierre Glade State Natural Area \(1\)](#)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands [\(closed to firearm deer hunting in the Jim Hawn and East Spillway Areas\)](#)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

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Copperhead Hollow State Wildlife Area (1) (2)

Crawford County State Fish and Wildlife Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (2)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

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Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of the season) (1)

Oakford State Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park (4)

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Pyramid State Park – East Conant Unit (4)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (site issued permit required; must be returned by February 15)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

Wise Ridge State Natural Area (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the

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check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (2)

Butterfield Trail State Recreation Area (closed during the second firearm deer season) (2)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season) (2) (6)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (4)

French Bluff State Natural Area (closed during the second firearm deer season) (1) (2)

Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

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Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Jubilee College State Park (closed during the second firearm deer season; hunting is prohibited in marked zones) (1, except tree stands must be erected the day before the muzzleloading season and must be removed by the day after the muzzleloading season) (2)

Lake Shelbyville Project Lands in Moultrie County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville Project Lands in Shelby County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Marseilles State Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

Rall Woods State Natural Area (formerly Falling Down Prairie) (closed during the second firearm deer season) (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County State Conservation Area (closed during second firearm deer season) (1)

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

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Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park (closed during the second firearm deer season; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (2)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 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 2012

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

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7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

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h) Statewide regulations shall apply at the following sites:

* Anderson Lake State Fish and Wildlife Area (2)

~~[Apple River Canyon State Park – Thompson and Salem Units \(2\)](#)~~

Argyle Lake State Park (1) (2)

* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

~~[Big Grand Pierre Glade State Natural Area \(1\)](#)~~

Big River State Forest (1) (2)

Buffalo Rock State Park/Blackball Mines Nature Preserve (2)

Burning Star 5 State Wildlife Management Area (~~an antlerless deer must be taken on the site before an antlered deer is harvested~~; deer hunters may begin scouting 7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt) (4)

Butterfield Trail State Recreation Area (2)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands, ~~except Jim Hawn and East Spillway Areas~~)

* ~~[Carlyle Lake Lands and Waters \(Corps of Engineers managed lands – Jim Hawn and East Spillway Areas\)](#)~~

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Carlyle Lake State Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park ([submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease](#)) (1) (2)

Cedar Glen State Natural Area (no hunting after December 15) (1) (2)

Collier Limestone Glade State Natural Area (1)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

[Des Plaines Game Propagation Center \(closed Saturdays and Sundays in October and Sundays in November, December and January\)](#) (2)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island State Wildlife Management Area (1) (2)

* ~~[Eldon Hazlet State Park \(archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation\)](#)~~ (2)

Ferne Clyffe State Park (1) (2)

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Fort de Chartres State Historic Site (1) (2)

- * Fort Kaskaskia State Historic Site (opens November 1; ~~during the current year archery season and at the site, an antlerless deer must be taken before an antlered deer is harvested~~) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Green River State Wildlife Area (1) (2)

~~Hanover Bluff State Natural Area (2)~~

Hindsboro State Habitat Area (October 1 through October 31 only)

Horseshoe Lake State Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

- * Jubilee College State Park (2)

~~Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting~~

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~~opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)~~

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; ~~within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer~~) (1) (2 – except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (2)

~~Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)~~

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

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Lowden-Miller State Forest ([submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease](#)) (1) (2)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (2)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (2)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

Mermet Lake State Conservation Area (1) (2)

Midewin National Tallgrass Prairie (additional site hunting pass required) (2)

Miller-Anderson Woods State Natural Area (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the

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day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes; hunting is allowed at Red's Landing and Riprap Landing walk-in areas from 12:00 p.m. to ½ hour after sunset during duck season, statewide hours during remainder of season) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

~~Momence Wetlands State Natural Area (1) (2)~~

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford State Conservation Area

* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

~~Rall Woods State Natural Area (formerly Falling Down Prairie) (2)~~

* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

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Ray Norbut State Fish and Wildlife Area (2)

- * Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

- * Rice Lake State Fish and Wildlife Area (2)

- * ~~Rockton Bog State Natural Area (2)~~

Saline County State Fish and Wildlife Area (1) (2)

- * Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

Sangamon County State Conservation Area [\(1\)](#)

- * Shabbona Lake State Park (submission of ~~all~~adult deer heads within 48 hours after harvest ~~on site~~on-site is required to test for the presence of Chronic Wasting Disease) (2)

Sielbeck Forest State Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

- * Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

~~South Shore State Park (2)~~

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Spoon River State Forest (1) (2)

- * Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

~~Tapley Woods State Natural Area (2)~~

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Fish and Wildlife Area (Controlled Public Hunting Area – closed after October 31) (1) (2)

Walnut Point State Fish and Wildlife Area (1)

~~Wards Grove State Natural Area (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)~~

- * Washington County State Conservation Area (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (2)

~~Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)~~

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Whitefield Pheasant Habitat Area (hunting allowed during October only)
(2)

- * White Pines Forest State Park (antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (2)

Wildcat Hollow State Forest (1)

~~Winston Tunnel State Natural Area (2)~~

Wise Ridge State Natural Area (1)

~~Witkowsky State Wildlife Area (opens October 15) (2)~~

Woodford State Fish and Wildlife Area (opens at the close of duck season) (2)

- i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

~~Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)~~

~~Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)~~

- * Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by

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January 31, failure shall result in ineligibility to hunt at the site the following year) (1, starting October 15)

~~Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)~~

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (refuge portion only, second weekend (Friday, Saturday and Sunday) in November)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)

Hurricane Creek State Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County State Fish and Wildlife Area (refuge portion only; first weekend (Friday, Saturday and Sunday) in November)

- j) ~~Statewide~~State regulations shall apply at the following sites, except that hunters must obtain a free site permit online at: <http://dnr.state.il.us/lands/landmgt/programs/windshieldcard> ~~from the site office~~. This permit must be displayed and visible inside the vehicle windshield and the pocket portion kept in possession while hunting at the site. Hunters must report their annual harvest online at the web address listed in this subsection (j) by February 15 (even if the hunter did not hunt) or the hunter will forfeit hunting privileges at the site for the following year. Hunters needing assistance accessing the online program can do so from any IDNR site or Regional Office and must be returned, and harvest reported, to the address indicated on the card before February 15. ~~Failure to return the permit shall result in loss of hunting privileges at that site for the following year.~~

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[Alvah Borah State Habitat Area \(1\)](#)

[Apple River Canyon State Park – Thompson and Salem Units](#)

[Beaver Dam State Park \(an antlerless deer must be taken on the site before an antlered deer is harvested; hunter quotas shall be filled by mail-in drawing\) \(1\)](#)

[Bohm Woods State Nature Preserve \(an antlerless deer must be taken on the site before an antlered deer is harvested; hunter quotas shall be filled by mail-in drawing\) \(1\)](#)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

~~[Des Plaines Game Propagation Center \(2\)](#)~~

[Des Plaines State Conservation Area \(no hunting is permitted Wednesday through Sunday of the site's permit pheasant season\) \(2\)](#)

- * Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4)

[Eldon Hazlet State Park \(archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation\)](#)

Finrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit)

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Fox Ridge State Park (1)

French Bluff State Natural Area

[Goode's Woods State Nature Preserve \(an antlerless deer must be taken on the site before an antlered deer is harvested; hunter quotas will be filled by mail-in drawing\) \(1\)](#)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1)

Hamilton County State Conservation Area (1)

[Hanover Bluff State Natural Area](#)

Harry "Babe" Woodyard State Natural Area (4)

Henry Allan Gleason State Natural Area (~~obtain permit at Sand Ridge State Forest~~)

Hidden Springs State Forest (1)

* [Horseshoe Lake State Park \(Madison County\) \(hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; hunter quotas shall be filled by mail-in drawing; hunting will close at the end of the regular duck season\) \(1\)](#)

* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

[Kankakee River State Park \(deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site](#)

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office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt))

Kickapoo State Park

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.)

Mautino State Fish and Wildlife Area (1)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)

Middle Fork State Fish and Wildlife Area

- * Mississippi Palisades State Park (closed during the first firearm deer season) (1) (2)

Momence Wetlands State Natural Area (1)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1)

Newton Lake State Fish and Wildlife Area (check deer at site office)

- * Pekin Lake State Fish and Wildlife Area (1)

Prairie Ridge State Natural Area (1)

Pere Marquette State Park (area east of Graham Hollow Road) (1)

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

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Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

[Rall Woods State Natural Area](#)

Ramsey Lake State Park (1)

Revis Hill Prairie State Natural Area (~~obtain permit at Sand Ridge State Forest~~)

* [Rockton Bog State Natural Area](#)

Sahara Woods State Fish and Wildlife Area (free permits allocated through publicly announced drawing held ~~on site~~ on-site in advance of opening day; permit allows hunter to scout ~~on site~~ on-site 7 days prior to the opening day of season)

* Sam Dale Lake State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sand Ridge State Forest

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season)

* [South Shore State Park](#)

[Sparks Pond State Natural Area](#)

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- * Spring Lake State Fish and Wildlife Area (1)
- * Stephen A. Forbes State Park (1)

[Tapley Woods State Natural Area](#)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

[Wards Grove State Natural Area \(closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only\)](#)

[Weldon Springs State Park – Piatt County Unit \(an antlerless deer must be taken on the site before an antlered deer is harvested\)](#)

[Willow Creek State Habitat Area \(hunting permitted October 1-31\) \(1\)](#)

[Winston Tunnel State Natural Area](#)

[Witkowsky State Wildlife Area \(opens October 15\)](#)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by the Department, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (2) (4)

- k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season; ~~an antlerless deer must be taken on site before an antlered deer is harvested~~) (2) (3)

DEPARTMENT OF NATURAL RESOURCES

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~~Des Plaines State Conservation Area (2)~~

Iroquois County State Conservation Area (2)

Johnson-Sauk Trail State Recreation Area (hunters must obtain a free site-issued permit from the site office prior to hunting; permit must be in hunter's possession while hunting and returned by February 15 to the site office; failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year) (1) (2)

~~Moraine View State Park (1)~~

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

- 1) Statewide regulations shall apply at the following sites except that:
 - 1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
 - 2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4)

Siloam Springs State Park (2) (4)

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- m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be notified and required to print a permit at: <http://dnr.state.il.us/lands/landmgt/programs/windshieldcard>. This permit must be displayed and visible inside the vehicle windshield and the pocket portion kept in possession while hunting at the site. Hunters must report their annual harvest online at the web address in this subsection (m) by February 15 (even if hunter did not hunt) or the hunter will forfeit hunting privileges at the site for the following year. Hunters needing assistance accessing the online program can do so from any IDNR site or Regional Office issued a permit for the time period specified. ~~This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.~~

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (2)

James Pate Philip State Park and Heron Woods State Habitat Area (2)

Moraine Hills State Park (2)

Volo Bog State Natural Area (2)

- n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Crossbow and Standing Vehicle Hunting Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
760.10	Amendment
760.20	Amendment
760.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate language authorized by Public Act 97-645, effective December 30, 2011, that authorizes the Department to issue crossbow permits to persons who have a temporary physical impairment.
- 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? Yes

<u>Section Numbers</u>	<u>Emergency Action</u>	<u>Illinois Register Citation</u>
760.10	Amendment	36 Ill. Reg. 4428, March 23, 2012
760.20	Amendment	36 Ill. Reg. 4428, March 23, 2012
760.30	Amendment	36 Ill. Reg. 4428, March 23, 2012
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas.

The full text of these Proposed Amendments is identical to that of the Emergency Amendments of this same title and Part and can be found in this issue of *Illinois Register* on Page 4428:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3045.50	Amendment
3045.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to incorporate language indicating that property acquired or developed with program assistance may not be converted to use that would deny public off-highway use as provided by the terms of the Project Agreement, without prior Departmental approval.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This grant program provides financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals to develop, operate, maintain, and acquire land for off-highway vehicle parks, trailside facilities and trails that are open and accessible to the public in Illinois, as well as maintenance and repair of the parks, trails and trailside facilities.
 - B) Reporting, bookkeeping or other procedures required for compliance: Upon project completion, in order to receive funding reimbursement for development projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, copies of all receipts/invoices for project costs, and copies of canceled checks showing proof of payment. Additionally, the site must have an OHV grant acknowledgment sign posted. For acquisition projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, proof of good faith negotiations or fair market value offer to the land seller, copy of the property deed (showing ownership transferred to the project sponsor/grantee), and copies of canceled checks showing proof of payment to the seller. Additionally, the site must have an OHV grant acknowledgment sign posted.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Department did not anticipate the need for amendments when the agendas were filed.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

3045.10	Program Objective
3045.20	Program Eligibility Requirements
3045.30	Funding Assistance Formula
3045.40	General Procedures for Grant Applications and Awards
3045.50	Eligible Project Expenditures
3045.60	Project Evaluation Criteria/Priorities
3045.70	Review by Advisory Board
3045.80	Program Compliance Requirements
3045.90	Program Information
3045.95	Sale or Transfer of Grant-Funded Property
3045.100	Issuing Public Access Stickers

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. 10092, effective May 22, 2006; amended at 36 Ill. Reg. _____, effective _____.

Section 3045.50 Eligible Project Expenditures

- a) Grant assistance may be obtained for, but not limited to, the following:
 - 1) cost of land acquisition (fee simple title or permanent easement, lease or similar management arrangement, etc.) from willing sellers for OHV trails and scramble areas, including approved survey, appraisal costs, title insurance and closing costs;
 - 2) construction, rehabilitation, maintenance and necessary design services for OHV trails/routes and scramble areas including site preparation work,

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signage, fencing, bridges, grooming equipment, etc. and associated support facilities including parking, shelters, restrooms, potable water supply, lighting, and other related amenities deemed necessary;

- 3) restoration of areas damaged by OHV usage;
 - 4) rider education and safety programs; and
 - 5) cost of facility security.
- b) It is the Department's policy that the OHV grant program be used primarily to assist applicants purchase necessary materials and contract for specialized labor to develop and maintain public OHV facilities. Labor necessary for project operation shall be the responsibility of the applicant.
- c) No grant assistance will be awarded to projects that, either in whole or in part, will not be open to the general public for OHV use. (See Section 3045.80([OH](#)) regarding operation and maintenance requirements.)
- d) Grant assistance from this program cannot be used for the following purposes:
- 1) land acquisition through eminent domain; and
 - 2) construction of OHV trails and areas on Department owned and managed lands and on U.S. Forest Service lands designated as wilderness or currently not authorized for such use by an approved management plan.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 3045.80 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the OHV program must be open to the general public for off-highway vehicle use. Property acquired or developed with program assistance may not be converted to a use that would deny public off-highway vehicle use as provided by terms of the Project Agreement without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property equal in fair market value and comparable in off-highway vehicle usefulness, quality and location.

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- b)a) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- c)b) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.
- d)e) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
- 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- e)d) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment

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of the entire grant amount or by operation, by the recipient or a Department designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.

\$1-\$50,000 – 5 years
for every \$10,000 increment over \$50,000 – add one year

- f)e) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.
- g)f) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this Section and be subject to corrective measures by the Department as deemed appropriate.
- h)g) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- i)h) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- j)i) The project sponsor must possess the resource capabilities to:

 - 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.

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- k)j) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled ~~checksecheck(s)~~ showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- l)k) All financial records on approved projects must be maintained and retained, in accordance with State laws, by the project sponsor for possible State audit after final reimbursement payment is made by the Department.
- m)j) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
- n)m) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
- o)n) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
- p)j) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor

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(applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:

- 1) Illinois Department of Natural Resources, Office of Water Resources;
- 2) Illinois Environmental Protection Agency;
- 3) U.S. Army Corps of Engineers;
- 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);
- 5) Illinois Department of Transportation, Division of Highways; and
- 6) Local building, zoning or road commissions, etc.

| ~~g)Ⓢ~~ Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].

| ~~r)Ⓢ~~ The project sponsor must comply with and abide by the following operation and maintenance provisions:

- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
- 2) The charging of user fees for general public use must be approved by the Department.
- 3) Except as noted below, all OHV grant-assisted facilities must be open and

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available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.

- A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
 - B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
- 4) All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize the facility's intended public benefit.
 - 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.

| ~~s)~~ All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.

| ~~t)s)~~ The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.

| ~~u)†)~~ Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor (applicant).

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
515.2090	Amend
515.3000	Amend
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 515 set forth requirements for EMS Assistance Fund Grants. The rules are being amended to implement Public Act 96-1469, which amended the Emergency Medical Services (EMS) Systems Act to authorize the Department to use licensing, testing and certification fees within the EMS Assistance Fund for Department administration, oversight and enforcement of activities authorized by the Act. Other changes clarify existing requirements.

The rules in Part 515 set forth requirements for the Department to distribute moneys deposited into the Trauma Center Fund to Illinois designated Trauma Centers. The rules are being amended to implement Public Act 97-209, which amended the Emergency Medical Services (EMS) Systems Act to require that trauma fund money collected in an EMS Region be distributed back to that region.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All EMS Regions that do not have a trauma designated hospital within the Region will now receive a portion of the trauma fund to be distributed to the hospitals within that Region. The existing trauma designated hospitals will get a smaller amount of Trauma Fund money than previous years.
- B) Reporting, bookkeeping or other procedures required for compliance: All non-trauma center hospitals shall report all patients meeting inclusion criteria for the Head and Spinal Violent Injury Registry (HSVI), per Section 550.120(d) of the Head and Spinal Cord Injury Code, prior to receiving any funds. All hospitals receiving trauma center funds shall demonstrate within the hospital's budget how monies received from the trauma center fund are being used to provide emergency services or trauma services.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January, 2012

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications

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515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section	
515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.720	First Responder
515.725	First Responder – AED
515.730	Pre-Hospital Registered Nurse

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- 515.740 Emergency Communications Registered Nurse
- 515.750 Trauma Nurse Specialist
- 515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section

- 515.800 Vehicle Service Provider Licensure
- 515.810 EMS Vehicle System Participation
- 515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
- 515.825 Alternate Response Vehicle
- 515.830 Ambulance Licensing Requirements
- 515.835 Stretcher Van Provider Licensing Requirements
- 515.840 Stretcher Van Requirements
- 515.845 Operation of Stretcher Vans
- 515.850 Reserve Ambulances
- 515.860 Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section

- 515.900 Licensure of SEMSV Programs – General
- 515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
- 515.920 SEMSV Program Licensure Requirements for All Vehicles
- 515.930 Helicopter and Fixed-Wing Aircraft Requirements
- 515.935 EMS Pilot Specifications
- 515.940 Aeromedical Crew Member Training Requirements
- 515.945 Aircraft Vehicle Specifications and Operation
- 515.950 Aircraft Medical Equipment and Drugs
- 515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
- 515.960 Aircraft Communications and Dispatch Center
- 515.965 Watercraft Requirements
- 515.970 Watercraft Vehicle Specifications and Operation
- 515.975 Watercraft Medical Equipment and Drugs
- 515.980 Watercraft Communications and Dispatch Center
- 515.985 Off-Road SEMSV Requirements
- 515.990 Off-Road Vehicle Specifications and Operation

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- 515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section

- 515.2000 Trauma Center Designation
515.2010 Denial of Application for Designation or Request for Renewal
515.2020 Inspection and Revocation of Designation
515.2030 Level I Trauma Center Designation Criteria
515.2035 Level I Pediatric Trauma Center
515.2040 Level II Trauma Center Designation Criteria
515.2045 Level II Pediatric Trauma Center
515.2050 Trauma Center Uniform Reporting Requirements
515.2060 Trauma Patient Evaluation and Transfer
515.2070 Trauma Center Designation Delegation to Local Health Departments
515.2080 Trauma Center Confidentiality and Immunity
515.2090 Trauma Center Fund
515.2100 Pediatric Care (Renumbered)
515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

- 515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

- 515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)
515.APPENDIX A A Request for Designation (RFD) Trauma Center
515.APPENDIX B A Request for Renewal of Trauma Center Designation

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515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N	Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O	Pediatric Critical Care Center Plan
515.APPENDIX P	Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective

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September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. _____, effective _____.

SUBPART H: TRAUMA CENTERS

Section 515.2090 Trauma Center Fund

- a) *The Department shall distribute 97.5% of 50% of the moneys deposited into the Trauma Center Fund, a special fund in the State Treasury, to Illinois hospitals that are currently designated as trauma centers. ~~No moneys may be distributed to a trauma center located outside of the State.~~ (Section 3.225(a) ~~and (b)(3)~~ of the Act) The distribution to individual hospitals shall be based on the number of trauma cases, including cases where the hospital provides initial trauma care only, and the average length of stay for trauma cases at each hospital, according to data for the most recently completed State fiscal year.*
- b) *The moneys in the fund shall be allocated proportionally to each EMS Region so that the EMS Region receives the moneys collected from within its Region for violations of laws or ordinances regulating the movement of traffic. Under no circumstances shall money collected within one EMS Region be redirected to another EMS region. (Section 3.225(b)(2) of the Act)*
- c) *No moneys may be distributed to a trauma center located outside of the State. (Section 3.225(b)(3) of the Act)*
- d) *If money collected from an EMS region cannot be distributed to any trauma center in that EMS region because the trauma center is located outside of the State, then the Department shall distribute the money to hospitals in the EMS region for the provision of emergency services related to care of injured patients. (Section 3.225(b)(4) of the Act)*
- e) *The total amount of funds per EMS Region will be based on the moneys received from the counties in that Region.*
 - 1) *If a county has more than one EMS Region, the moneys received from that county shall be divided among the Regions based on each Region's share of the county's trauma cases.*

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- 2) EMS Regions that have developed joint EMS Region Plans to enable them to function as one Region shall be treated as one Region in the calculation.
- f) At the beginning of each State fiscal year, the Department shall calculate a per trauma case allocation for each Region, which shall be used to determine each trauma center's share of the funds collected during the previous State fiscal year.
- 1) ~~The total amount of funds per EMS Region will be based on the moneys received from the counties in that Region.~~
- A) ~~If a county has more than one EMS Region, the moneys received from that county shall be divided among the Regions based on each Region's share of the county's trauma cases.~~
- B) ~~EMS Regions that have developed joint EMS Region Plans to enable them to function as one Region shall be treated as one Region in the calculation.~~
- 2) ~~At the beginning of each State fiscal year, the Department shall calculate a per trauma case allocation for each Region, which shall be used to determine each trauma center's share of the funds collected during the previous State fiscal year.~~
- g)e) To determine the percent of the Trauma Center Fund to be received by each hospital, divide the Hospital Distribution Factor for each trauma center by the Region Distribution Factor.
- 1) To determine the Region Distribution Factor, add all of the Hospital Distribution Factors for the trauma centers in the Region.
- 2) To determine the Hospital Distribution Factor, add the hospital's total admission score to the total case value score for the initial trauma care patients treated at the hospital.
- A) To determine the hospital's Total Admission Score, multiply the total case value score for admissions by the average length of stay.
- i) To determine the total case value score for admissions,

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assign case values for each patient (one patient may have more than one value, i.e., a person who has an ICU stay after an OR procedure) admitted to the hospital according to the following:

Admission	2
Intensive Care Unit Stay	2
Operating Room Procedure	2
Mechanical Ventilation	3
Discharged to a Rehabilitation Facility	1

The sum of all of the values is the total case value score for the patients admitted to the hospital.

- ii) To determine the average length of stay, divide the total length of stay for all patients admitted to the hospital by the total number of patients admitted to the hospital.
- B) To determine the total case value score for the initial trauma care patients, assign the case values for each initial trauma care patient treated by the hospital according to the following:

Assigned observation status and had length of stay > 12 hours from time of arrival in ED	2
Dead on arrival	0
Dying in emergency (DIE) with a trauma surgeon evaluation (TSE)	1.25
DIE without a TSE	.25
Against medical advice (AMA) with a TSE	1.25
AMA without TSE	.25
Transfer with TSE	1.25
Transfer without TSE	.25

The sum of all of the values is the total case value score for the

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initial trauma care patients treated by the hospital.

- h) In Regions where there are no designated trauma centers within the State boundaries, the monies collected within the Region will be equally distributed to Illinois hospitals providing emergency services. All non-trauma center hospitals receiving equal distribution of trauma center funds shall report all patients meeting inclusion criteria for the Head and Spinal Violent Injury (HSVI) Registry, per 77 Ill. Adm. Code 550.120(d) (Head and Spinal Cord Injury Code), prior to receiving any funds. Hospitals not reporting all such patients shall be precluded from receiving any funds.
- i) Hospitals receiving trauma center funds shall demonstrate within the hospital's budget how monies received from the Trauma Center Fund are being used to provide emergency services related to care of injured patients.
- j) The Department may request and the hospital shall supply hospital financial records to substantiate that funds are used appropriately for emergency services related to care of injured patients.
- k) The hospital shall allocate funds for expenditure within 12 months after funds are received.
- l) All funds remaining at the end of the period of time in which trauma center funds are available for expenditure (June 30 of the fiscal year in which the funds were awarded) shall be returned to the State within 45 days.
- m) The Department will distribute funds from the Trauma Center Fund within 90 days after July 1 of each year.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART I: EMS ASSISTANCE FUND

Section 515.3000 EMS Assistance Fund Administration

- a) All licensing, testing and certification fees authorized by the Act, excluding ambulance licensure fees, within the EMS Assistance Fund shall be used by the Department for administration, oversight, and enforcement of activities authorized under the Act. EMT licensure examination fees collected shall be

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~~*distributed by the Department to the Resource Hospital of the EMS System in which the EMT candidate was educated, to be used for educational and related expenses incurred by the System's hospitals, as identified in the EMS System Program Plan.*~~ (Section 3.220(b-5) of the Act)

- b) *All other moneys within the EMS Assistance Fund shall be distributed by the Department to the EMS Regions for disbursement in accordance with protocols established in the EMS Region Plans, for the purposes of organization, development and improvement of Emergency Medical Services Systems, including but not limited to training of personnel and acquisition, modification and maintenance of necessary supplies, equipment and vehicles.* (Section 3.220(c) of the Act)
- c) Award of Funds
- 1) Any Illinois licensed ~~and based EMS provider agency/designated EMS participant~~ that provides EMS service within the State of Illinois may apply for funds through the Regional EMS Advisory Committee.
- A) Application shall be made on forms prescribed and provided by the Department.
- B) Applicants shall provide evidence of financial planning, to include but not be limited to: equipment replacement plans, budgeting plans, and fundraising plans.
- C) Applicants shall submit a copy of their current provider license.
- D) To be eligible for any grant, the EMS provider agency shall be in compliance with pre-hospital reporting requirements (see Section 515.350).
- 2) Programs, services and equipment funded by the EMS Assistance Fund shall comply with the Act, this Part and the EMS Regional Plan in which the applicant participates.
- 3) The award of funds shall be based upon demonstrated need and one or more of the following:

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- A) Establishment of a new EMS agency, program or service where needed to improve emergency medical services available in an area;
- B) Expansion or improvement of an existing EMS agency, program or service;
- C) Replacement of equipment that is unserviceable or procurement of new equipment; and
- D) Establishment, expansion or improvement of EMS education and training programs including the adult and pediatric population.

4) All purchases and education shall occur during the fiscal year in which the grant is awarded.

~~4) Deadlines for submission of applications shall be March 1 of each year. For 1997 only, the deadline shall be April 1. Applications must be received in the Division of Emergency Medical Services and Highway Safety by 5:00 pm on the date of the deadline. If the deadline falls on a Saturday, Sunday or State holiday, the application must be received by 5:00 pm the next business day.~~

~~5) The grant cycle runs from July 1 to June 30 of each year. Grants shall be awarded by July 1 of each year.~~

~~6) Grant recipients shall complete and return documentation as prescribed by the Department (e.g., grant application, Reimbursement Certification Form or Internal Revenue Service W-9 Form). All recipients shall be asked to enter into a grant agreement as prescribed by the Department.~~

~~7) Grantees receiving grant funds are required to permit the Department, the Auditor General, and the Attorney General to inspect and audit any books, records or papers related to the program, project, equipment or use for which the EMS Assistance Grant funds were provided.~~

~~8) All funds remaining at the end of the period of time in which grant funds are available for expenditure (June 30 of the fiscal year in which the grant was awarded) shall be returned to the State within 45 days.~~

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9) All grants shall be subject to all requirements and limitations imposed by Illinois law, including, without limitation, the Illinois Grant Funds Recovery Act [30 ILCS 705].

d) Emergency Grant Awards

- 1) The Regional EMS Advisory Committee may recommend that the Department issue emergency grant awards. Emergency grant awards shall not exceed 10 percent of the total funds available in a year.
- 2) Applications shall be made in accordance with subsections (c)(1) and (2) of this Section.
- 3) The award of funds shall be based on the demonstrated needs arising from a natural or man-made disaster.

e) Amount of Grant Award

- 1) The amount of the grant award shall be based on the amount requested by the applicant, the recommendation of the Regional EMS Advisory Committee, the Department's review of the application, and the amount available in the Fund for distribution. The amount awarded shall not exceed the amount requested by the applicant.
- 2) ~~The~~ It shall be the responsibility of the applicant ~~shall~~ to provide adequate information to substantiate the requested amount or any hardship claim.

g) Reporting Requirements

~~The grantee shall submit a report to the Division of Emergency Medical Services and Highway Safety every six months detailing the status of the grant funds. Within 60 days after the final disbursement of the grant funds, a final report shall be submitted to the Division. The final report shall consist of a financial report for the project and a brief narrative describing the completed project.~~

fh) Modification of a Grant Agreement

- 1) Any change in the use of grant funds from that specified in the approved grant agreement will ~~application shall~~ may be permitted only by written

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modification of the grant agreement. The grantee may request ~~the~~ modification of the grant agreement by submitting in writing to the Department the Chief of the Division of Emergency Medical Services and Highway Safety detailing the reasons and circumstances necessitating the request.

- 2) The grant award ~~shall~~may be suspended and all disbursements of funds held in situations including, but not limited to: ~~There shall exist reasonable cause for suspension, such as:~~
- A) Failure to comply with the Act and this Part;
 - B) Failure to follow the EMS Region Plan in which the grantee participates; and
 - C) Violation of the terms of the grant agreement.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.300	Amendment
226.730	Amendment
226.800	Amendment
226.810	Amendment
226.850	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments make changes in response to several new laws, each of which is explained below.
 - P.A. 97-123, effective July 14, 2011, further defined requirements for the provision of home/hospital instruction for students with disabilities, necessitating changes in Section 226.300.
 - P.A. 97-227, effective January 1, 2012, changed the use of the term "mental retardation" to "intellectual disability". This is in keeping with a federal law that took effect in October 2010. (See Sections 226.800 through 226.850.)
 - P.A. 97-284, effective August 9, 2011, defines "students with individualized education programs" (IEPs) for the purposes of determining the percentage of these students allowed in a general education classroom as excluding students with IEPs who receive speech-language services outside of the classroom, provided that the instruction received in the classroom does not require modifications. (See Section 226.730.)

Additionally, modifications are proposed to eliminate provisions that are obsolete in Sections 226.800(g)(2) and (h)(2). These Sections address requirements for the State-approved director of special education, assistant directors, and special education supervisors.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

STATE BOARD OF EDUCATION

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Action:</u>	<u>Register Citation:</u>
226.840	Amendment	36 Ill. Reg. 2042; February 10, 2012

- 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 of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
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- 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 2012

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

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

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; preemptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART D: PLACEMENT

Section 226.300 Continuum of Placement Options

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Each local school district shall, in conformance with the requirements of 34 CFR 300.39 and 300.115, ensure that a continuum of placements is available to meet the needs of children with disabilities for special education and related services. With respect to the home instruction and instruction in hospitals and institutions referenced in 34 CFR 300.39 and 300.115:

- a) The child receives services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition.
- b) When an eligible student has a medical condition that will cause an absence for two or more consecutive weeks of school or ongoing intermittent absences, as defined in Section 14-13.01(a) of the School Code [105 ILCS 5/14-13.01(a)], the IEP Team for that child shall consider the need for home or hospital services and develop or revise the child's IEP accordingly. ~~This~~ Such consideration shall be based upon a written statement from a physician licensed to practice medicine in all its branches which specifies:
 - 1) the child's medical condition;
 - 2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and
 - 3) the anticipated duration or nature of the child's absence from school.
- ~~e)~~ ~~If an IEP Team determines that home or hospital services are medically necessary, the team shall develop or revise the child's IEP accordingly.~~
- ~~c)~~d) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week.
- ~~d)~~e) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.
- ~~e)~~f) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.

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- ~~f)g)~~ Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Personnel Required to be Qualified).
- ~~g)h)~~ In accordance with Section 14-13.01(a) of the School Code, services~~Services~~ required by the IEP shall be implemented not later than five school days~~as soon as possible~~ after the district receives the physician's statement.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.730 Class Size for 2009-10 and Beyond

- a) When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for general education, and that is not designated as a general remedial classroom. For purposes of this subsection (a), a student who receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum shall be included in the calculation of the percentage of students without IEPs. (See 105 ILCS 5/14-2.)
- b) Class size means the total number of students an educator serves during any special education class. As used in this subsection (b), "class" means any circumstance where only students with IEPs are served and at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary, subject to the limitations of this subsection (b).
- 1) Except as provided in subsection (b)(5) of this Section, classes in which all the students receive special education services for 20 percent of the school day or less shall have at least one qualified teacher for each 15 students in attendance during any given class. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class.

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- 2) Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 20 percent of the school day but no more than 60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.
- 3) Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 60 percent of the school day shall have at least one qualified teacher for each eight students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.
- 4) Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.
- 5) For any school year in which the amount of State reimbursement for teachers identified in Section 14-13.01 of the School Code [105 ILCS 5/14-13.01] exceeds the amount in effect on January 1, 2007, by at least 100 percent and no corresponding reduction has been made in other State sources of support for special education:
 - A) The maximum class size stated in subsection (b)(1) of this Section shall be 13 rather than 15;
 - B) The maximum class size stated in subsection (b)(2) of this Section shall be eight rather than 10; and
 - C) The maximum class size stated in subsection (b)(3) of this Section shall be six rather than eight.
- 6) The provisions of subsections (b)(1) through (5) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.

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- c) The maximum class sizes set forth in subsection (b) of this Section shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education in the least restrictive environment to which they are entitled.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

- a) General
- 1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
 - 3) Reimbursement for personnel expenditures shall be made by the State Board with respect to only those individuals who are qualified, pursuant to this Subpart I, to *deliver services to students with IEPs* [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860 of this Part, or pursuant to 23 Ill. Adm. Code 25.48 (Short-Term Emergency Certification in Special Education) when applicable.
 - 4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.

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- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall:
- 1) hold a valid special preschool-age 21 certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
 - 2) hold another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part); or
 - 3) be employed pursuant to an authorization for assignment issued to the employing entity under Section 226.820 of this Part; or
 - 4) hold short-term emergency certification issued pursuant to 23 Ill. Adm. Code 25.48 (beginning January 1, 2002).
- c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
 - 2) holds either a special preschool-age 21 certificate or a high school certificate; and
 - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:
 - A) Survey of the exceptional child;
 - B) Characteristics of the ~~mentally retarded~~ student with an intellectual disability;
 - C) Characteristics of the socially and/or emotionally maladjusted student;
 - D) Vocational programming for students with disabilities;

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- E) Characteristics of other exceptionalities;
 - F) Methods course in special education;
 - G) Guidance and counseling;
 - H) Educational and psychological diagnosis;
 - I) Vocational and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) holds either a special preschool-age 21 certificate endorsed for the disability area of assignment or a high school certificate with special education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;
 - 2) has completed a course in vocational programming for students with disabilities; and
 - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or vocational and technical education.
- e) An individual assigned as a business manager's assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.
- f) **Qualified Bilingual Specialists**
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they submit the required application and meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a special preschool-age 21 certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:

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- A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
- 2) A holder of an early childhood, elementary, high school, or special certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully complete a language examination in the non-English language of instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.
- 3) A holder of an early childhood, elementary, high school, or special certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:
- A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
 - C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
- A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational

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- assessment of the student with disabilities who has limited English proficiency;
- C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
- D) Methods for teaching in the special education area of assignment; and
- E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.
- 5) A holder of a school service personnel certificate endorsed for guidance, school social work, school psychology, or speech-language pathology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.
- g) Directors and Assistant Directors of Special Education
Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity. ~~The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140.~~
- 1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the areas specified in either 23 Ill. Adm. Code 25.365(b) or (c), as applicable. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 (Director of Special Education).
- 2) ~~Each individual who will function as a director or assistant director of special education shall submit an application for special education~~

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~~administrative approval on a form supplied by the State Board of Education.~~

- ~~2)3)~~ Each school district or the cooperative entity of which it is a member, shall submit to the State Board of Education a letter identifying the individual employed as the director of special education. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.

h) Supervisors

- 1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.

- ~~2) Each individual performing a supervisory function shall hold a master's degree, including at least 15 semester hours of coursework distributed among all the following areas:~~

- ~~A) Survey of exceptional children;~~
- ~~B) Characteristics courses in the areas to be supervised;~~
- ~~C) Methods courses in the areas to be supervised;~~
- ~~D) Educational and psychological diagnosis and remedial techniques;
and~~
- ~~E) Supervision of programs for exceptional children.~~

- ~~2)3)~~ Each individual performing a supervisory function shall ~~also~~ hold one of the following~~either~~:

- A) a valid special preschool-age 21 certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
- B) a valid school service personnel certificate endorsed for supervision and two years' experience in the area to be supervised;

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or

- C) a valid administrative certificate and either a valid special preschool-age 21 certificate endorsed for the area to be supervised or special education approval in that area.
- i) Chief Administrator of Special School
The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.335 or 25.365 and either:
- 1) an endorsement or approval that is specific to at least one of the disabilities prevalent in the students served by the school, if the school serves students who are deaf or hard of hearing, blind or visually impaired, or speech- and language-impaired; or
 - 2) an endorsement as Learning Behavior Specialist I that either is unlimited or specific to one of the disabilities prevalent in the students served by the school (see 23 Ill. Adm. Code 25.46); or
 - 3) approval as an LBS I issued by the State Board of Education pursuant to Section 226.810 of this Part that either is unlimited or specific to one of the disabilities prevalent in the students served by the school.
- j) Other Professional Personnel
Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:
- 1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
 - 2) a valid license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
 - 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no

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license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).

- k) Noncertified Personnel
- 1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
 - 2) Each program assistant/aide, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.
 - 3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Training shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart F.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 226.810 Special Education Teaching Approval

Special education approval may be issued by the State Board of Education to an individual who does not hold a special preschool-age 21 certificate or who lacks some of the qualifications for one of the endorsements enumerated in 23 Ill. Adm. Code 25.43.

- a) Beginning July 1, 2001, special education teaching approval will be issued for individuals to serve as Learning Behavior Specialist (LBS) I and may be limited to one or more of the following areas, as applicable (see 23 Ill. Adm. Code 25.47):
- 1) Learning disabilities;
 - 2) Social/emotional disorders;
 - 3) Intellectual disability~~Mental retardation~~; and
 - 4) Physically handicapped.

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- b) An individual who holds an early childhood, special, elementary, high school, or transitional bilingual certificate shall receive approval to teach in a special education area listed in subsection (a) of this Section if he or she has successfully completed college-level coursework addressing each of the following areas:
- 1) Survey of exceptional children;
 - 2) Characteristics of special education students in the specific area of approval sought;
 - 3) Methods of teaching in the area of special education approval sought; and
 - 4) Psychological diagnosis for children with all types of disabilities.
- c) Except as provided in subsection (d) of this Section, an individual who wishes to receive special education teaching approval shall submit an application for a special certificate on a form supplied by the State Board of Education and shall comply with such other application procedures as the State Board may require.
- 1) If the individual qualifies for a special certificate, the State Board shall issue one and endorse it as warranted.
 - 2) If the individual does not qualify for a special certificate, the State Board shall evaluate the application for special education approval and either issue ~~the~~ approval or notify the applicant of any deficiencies.
- d) Special education approval issued prior to January 1, 2002, shall not be limited with regard to time or district of employment but shall be valid only for the special education areas indicated and the grade levels to which the individual's certificate applies. Any approval issued on or after January 1, 2002, shall be valid for three years, after which time the holder shall no longer be assigned to a special education teaching position unless he or she has received an unlimited LBS I endorsement pursuant to 23 Ill. Adm. Code 25.47 (Special Provisions for the Learning Behavior Specialist I Approval).
- e) As of July 1, 2001, each teaching approval listed in subsection (a) of this Section shall automatically be reissued for service as an LBS I. An individual's pre-existing approvals shall result in receipt of either a limited or an unlimited LBS I approval (see 23 Ill. Adm. Code 25.47).

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- f) Beginning January 1, 2002, the State Board shall issue early childhood special education approval to an individual who either holds an early childhood certificate or a special preschool-age 21 certificate with an LBS I endorsement, provided that the individual makes application for approval on a form supplied by the State Board demonstrating that he or she has successfully completed coursework in all the following areas:
- 1) Methods – Developmentally and individually appropriate methods for fostering the social, emotional, cognitive, communication, adaptive, and motor development and learning of young children with special needs in various settings, such as the home, the school, and the community.
 - 2) Assessment – Strategies, procedures, and formal and informal instruments for assessing young children's social, emotional, cognitive, communication, and motor skills; family concerns, priorities, and resources; and school, home, and community learning environments; and methods for conducting formative and summative individual and program evaluation.
 - 3) Language Development – Typical and atypical language development in young children; specific language disabilities; the relationship between communication delays and other areas of early learning and development; and alternative communication systems for young children with disabilities.
 - 4) Family and Community Relationships – Strategies in developing positive and supportive relationships with families of young children with special needs, including the legal and philosophical basis for family participation; family-centered services; and strategies for working with socially, culturally, and linguistically diverse families. Strategies and models for promoting effective consultation and collaboration with other professionals and agencies within the community.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 226.850 List of Qualified Workers

The following table lists the work assignments and qualifications for qualified workers for whom reimbursement may be requested under Section 14-13.01 of the School Code. All requirements

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necessary for proper certification or approval in these work assignments are found in this Subpart I, unless otherwise noted.

WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Adapted Physical Education	A valid Illinois teaching certificate endorsed for physical education and an adapted physical education approval encompassing the grade levels and age ranges of the students served.
Administrator of a Special School	Must meet the requirements of Section 226.800(i) of this Part.
Art Therapist	Registration from American Art Therapy Association or a master's degree in art therapy awarded by a regionally accredited institution of higher education.
Assistant Director	Must hold a valid administrative certificate with a director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.365 and 23 Ill. Adm. Code 1.705 and meet the requirements of Section 226.800(g) of this Part.
Audiologist	Licensed to practice as an audiologist by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] or Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association.
Autism	A valid Illinois teaching certificate either with a categorical or cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.
Behavior Analyst	Board Certified Behavior Analyst (BCBA) as evidenced by a current valid certificate awarded by the Behavior Analyst Certification Board, Inc.
Cognitive Disability	A valid Illinois teaching certificate either with a cross-categorical special education endorsement or approval or <u>intellectual disability</u> mental retardation endorsement or approval

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WORK ASSIGNMENT

REQUIRED QUALIFICATIONS

encompassing the grade levels and age ranges of the students served.

Cross-categorical

A valid Illinois teaching certificate with a cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.

Daily Living Skills Specialist

Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization.

Diagnostic

A valid Illinois prekindergarten-through-age-21 (PreK-21) teaching certificate either with a learning disability or cross-categorical special education endorsement or approval.

Early Childhood

A valid Illinois early childhood certificate either with an early childhood special education endorsement or early childhood special education approval or a PreK-21 certificate endorsed either for categorical or cross-categorical special education and early childhood special education approval.

Emotional Disability

A valid Illinois teaching certificate either with a cross-categorical special education or a social-emotional disorders endorsement or approval encompassing the grade levels and age ranges of the students served.

Hearing Impairment

A valid Illinois teaching certificate endorsed for teacher of students with deafness/hard of hearing pursuant to 23 Ill. Adm. Code 25.43.

Home/Hospital Instructor (see Section 226.300 of this Part)

A valid Illinois teaching certificate either with a cross-categorical special education endorsement or approval encompassing the area of student's disability (i.e., intellectual disability~~mental retardation~~, physically handicapped, ~~or has~~ learning disabilities or social/emotional disorders), or a valid Illinois teaching certificate endorsed in the area of speech-language pathology, blind or visually impaired, or deaf or hard of hearing.

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WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Infant/Toddler/Family Specialist	For federally funded programs serving infants and toddlers, birth through two years of age: Completion of a degree program with evidence of specific training in child development and family development specific for children ages birth to five years.
Inservice Coordinator	A valid Illinois teaching certificate endorsed either for categorical or cross-categorical special education or a valid Illinois school service personnel certificate (see 23 Ill. Adm. Code 25.Subpart D).
Medical Services Personnel (Diagnostics and Evaluation)	Registration with the Illinois Department of Financial and Professional Regulation.
Music Therapist	Registration from the American Music Therapy Association or master's degree in music therapy from a regionally accredited institution of higher education.
Occupational Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].
Orientation and Mobility Specialist	Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization or the Association for the Education and Rehabilitation of the Blind and Visually Impaired.
Orthopedic Impairment	A valid Illinois teaching certificate either with a cross-categorical special education or physically handicapped endorsement or approval encompassing the grade levels and age ranges of students served.
Physical Therapist	Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].
Recreational Therapist	Licensed by the National Council for Therapeutic Recreation or its predecessor organization.

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WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Rehabilitation Counselor	Certificate from the Commission on Rehabilitation Counselor Certification (CRCC) or a master's degree in rehabilitation counseling awarded by a regionally accredited institution of higher education.
School Counselor/Guidance Counselor	Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois school service personnel certificate endorsed for school counseling.
School Counselor Intern	Meets the requirements of 23 Ill. Adm. Code 25.227.
School Nurse	Meets the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23] and 23 Ill. Adm. Code 25.245.
School Nurse (Grandfathered)	Employed as a registered school nurse prior to July 1, 1976 and continuing in the same position with the same district or joint agreement.
School Nurse Intern	Meets the requirements of Section 226.820(b) of this Part. Reimbursement for this position shall not be for a period of time that exceeds four months.
School Psychologist	Meets the requirements of Section 14-1.09 of the School Code [105 ILCS 5/14-1.09] and 23 Ill. Adm. Code 25.235.
School Psychologist Intern	Meets the requirements of Section 226.820(b) of this Part.
School Social Worker	Meets the requirements of Section 14-1.09a of the School Code [105 ILCS 5/14-1.09a], and Section 226.820(b) of this Part and 23 Ill. Adm. Code 25.215, as applicable.
School Social Work Intern	Meets the requirements of Section 226.820(b) of this Part.
Specific Learning Disability	A valid Illinois teaching certificate either with a cross-categorical special education or learning disability endorsement or approval encompassing the grade levels and age ranges of the students served.

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WORK ASSIGNMENT	REQUIRED QUALIFICATIONS
Speech-Language	Non-teaching Position: Meets the requirements of Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b] and 23 Ill. Adm. Code 25.252, as applicable, for speech-language pathologist. Teaching Position: Holds a valid Illinois teaching certificate issued pursuant to 23 Ill. Adm. Code 25.43 endorsed in speech-language pathology.
Speech-Language Pathologist Intern (Interim)	Meets the requirements of 23 Ill. Adm. Code 25.255 and Section 226.820(b) of this Part.
State-Approved Director of Special Education (serving in a full-time capacity)	Meets the requirements of 23 Ill. Adm. Code 25.365 and Section 226.800(g) of this Part.
Supervisor	Meets the requirements of Section 226.800(h) of this Part and 23 Ill. Adm. Code 1.705(h), as applicable.
Support Teacher	A valid Illinois teaching certificate either with a categorical or cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.
Teacher Coordinator of Vocational Education	Meets the requirements of Section 226.800(d) of this Part.
Visual Impairment	A valid Illinois teaching certificate issued pursuant to 23 Ill. Adm. Code 25.43 and endorsed for teacher of students with visual impairments.
Vocational Coordinator	Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(c)(3).
Vocational Transition Specialist	Must hold a contract with the Illinois Department of Human Services, Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
337.20	Amend
337.30	Amend
337.70	Amend
337.80	Amend
337.90	Amend
337.130	Amend
337.150	Amend
- 4) Statutory Authority: 20 ILCS 505/4 and 5
- 5) Effective Date of Amendments: March 7, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

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.

- 8) Notice of Proposal Published in Illinois Register: May 20, 2011; 35 Ill. Reg. 7811
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 337.30(c), final version authorizes the Clinical Reviewer to create an action plan that may alleviate the issues prompting removal of the child, and postpone the removal date when needed to obtain and review additional information that currently exists in another file, or when the party requesting the change in placement agrees to postpone the removal date. The Department must provide written notice of the Clinical Placement Review decision and the right to request a fair hearing.

In Section 337.30(d), the final version requires the Department to provide a copy of the CAYIT Action Plan to the parents, the child, the child's guardian ad litem, the child's current caregiver, and also provide a copy to other CAYIT participants when consistent

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with confidentiality requirements in Part 431, Confidentiality of Personal Information of Persons Served by the Department. The Department must give written notice to the parents, the child and the child's guardian ad litem of their right to request a fair hearing if they disagree with a service decision in the CAYIT Action Plan that denies, reduces, suspends or terminates child welfare services. The Department must give written notice to the current foster parent/relative caregiver of their right to request a fair hearing if they disagree with a service decision in the CAYIT Action Plan that directly affects the foster parent/relative caregiver or affects services provided for the benefit of a foster child in his/her care. Deletes "Receipt of the Action Plan constitutes sufficient written notice under this Part."

- 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 Amendments:

Amended Definitions:

- "Clinical placement review" – clarifies that this review is of a disputed decision to remove a child from the foster parent/relative caregiver's home, when the child will be placed in the home of another foster family/relative caregiver.
- "Department representative" – clarifies that this person is an attorney or designated individual responsible for presenting the Department's position in mediation, staffings, and negotiations, and at an emergency review and fair hearing.
- "Relative" – comports with a recent amendment to that definition in the Child and Family Services Act.
- "Service appeal process" – clarifies the persons who may challenge service decisions of the Department.

Clinical Placement Review. The service appeal process for Clinical Placement Review is amended to comport with practice. The Reviewer may create an action plan that may alleviate the issues prompting removal of the child and to postpone the removal date in limited circumstances. DCFS must provide written notice of the decision of the Clinical Placement Review and the right to request a fair hearing. An appeal must be requested

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within 10 days after the clinical review decision. When an appeal is requested, the child shall be placed in accordance with that decision during the pendency of the appeal.

CAYIT. The rule now describes the process for reviewing disagreement with the service decision in a Child and Youth Investment Team (CAYIT) Action Plan. DCFS shall provide written notice of the CAYIT Action Plan and the right to request a fair hearing. If an appeal is not requested within 10 days, the child shall be placed in accordance with the Action Plan, and all other aspects of the Action Plan shall be implemented during the pendency of the appeal. At the fair hearing, the burden is on the appellant to show by a preponderance of the evidence that the CAYIT decision was not consistent with the child's needs regarding safety, well-being and permanency.

Initial Service Plan. A parent or child may appeal the failure to complete a service plan within 45 (rather than 30) calendar days after case opening.

Removal of child from relative caregiver. A relative caregiver may appeal removal of a child from the relative's home provided that (i) for a licensed relative caregiver, the child has been placed in the home for at least 60 days; or (ii) for an unlicensed relative caregiver, the child has been placed in the home for at least 90 days. The latter time frame gives the Department sufficient time to complete and evaluate results of background checks on all household members in the unlicensed relative's home.

Future service needs. An appeal is not permitted when the issue involves a service that the child does not currently need, but may potentially be needed at some future time. This clarifies current Department practice not to provide payment for anticipated services until those services are actually provided.

Notice to current caregiver. The Department shall provide written notice to the child's caregiver when an issue on appeal involves placement of the child.

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

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983

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TDD: 217/524-3715

E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 337

SERVICE APPEAL PROCESS

Section	
337.10	Purpose
337.20	Definitions
337.30	The Service Appeal Process
337.40	Department and Provider Agency Responsibilities on Appealable Issues
337.50	The Right to a Service Appeal
337.60	Who May Appeal
337.70	What May Be Appealed
337.80	What May Not Be Appealed
337.90	Notices of Department or Provider Agency Decisions
337.100	How to Request a Service Appeal
337.110	Grounds for Dismissal of a Service Appeal Request
337.120	Time Frames for the Service Appeal Process
337.130	Continuing Services During the Service Appeal Process
337.140	Confidentiality During the Service Appeal Process
337.150	Notice Concerning a Service Appeal
337.160	Abandonment of a Service Appeal
337.170	Fair Hearing Appeal Rights
337.180	The Administrative Law Judge
337.190	Record of a Fair Hearing
337.200	Combined Hearings
337.210	Continuances Requested in a Combined Hearing
337.220	The Final Administrative Decision
337.230	Who Receives a Copy of the Final Administrative Decision
337.240	Notice of the Availability of Judicial Review
337.250	Severability of This Part

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective July 1, 1995; emergency

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amendment at 25 Ill. Reg. 4283, effective March 19, 2001, for a maximum of 150 days; emergency amendment repealed in response to an Objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 6735, effective May 8, 2001; amended at 26 Ill. Reg. 6246, effective June 1, 2002; amended at 26 Ill. Reg. 11778, effective August 1, 2002; amended at 36 Ill. Reg. 4388, effective March 7, 2012.

Section 337.20 Definitions

"Adequate ~~notice~~**Notice**" means a notice ~~that~~**which** contains all of the elements identified in Section 337.90(c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Child and Youth Investment Teams" or "CAYIT" means a regionally based, multidisciplinary team consisting of designated DCFS staff, the child (when age-appropriate), the child's family, extended family and others who have relevant and current information about the child, and professionals who are critical to achieve informed, sound decision-making.

"CAYIT Action Plan" means a written document summarizing a clinical assessment of a child's or youth's service needs, identifying the resources required to meet those needs, and establishing time frames for their achievement.

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"Child welfare services" means public social services ~~that~~*which* are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

*preventing or remedying, or assisting in the solution of problems ~~that~~*which* may result in, the neglect, abuse, exploitation, or delinquency of children;*

preventing the unnecessary separation of children from their families by identifying family problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

*providing supportive services and living maintenance ~~that~~*which* contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;*

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

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who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5].

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

"Clinical placement review" means a process in which designated clinical Department staff will review a disputed decision by the Department or purchase of service agency to remove a child from the home of a foster family or relative caregiver, when the child will be placed in the home of another foster family or relative caregiver.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency ~~that~~which resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 [225 ILCS 10] in facilities exempt from licensure, in the homes of relatives, or in their own home.

"Department representative" means ~~an attorney or~~the designated individual responsible for presenting the Department's position in mediation, staffings and

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negotiations and at an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency ~~thatwhich~~ may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether ~~thatsueh~~ action or decision ~~iswas~~ in compliance with applicable laws and rules and ~~will be~~ in the best interests of the child.

"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case ~~thatwhich~~ affects the legal rights, duties or privileges of appellants and ~~thatwhich~~ may be appealed in a circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code ~~301.60302-60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

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"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decisions made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence ~~that~~which renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Relative", for purposes of placement of children for whom the Department is legally responsible, ~~means~~means any person, 21 years of age or over, other than the parent, who:

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or*
- *is the spouse of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister.*

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are

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subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in Section 1-3(4.05) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(4.05)]. [20 ILCS 505/7(b)]

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to parents, children, guardians ad litem, foster parents and relative caregivers to challenge service decisions of the Department~~review appealable service issues raised by appellants.~~

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 ~~USC~~USCA 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice that complies with the requirements of Section 337.90(b)~~of this Part.~~

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.30 The Service Appeal Process

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When the issue is the removal ~~or placement~~ of a child from the home of a foster family or relative caregiver, the service appeal process for the Department of Children and Family Services consists of a fair hearing after a clinical placement review of the ~~placement~~ decision to remove the child pursuant to subsection (c) ~~of this Section~~. When the issue is disagreement with a Child and Youth Investment Team Action Plan, the service appeal process consists of a fair hearing to review the issue pursuant to subsection (d). In all other cases, the service appeal process for the Department of Children and Family Services consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation is successful ~~resolves the issues~~, an agreement is drawn up, with the assistance of the mediator, and signed by the parties. In some instances the issue on appeal is too immediate to await the final administrative decision on the action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and final administrative decision. Mediation and emergency review is not available to any party when the issue is removal or change of placement of a child or disagreement with a service decision in a Child and Youth Investment Team Action Plan.

a) Mediation

- 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review, clinical placement review or Child and Youth Investment Team may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.
- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.
- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.

b) Emergency Review

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An emergency review allows for an interim decision pending a fair hearing and can be requested by any party. The request for an emergency review must be in writing and shall be submitted to the Administrative Hearings Unit, Department of Children and Family Services, 406 E. Monroe, [Station 15](#), Springfield, Illinois 62701. The emergency review must be requested within ten calendar days after the date of an appeal. A determination will be made whether the issues are appropriate for emergency review. If they are appropriate, the Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ten calendar days from the date of the request for emergency review. The Department shall implement the order within five calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

- 1) **Lack of Timely Notice Due to Imminent Risk of Harm**
A party may request an emergency review within ~~10~~^{ten} calendar days after the date of appeal on any issue, except placement, where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action without timely notice. If the reviewer determines imminent risk of harm did not exist, the reviewer shall order corrective action.
 - 2) **Continuing Services Pertaining to Changes in Family Visitation During the Service Appeal**
~~When~~^{Where} services pertaining to the family visitation plan remain unchanged because an appeal has been requested within ~~10~~^{ten} calendar days after the date of notice, a party may request an emergency review, if that party has reasonable cause to believe that imminent risk of harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether imminent risk of harm to the child is likely to result from the stay of action. If the reviewer determines imminent risk of harm to the child is likely to result, the reviewer may order corrective action.
- c) **Clinical Placement Review**
- 1) When the issue is the removal of a child from the home of a foster family or relative caregiver~~or change of placement~~, the party objecting to the

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removal ~~or change of placement~~ must request and complete a clinical placement review before filing a request for a service appeal. The request for a clinical placement review must be made within 3 working days after receiving the notice of ~~intent to remove the child~~~~change of placement~~.

- 2) The Department shall conduct a clinical placement review within 5 working days after receipt of the request. During the clinical placement review, ~~the Department will~~~~there will be a~~ review ~~of~~ the current placement, the reason for the ~~removal of the child~~~~disruption or change of placement~~, ~~and~~ the child's needs regarding safety, well being and permanency, and appropriateness and stability of the proposed placement. The clinical reviewer has the authority to create an action plan that may alleviate the issues prompting removal of the child. The clinical reviewer may postpone the removal date when he/she determines the need to obtain and review additional information that currently exists in another file or the party requesting the change in placement agrees to postpone the removal date.
- 3) The Department shall provide written notice of the decision of the clinical placement review and the right to request a fair hearing through the Department's Administrative Hearings Unit.
- 43) The following placement changes shall not be subject to clinical placement review:
 - A) change in the child's substitute care placement when:
 - i) the child has been placed in a licensed foster family or relative caregiver's home for fewer than 60 days, or
 - ii) the child has been placed in an unlicensed relative caregiver's home for fewer than 90 days;
 - B) placement to consolidate siblings in a single home;
 - C) placement of a child in a specialized foster home, in accordance with a CAYIT ~~action~~ plan;

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- D) placement in a group home or institution, in accordance with a CAYIT action plan; or
- E) placement in a transitional or independent living program, in accordance with a CAYIT action plan.
- 5) The Department or provider agency may immediately remove a child from a foster family or relative caregiver's home, without timely notice to the family, when the child is determined to be at imminent risk of harm in the current placement.
- 6) When the child, family or caregiver disagrees with the final clinical placement review decision, the objecting party may request a hearing through the Department's Administrative Hearings Unit.
- 7) The request for a fair hearing must be submitted in writing within 10 days after receiving written notice of the clinical placement review decision. The request for a hearing and a copy of the clinical placement review decision shall be sent to:
- DCFS Administrative Hearings Unit
Change of Placement Appeals
406 East Monroe, Station 15
Springfield, Illinois 62701
Fax: (217) 557-4652
- 8) If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.
- d) Review of Service Decisions in CAYIT action plans
- 1) The CAYIT shall attempt to reach a consensus among participants in developing an action plan and resolve any objections to the action plan that are raised. When a consensus cannot be reached, the objecting participants shall record the nature and basis of their objection on the action plan.

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- 2) The Department shall provide a copy of the action plan to the parents (if parental rights have not been terminated), the child, the child's guardian ad litem, the child's current caregiver, and may also provide a copy to other CAYIT participants when consistent with confidentiality requirements in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).
- 3) The Department shall give written notice to the parents, the child and the child's guardian ad litem of their right to request a fair hearing through the Department's Administrative Hearings Unit if they disagree with a service decision in the action plan that denies, reduces, suspends or terminates child welfare services.
- 4) The Department shall give written notice to the current foster parent/relative caregiver of his or her right to request a fair hearing through the Department's Administrative Hearings Unit if he or she disagrees with a service decision in an action plan that directly affects the foster parent/relative caregiver or affects services provided for the benefit of a foster child in his/her care. (See Section 337.70(b) of this Part.)
- 5) The request for a fair hearing must be submitted in writing within 45 days after receiving written notice of the decision of the CAYIT. The request for a hearing and a copy of the action plan shall be sent to:

DCFS Administrative Hearings Unit
CAYIT Appeals
406 East Monroe, Station 15
Springfield, Illinois 62701
Fax: (217) 557-4652
- 6) In order to stop any recommended denial, reduction, suspension or termination of services during the appeal, the request for a fair hearing must be submitted within 10 calendar days after receiving the action plan.
- 7) When an appeal is not requested within 10 days, the child or youth shall be placed in accordance with the action plan, and all other aspects of the action plan shall be implemented during the pendency of the appeal.

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- 8) When a request for a hearing is received, the Administrative Hearings Unit shall conduct a review to determine whether re-convening the Child and Youth Investment Team is appropriate based on one of the following factors:
- A) Material information that existed at the time of the CAYIT staffing was not presented at the staffing, and the inclusion of that information would have affected the development of the action plan; or
 - B) Critical staffing participants, such as the child or youth (if clinically appropriate), current caregiver, guardian ad litem or another professional with relevant, current information about the child or youth were not in attendance at the staffing and their attendance would have affected the development of the action plan.
- 9) If the Administrative Hearings Unit review confirms that one of the factors in subsection (d)(7), is the basis for the appeal, the Administrative Hearings Unit shall refer the case back to the CAYIT to review the action plan in light of the additional material and/or include critical staffing participants.
- A) If a referral back to the CAYIT is requested or agreed to by an appellant, the appeal shall be dismissed as premature.
 - B) If the appellant does not agree to a review by the CAYIT, the administrative law judge shall refer the case for review. However, the Department shall be required to make and implement a final administrative decision within the service appeal time frame as set out in Section 337.120.

~~If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.~~

e)d) Fair Hearing

At a fair hearing, the administrative law judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The

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administrative law judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing.

- 1) At a fair hearing for service appeals of clinical placement review decisions, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the clinical ~~placement~~-reviewer was not consistent with the child's needs regarding safety, well being, and permanency.
- 2) At a fair hearing for appeals of a CAYIT action plan, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the CAYIT was not consistent with the child's needs regarding safety, well being and permanency.
- 32) At all other fair hearings, the burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was consistent with the child's needs regarding safety, well being, and permanency.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.70 What May Be Appealed

- a) By Families and Children
Families and children may appeal the following issues:
 - 1) the denial, in whole or in part, of child welfare services requested by families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days after the date of the request, whether to grant or deny services requested by the parents or children;
 - 2) a decision to reduce, suspend or terminate services;
 - 3) the choice of a permanency goal or the denial of a request for a change in permanency goal, provided the circuit court has not entered any permanency order establishing the permanency goal;

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- 4) the failure to complete a service plan within ~~45~~30 calendar days after case opening or the failure to review the service plan within the Department's specified time frames;
 - 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided in the service plan;
 - 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
 - 7) a change in the placement of the child; or
 - 8) the imposition of unnecessary services or conditions as part of a service plan.
- b) By Foster Parents and Relative Caregivers
- 1) Foster parents may appeal the following issues:
 - A) decisions made by the Department or its provider agency that directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) ~~removal of a child from the foster family home~~ ~~change in the child's substitute care placement~~, provided that the child has been placed in the home for at least 60 days. This does not include placement with the biological or adoptive parents; or siblings,

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placements for purposes of adoption as ordered by the court, or return to an individual or individuals with whom the child resided prior to entering substitute care or removal of a child at the request of the foster parents.

- 2) Relative caregivers may appeal the following issues:
 - A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359 (Authorized Child Care Payments);
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) removal of a child from the relative caregiver's home~~change in the child's substitute care placement~~, provided that, for a licensed relative caregiver, the child has been placed in the home for at least 60 days or, for an unlicensed relative caregiver, the child has been placed in the home for at least 90 days. This does not include placement with the biological or adoptive parents, or siblings, placements for purposes of adoption as ordered by the court, return to an individual or individuals with whom the child resided prior to entering substitute care, or removal of a child at the request of the foster parents.
- 3) Foster parents and relative caregivers have the right to be heard by the Department on issues specified in 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings) and 316.90 (Decision Review) that are not appealable under this Part. However, they will not be considered a party to the service appeal on issues that may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to

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adoption, the right to determine the minor's religious affiliation and other issues that do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 1-3(13) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(13)].

- 4) When the foster parent or relative caregiver appeals a change of placement, the child shall always be a party to the appeal and the child's attorney and guardian ad litem notified of the appeal. For all other appeals affecting the child, the child's attorney and guardian ad litem shall be notified.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.80 What May Not Be Appealed

The Administrator of the Administrative Hearings Unit will decide whether an issue is appropriate for fair hearing pursuant to Section 337.70 of this Part. Issues inappropriate for a fair hearing include, but are not limited to:

- a) When the sole issue is one of State or federal law regulating the automatic adjustment of services for classes of children and families;
- b) When the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- c) When the issue is not a service issue as defined in 89 Ill. Adm. Code 302 (Services Delivered by the Department), 89 Ill. Adm. Code 304 (Access ~~to~~ and Eligibility ~~for~~ Child Welfare Services), 89 Ill. Adm. Code 315 (Permanency Planning), 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings), and 89 Ill. Adm. Code 359 (Authorized Child Care Payment). ~~These~~ Such issues are to be appealed through a different appeal and administrative hearing process, as identified in 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings);
- d) When the issue involves a service that the child does not currently need, but may potentially be needed by the child at some future time;
- e) ~~d~~ When the issue regards only the Medical Assistance Program under Title XIX of

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the Social Security Act (42 USC 1396 et seq.). Appeal requests regarding Title XIX services should be sent to the Department of ~~Healthcare and Family Services~~Public Aid;

- ~~f)e)~~ When a court has made a judicial determination or issued an order on the issue being appealed.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.90 Notices of Department or Provider Agency Decisions

a) Required Notices

- 1) Persons who may appeal, pursuant to Section 337.60 ~~of this Part~~, have the right to receive a timely and adequate written notice of Department or provider agency decisions. This notice may be in the form of a completed service plan provided the service plan includes, either in the case plan or through additional documents, all of the elements required in an adequate notice (subsection (c) ~~below~~). ~~This~~Such notice shall be provided by the entity making the decision. A timely and adequate written notice is required on decisions that are appealable under Section 337.70 ~~of this Part~~.
- 2) Notices need not be "timely" in situations ~~in which~~where a child is considered to be in imminent risk of harm. In situations ~~in which~~where the Department assessed a child to be in imminent risk of harm, the Department may omit "timely written notice", but shall send adequate written notice no later than the date of the action that shall include a statement explaining why timely notice was not provided.
- 3) Written notice shall be in the appellant's primary language.

b) Timely Written Notices

A written notice is considered "timely" when mailed within the following time frames:

- 1) within 30 calendar days ~~after~~ef the request for child welfare or day care services;
- 2) at least ~~10~~ten calendar days before an action to reduce, suspend or

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terminate services, or before implementing a critical decision in situations ~~in which~~where the Department does not consider the child in imminent risk of harm;

3) within 30 calendar days ~~after~~ref the date the Department is given notice of the relative's request for placement of a Department ward.

c) A written notice is considered "adequate" when it contains:

- 1) a specific statement of the action the Department or its provider agency intends to take;
- 2) the proposed date for the intended action;
- 3) the reasons and information supporting the action, and specific rules relied upon when taking the action;
- 4) a statement advising the individual of the right to appeal the decision made by the Department or its provider agency or any part of the service plan with which he or she may not agree;

5) an explanation of the service appeal process available;

6) a statement that:

A) except as provided in subsection (c)(6)(B), an appeal of a decision made by the Department or its provider agency must be requested in writing within 45 calendar days after the date of notice; and

B) an appeal of a final decision of a clinical placement review must be requested in writing within 10 days from the clinical placement review decision (see Section 337.30(c)) if an appeal of the decision made by the Department or its provider agency is desired, the appeal must be requested in writing within 45 calendar days of the date of notice;

7) a statement that:

A) except as provided in subsection (c)(7)(B), services will continue

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unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within 10 calendar days after the date of notice; and

B) for an appeal taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal (see Section 337.30(c))services will continue unchanged, unless the child is determined to be in imminent risk of harm if services continue unchanged, if an appeal of the decision made by the Department or its provider agency is requested within ten calendar days of the date of notice;

- 8) if the issue is subject to emergency review, a statement advising the individual that an emergency review is available upon request;
- 9) the name and address of the individual who must be contacted in order to request an appeal of the decision;
- 10) a statement that the individual may have a lawyer, or other representative, witnesses, or other individuals having knowledge of the issues in dispute, present throughout the appeal process; and
- 11) a statement informing the individual that he or she may submit a brief, written summary ~~that~~which may include additional information for consideration as to why the Department or provider agency should change its decision.

d) Delivery of Notices
Notices shall be:

- 1) hand delivered with a certificate of delivery signed by the appellant or representative; or
- 2) ~~be~~ sent certified or registered mail to ~~thesuch~~ parties or their agents appointed to receive service of process in accordance with the requirements of the Illinois Administrative Procedure Act [5 ILCS 100/10-25](Ill. Rev. Stat. 1991, ch. 127, par. 1010-25).

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(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.130 Continuing Services During the Service Appeal Process

When an appellant requests a service appeal within the ~~10~~^{ten} calendar days following the date of notice of the action to be taken, the Department or its provider agency shall continue to provide services unchanged during the appeal process, unless the situation is determined to be one ~~that~~^{which} would result in imminent risk of harm to the child or others if services remain unchanged or if the appeal is about a clinical placement review decision or if a corrective order has been issued by the reviewer subsequent to an emergency review.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

Section 337.150 Notice Concerning a Service Appeal

The following persons shall receive notice that an appeal request has been granted and the date, time and place of the initial service appeal proceeding: the child (if age 13 or over and residing in substitute care), the family, the guardian ad litem upon written request and any other authorized or legal representative as defined in Section 337.60 ~~of this Part~~, the provider agency, and foster parents and relative caregivers when the issues raised on appeal directly affect the foster parents or relative caregivers or their role as caretaker of the child.

- a) If the appellant agrees to mediation or if an emergency review is requested, the Department shall provide written notice to all parties of the time, date, and place of the mediation or emergency review. Notice concerning mediation and emergency review shall inform the parties of the right to bring any evidence in an attempt to resolve the problem more quickly.
- b) The Department shall provide written notice to the appellant of a fair hearing, which shall contain the following:
 - 1) the date, time and location of the hearing;
 - 2) a statement that the appellant or his or her authorized or legal representative's failure to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing in accordance with Section 337.160 of this Part; and

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- 3) a statement of the parties' rights during the appeal process.
- c) All proceedings shall be scheduled at a time, date, and place reasonably convenient for all parties.
- d) When placement of a child in the custody or guardianship of the Department is at issue, the caregivers for the child shall receive written notice apprising them that an issue on appeal involves the placement of the child. This notice shall be provided to the caregivers at the same time that the appellant receives written notice of the fair hearing.

(Source: Amended at 36 Ill. Reg. 4388, effective March 7, 2012)

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- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2050
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2050.20	Amendment
2050.30	Amendment
2050.110	Amendment
- 4) Statutory Authority: 20 ILCS 2610
- 5) Effective date of Amendments: March 12, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: November 28, 2011; 35 Ill. Reg. 19263
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Grammatical changes only.
- 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 Amendments:

Section 2050.20 – Change of address for the Merit Board office.

Section 2050.30 – Change of address for the Merit Board office.

Section 2050.110 – Change of address for the Merit Board office.

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

Ronald P. Cooley, Executive Director
Department of State Police Merit Board
531 Sangamon Avenue East
Springfield, IL 62702

217/786-6240 Fax: 217/786-0181

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXIII: DEPARTMENT OF STATE POLICE MERIT BOARDPART 2050
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
2050.10	Applicability
2050.20	Public Requests
2050.30	Public Submissions

SUBPART B: RULEMAKING

Section	
2050.110	Procedure
2050.120	Public Hearings

SUBPART C: ORGANIZATION

Section	
2050.210	Chairman and Secretary
2050.220	Regular and Special Meetings
2050.230	Quorum and Voting
2050.240	Office

AUTHORITY: Implementing Section 3 and authorized by Section 8 of the Department of State Police Act (Ill. Rev. Stat. 1991, ch. 121, pars. 307.3 through 307.14.) [20 ILCS 2610/0.01 – 2610/0.14]

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency rule at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; codified at 7 Ill. Reg. 9900; recodified at 8 Ill. Reg. 5200; amended at 8 Ill. Reg. 5201, effective April 9, 1984; amended at 8 Ill. Reg. 7907, effective May 23, 1984; recodified from the Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3284; amended at 10 Ill. Reg. 18043, effective

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October 8, 1986; amended at 18 Ill. Reg. 6015, effective April 1, 1994; amended at 36 Ill. Reg. 4414, effective March 12, 2012.

SUBPART A: PUBLIC INFORMATION

Section 2050.20 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested, the reason for the request and, when applicable, timing requirements. Requests should be directed to:

Executive Director
Department of State Police Merit Board
[531 Sangamon Avenue East](#)~~3180 Adloff Lane, Suite 100~~
Springfield, Illinois [62702](#)~~62703~~

- b) The Department shall respond to ~~such~~ requests within 10 days ~~after~~ receipt, whenever possible.
- c) When confidential information is requested, or whenever release of information is limited or prohibited by statute, the requestor shall be notified in writing.

(Source: Amended at 36 Ill. Reg. 4414, effective March 12, 2012)

Section 2050.30 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities of the Department in writing to:

Executive Director
Department of State Police Merit Board
[531 Sangamon Avenue East](#)~~3180 Adloff Lane, Suite 100~~
Springfield, ~~Illinois~~ [62702](#)~~62703~~

(Source: Amended at 36 Ill. Reg. 4414, effective March 12, 2012)

SUBPART B: RULEMAKING

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Section 2050.110 Procedure

- a) Rules may be proposed by the members of the Merit Board, the Executive Director, and members of the Department of State Police, but shall be [filed](#) issued only by the Merit Board Chairman.
- b) Any interested person may [request](#) petition the Merit Board to make, amend or repeal a rule.
 - 1) The [request](#) petition shall be addressed [to](#):

Executive Director
Department of State Police Merit Board
[531 Sangamon Avenue East](#)~~3180 Adloff Lane, Suite 100~~
Springfield, Illinois [62702](#)~~62703~~
 - 2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.
- c) Rules adopted by the Merit Board shall be available to any requesting party.
- d) Rules adopted by the Merit Board shall be available for public inspection during normal working hours at [531 Sangamon Avenue East](#)~~3180 Adloff Lane, Suite 100~~, Springfield, Illinois.

(Source: Amended at 36 Ill. Reg. 4414, effective March 12, 2012)

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- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
150.230	Amendment
150.310	Amendment
150.430	Amendment
- 4) Statutory Authority: [20 ILCS 2610/8 and 2610/10]
- 5) Effective date of Amendments: March 12, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: November 28, 2011; 35 Ill. Reg. 19268
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 150.240 will not be repealed until the Illinois State Police, who are responsible for probation periods, have an opportunity to add probation period guidelines to their rules. See the list of changes below:
 1. In Section 150.240, deleted "(Repealed)" from the Section heading and restored the text rather than repealing it as originally proposed.
 2. In Section 150.230, added "If these criteria have been met, the officer must complete the application process; pass a fitness test; and have a background investigation initiated.".
 3. In Section 150.310, added "in an occupational analysis for each rank, a copy of which is on file and available for inspection at the Merit Board office".

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4. In Section 150.430(h), updated the CFR reference from "1982" to "2010".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
- Section 150.230 – established specific guidelines for the Recertification process.
Section 150.310 – removed the rank of major as the Merit Board no longer uses it.
Section 150.430 – removed the rank of major as the Merit Board no longer uses it.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Ronald P. Cooley, Executive Director
Department of State Police Merit Board
531 Sangamon Avenue East
Springfield, IL 62702

217/786-6240 Fax: 217/786-0181

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director

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150.530	Notification to Suspended Officer
150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers

150.APPENDIX A Vision Standards (Repealed)

150.APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill.

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Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006; amended at 30 Ill. Reg. 19727, effective December 15, 2006; amended at 31 Ill. Reg. 15296, effective November 5, 2007; amended at 36 Ill. Reg. 4419, effective March 12, 2012.

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.230 Recertification

The Upon request of the Director, the Board shall consider for recertification sworn officers who have resigned in good standing and whose written request is received in the Merit Board office

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within one calendar year after their date of separation. If these criteria have been met, the officer must complete the application process; pass a fitness test; and have a background investigation initiated. The Board shall render ~~its~~ decisions and make recertifications on an individual basis. The Director may re-appoint after recertification.

(Source: Amended at 36 Ill. Reg. 4419, effective March 12, 2012)

SUBPART C: CLASSIFICATION OF RANKS

Section 150.310 Ranks

The Merit Board classifies sworn State Police officers according to the ~~following~~ ranks listed in this Section. Standards and Qualifications for each rank are established for description and test purposes in an occupational analysis for each rank, a copy of which is on file and available for inspection at the Merit Board office:

State Police Officers

~~Major~~

Captain

Lieutenant

Master Sergeant

Sergeant

Special Agent

Trooper

(Source: Amended at 36 Ill. Reg. 4419, effective March 12, 2012)

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.430 Procedures

- a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to

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participate.

- b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
- c) ~~Candidates~~ Candidates ~~Such candidates~~ must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
- d) Promotional Process Components
The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

Components

Sergeant:

Job Knowledge Test	50%
Performance Appraisal	45%
Seniority in Rank	Up to 5 points

Master Sergeant, Lieutenant and
Captain:

Job Knowledge Test, Performance Appraisal and Assessment Exercise, combined	95%
Seniority in Rank	Up to 5 points

- e) Candidates for the ranks of Master Sergeant, Lieutenant and Captain will participate in a written examination and an assessment exercise, as well as receive a performance appraisal and a seniority score. The combined score will be standardized to a 100 point scale. The top 65% of all Sergeants, Master Sergeants and Lieutenants participating in the total promotional process will be certified by the Board. The top 65% of candidates is calculated by taking the total number of candidates on that list, multiplying that number by 0.65 and, in a case of a fraction, rounding up to the next whole integer. Any officer whose rank on the list is equal to or less than that number shall be considered certified for

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promotion. All candidates competing for the ranks of Lieutenant and Captain must possess a Bachelor's Degree. Those candidates hired before 1999 will be granted 10 years to complete a Bachelor's Degree. The 10 year period will begin on January 1, 2003 and end on December 31, 2013. Candidates must have graduated with a "C" average or better from an accredited college or university, as certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:

- 1) Middle States Association of Colleges and Schools;
 - 2) North Central Association of Colleges and Schools;
 - 3) New England Association of Schools and Colleges;
 - 4) Northwest Association of Schools and Colleges;
 - 5) Southern Association of Colleges and Schools;
 - 6) Western Association of Schools and Colleges.
- f) The Board will certify to the Director the top 65% of those Troopers and Special Agents participating in the total promotional process. The top 65% of candidates is calculated by taking the total number of candidates on that list, multiplying that number by 0.65 and, in a case of a fraction, rounding up to the next whole integer. Any officer whose rank on the list is equal to or less than that number shall be considered certified for promotion.
- g) There will be a statewide certification list for the rank of Captain. The certification lists for Sergeant and Master Sergeant will be according to Districts and the certification lists for Lieutenant will be according to Regions, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes.
- h) The top 10 candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, [2010-1982](#))) and Illinois Department of Human Rights

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guidelines.

- 1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
 - 2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.
- i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.
 - j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.
 - k) ~~Candidates for the rank of Major will be nominated to the Board by written request from the Illinois State Police. The Board will review the position requirements, candidate information and any written/oral examinations necessary to determine if the candidate will be certified for promotion.~~

(Source: Amended at 36 Ill. Reg. 4419, effective March 12, 2012)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Crossbow and Standing Vehicle Hunting Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
760.10	Amendment
760.20	Amendment
760.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]
- 5) Effective Date of Emergency Amendments: March 7, 2012
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they will expire: This emergency rulemaking will be replaced by permanent rulemaking prior to expiration of the 150-day period.
- 7) Date filed with the Index Department: March 7, 2012
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: To incorporate language authorized by Public Act 97-645, effective December 30, 2011.
- 10) A Complete Description of the Subjects and Issues Involved: This Public Act authorizes the Department to issue crossbow permits to persons who have a temporary physical impairment. An emergency amendment to this Part is necessary to give the Department the opportunity to process applications and issue permits to eligible hunters prior to the first date of the spring turkey hunting season.
- 11) Are there any proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not affect units of local governments.
- 13) Information and questions regarding these emergency amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

George Sisk, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

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

PART 760
 CROSSBOW AND STANDING VEHICLE
 HUNTING AUTHORIZATIONS

Section

760.10 Issuance of Permits

EMERGENCY

760.20 Crossbow Permits

EMERGENCY

760.21 Crossbow Equipment Requirements

760.22 Crossbow Hunting Rules

760.30 Standing Vehicle Permits

EMERGENCY

760.40 Rejection of Application/Revocation of Permits

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

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective November 21, 2001; amended at 32 Ill. Reg. 3294, effective February 25, 2008; amended at 34 Ill. Reg. 12862, effective August 20, 2010; emergency amendment at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days.

Section 760.10 Issuance of Permits**EMERGENCY**

- a) Persons age 62 and older may hunt with the use of a crossbow in accordance with this Part without first obtaining a crossbow permit.
- b) The Department of Natural Resources (Department) ~~shall~~ **may**, after investigation, issue a permit to hunt with a crossbow ~~or from a standing vehicle~~ to any qualified person as provided in ~~Section~~ **Sections** 760.20 ~~and 760.30~~.

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- c) The Department shall, after investigation, issue a permit to hunt from a standing vehicle to any qualified person as described in Section 760.30.
- d)e) An applicant for a crossbow or standing vehicle permit shall submit an application on a form prepared and furnished by the Department, which shall include a written statement or report prepared and signed by a licensed physician, no more than 3 months preceding receipt of the application by the Department, verifying that the applicant is physically disabled as defined in Section 760.20(a) or 760.30(a) of this Part.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days)

Section 760.20 Crossbow Permits**EMERGENCY**

- a) Eligibility
After proper application, the Department ~~shall~~ may issue a permanent (Class A) permit or temporary (Class B) permit to hunt with a crossbow to those persons who have a permanent or temporary physical impairment due to injury or disease, congenital or acquired, that renders them so severely disabled as to be unable to use a conventional bow and arrow device. ~~A person who meets any of the following automatically qualifies for a crossbow permit:~~
- 1) Class A Permanent Disability
A person who meets any of the following qualifies for a permanent crossbow permit:
- ~~A)1)~~ Has an amputation or other loss of one or more arms.
- ~~B)2)~~ Has an amputation or other loss of the index and middle finger on the draw and release hand.
- ~~C)3)~~ Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following standard tests, administered under the direction of a licensed physician:
- ~~i)A)~~ Upper extremity pinch.

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~~ii)B)~~ Grip.

~~iii)C)~~ Nine-hole peg.

~~D)4)~~ Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician.

~~E)5)~~ Is blind.

~~i)A)~~ For the purpose of this subsection (a)~~(1)(E)(i)(5)~~, an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

~~ii)B)~~ The holder of a crossbow permit issued under this subsection (a)~~(1)(E)(ii)(5)~~ shall be accompanied by a person who is not eligible to apply for a permit under this subsection. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has the appropriate licenses and/or permits to do so. The assistance rendered by the accompanying person who has not been issued the appropriate licenses and/or permits shall be limited to sighting the crossbow, identifying the game and field dressing, tagging and retrieving game for the permit holder.

2) Class B Temporary Disability
A person who meets any of the following qualifies for a temporary crossbow permit:

A) Has a temporary, substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any

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one of the following standard tests administered under the direction of a licensed physician:

i) Upper extremity pinch.

ii) Grip.

iii) Nine-hole peg.

B) Has a temporary, substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests administered under the direction of a licensed physician.

- b) Any applicant with a permanent physical disability who, after taking the standard tests described in subsections (a)(1)(C), ~~(3)~~, and (a)(1)(D)(4), (a)(2)(A) or (a)(2)(B) fails to qualify for a crossbow permit may file a supplemental application with the Department for further consideration and review. The nature of the applicant's disability and how it renders the applicant unable to use a conventional bow and arrow device must be thoroughly explained on the supplemental application by the physician. The supplemental application shall be forwarded to a physician, selected by the Department, who is board certified in occupational and preventive medicine. The Department's physician will then notify the Department as to whether the applicant should be issued a crossbow permit.
- c) Class A permits~~Permits~~ issued under this Section shall be valid for a period of 3 years from the date of issuance specified on the permit. Class B permits issued under this Section shall be valid for a period of 1 year from the date of issuance specified on the permit.
- d) Loss of the crossbow hunting permit shall require the holder to reapply.
- e) Reapplication will require the Class A permit applicant to certify that he/she is still suffering from a permanent physical disability that renders him/her unable to use a conventional bow and arrow device. Persons issued a Class B permit are required to reapply upon expiration of the permit.

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

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days)

Section 760.30 Standing Vehicle Permits**EMERGENCY**

- a) Eligibility
- 1) Class A – Permanent Disability
After proper application, the Department may issue a Class A permit to shoot from a vehicle to paraplegics or other persons, if the person meets any of the following:
 - A) has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prosthesis below the knees, 2 crutches or 2 canes for mobility;
 - B) suffers significantly from lung disease, to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or arterial oxygen tension is less than 60 millimeters of mercury on room air at rest; or
 - C) suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to the standards accepted by the American Heart Association on May 3, 1988, and where ordinary physical activity causes discomfort, fatigue, palpitation, dyspnea or anginal pain.
 - 2) Class B – Temporary Disability
After proper application, the Department may issue a Class B permit to shoot from a vehicle to persons who are temporarily disabled and have restricted ambulation due to:

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- A) a leg, hip or back, or any part thereof, casted by a licensed physician;
 - B) post-surgical effects of leg, hip or back surgery; or
 - C) illness or injury.
- b) Class A permits issued under this Section shall be valid for a period of 3 years from the date of issuance as specified on the permit. Class B permits issued under this Section shall be valid for a period of not more than 1 year~~90 days~~ from the date of issuance as specified on the permit.
- c) Loss of the standing vehicle hunting permit shall require the holder to reapply.
- d) Reapplication for a Class A permit will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to walk. Reapplication for a Class B permit requires the same documentation as an original application.
- e) Standing Vehicle Hunting Rules
- 1) Standing vehicle permit holders are authorized to shoot from a vehicle that is totally immobile with the engine turned off. When the vehicle is moving, guns must be unloaded and enclosed in a case, and bow and arrow devices unstrung, enclosed in a case or otherwise rendered inoperable, in accordance with Section 2.33(n) of the Wildlife Code [520 ILCS 5/2.33(n)]. Holders of Standing Vehicle Permits, who are in the field legally hunting pheasant, quail, Hungarian partridge or rabbit, shall be permitted to carry a loaded and uncased shotgun in or on a vehicle or conveyance in accordance with the provisions of 17 Ill. Adm. Code 530.10(b).
 - 2) The standing vehicle permit applies only on private property where permission of the landowner has been obtained. It does not apply on public roadways. Persons wishing to shoot/hunt from a standing vehicle on Department-owned or managed properties must obtain permission from the Site Superintendent in accordance with 17 Ill. Adm. Code 110.

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- 3) Season dates, hours, daily limits, possession limits, and all other requirements by law apply.
- 4) The issuance of a standing vehicle permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.
- 5) The standing vehicle permit must be carried by the hunter while exercising this privilege and must be presented to any law enforcement authority upon request.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE S Peremptory Action: 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) Section 310.Appendix A Table S to reflect a Memorandum of Understanding (MOU) with the Illinois State Employees Association (ISEA) Laborers' International Union of North America Local 2002 VR-704 bargaining unit signed February 9, 2012. The MOU is for the Public Service Administrator (PSA) title Option 8K, which is Special License - Licensed Psychologist, position number 37015-10-66-400-00-01 at the Department of Human Services (DHS). The PSA title Option 8K position number 37015-10-66-400-00-01 at DHS is assigned to pay grade VR-704-25 Pay Plan Code B effective September 8, 2011. That same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case No. S-UC-12-004) assigned the PSA title Option 8K number 37015-10-66-400-00-01 at DHS to VR-704 bargaining unit.
- 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].
- 6) Effective Date: March 9, 2012
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table S and in the title table, the Option 8K at Department of Human Services is added to the other Public Service Administrator (PSA) title options assigned to VR-704-25. In the Note following the title table the Option 8K is added to the list of PSA options to reference in Section 310.50.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: March 9, 2012

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.47	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705, April 8, 2011

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310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE N	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE S	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.APPENDIX B TABLE X	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.50	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.500	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE D	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE E	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE F	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE L	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE X	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX B TABLE X	Amendment	36 Ill. Reg. 3312, March 9, 2012

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 this peremptory amendment 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

217/782-7964

Fax: 217/524-4570

CMS.PayPlan@Illinois.gov

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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
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310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days;

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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;

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amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24,

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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

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amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a

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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.

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6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory 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; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory 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; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill.

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NOTICE OF PEREMPTORY AMENDMENT

Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory 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; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory 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; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; peremptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE S VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Clinical Services Supervisor	08260	VR-704	24
Forensic Science Administrator I	15911	VR-704	24
Forensic Science Administrator II	15912	VR-704	25
Juvenile Justice Chief of Security	21965	VR-704	24
Police Lieutenant	32977	VR-704	24
Public Service Administrator, Option 7 (criminal intelligence analyst supervisor, strategic management policy administrator, firearms specialist, computer evidence recovery specialist, and narcotics and currency unit supervisor non-sworn functions at State Police, statewide enforcement function at Financial and Professional Regulation, and superintendent, operations center supervisor and training academy supervisor functions at Corrections)	37015	VR-704	25
Public Service Administrator, Option 7 (inspector sworn and sex offender registry supervisor non-sworn functions at State Police)	37015	VR-704	26
Public Service Administrator, Options 7 (criminal intelligence analyst supervisor, strategic management policy administrator, firearms specialist, computer evidence recovery specialist, and narcotics and currency unit supervisor non-sworn functions at State Police, statewide enforcement function at Financial and Professional Regulation, and superintendent, operations center supervisor and training academy supervisor functions at Corrections) and 8K (Department of Human Services)	37015	VR-704	25
Public Service Administrator, Options 7	37015	VR-704	24

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

(women and family services coordinator, district supervisor, staff assistant and deputy commander of intelligence functions at Corrections and investigator function at Human Services in the Office of the Inspector General), 8L (at Corrections and Illinois State Police) and 8J (dietary manager function at Corrections)			
Senior Public Service Administrator, Option 7 (research and development unit chief function at Illinois State Police)	40070	VR-704	24
Senior Public Service Administrator, Option 7 (protected services unit operations commander and senior terrorism advisor functions at Illinois State Police)	40070	VR-704	25
Senior Public Service Administrator, Option 7 (assistant director of forensic science training, quality assurance and safety director and section chief functions at Illinois State Police)	40070	VR-704	26
Senior Public Service Administrator, Option 7 (deputy laboratory director function at Illinois State Police)	40070	VR-704	27
Shift Supervisor	40800	VR-704	24

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the following options: 7; [8J](#); [8K](#) and [8L](#); ~~and 8J~~. The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the Option 7. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
24	B	6403	6743	7098	7436	7781	8131	8642	8987
24	Q	6693	7050	7416	7774	8129	8498	9032	9393

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

24	S	6777	7129	7497	7854	8214	8583	9112	9478
25	B	6826	7198	7577	7956	8334	8713	9272	9644
25	Q	7130	7522	7915	8317	8712	9106	9691	10079
25	S	7214	7606	7999	8396	8792	9185	9773	10165
26	B	7283	7681	8090	8499	8895	9294	9896	10290
26	Q	7634	8049	8475	8903	9319	9735	10366	10780

Effective January 1, 2012
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
24	B	6483	6827	7187	7529	7878	8233	8750	9099
24	Q	6777	7138	7509	7871	8231	8604	9145	9510
24	S	6862	7218	7591	7952	8317	8690	9226	9596
25	B	6911	7288	7672	8055	8438	8822	9388	9765
25	Q	7219	7616	8014	8421	8821	9220	9812	10205
25	S	7304	7701	8099	8501	8902	9300	9895	10292
26	B	7374	7777	8191	8605	9006	9410	10020	10419
26	Q	7729	8150	8581	9014	9435	9857	10496	10915
27	B	7872	8300	8739	9181	9611	10042	10691	11119

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 4437, effective March 9, 2012)

OFFICE OF THE COMPTROLLER

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Office of the Comptroller Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1120
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1120.01	Amendment
1120.05	Amendment
1120.08	Amendment
1120.15	Amendment
1120.525	Amendment
1120.1002	Amendment
1120.2005	Amendment
1120.2010	Amendment
1120.2015	Amendment
1120.2020	Amendment
1120.2025	Amendment
1120.2030	Amendment
1120.2035	Amendment
1120.2040	Amendment
1120.2050	Amendment
1120.2060	Amendment
1120.2560	Repeal
1120.2580	New Section
1120.4545	Amendment
1120.4550	Amendment
1120.5510	Amendment
1120.5520	Amendment
1120.5555	New Section
- 4) Date Notice of Proposed Amendments Published in the Illinois Register: June 3, 2011;
35 Ill. Reg. 8287
- 5) Reason for the withdrawal: The Office of the Comptroller is withdrawing these proposed amendments in order to submit a revised proposal for amendments to this Part.

ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF NATURAL RESOURCES

Heading of the Part: Hound Running Areas

Code Citation: 17 Ill. Adm. Code 970

Section Numbers: 970.10 970.30 970.50 970.70 970.90
970.20 970.40 970.60 970.80

Date Originally Published in the Illinois Register: 4/22/11
35 Ill. Reg. 6742

At its meeting on March 6, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department of Natural Resources be more timely in proposing rules implementing statute. Its rulemaking titled Hound Running Areas (17 Ill. Adm. Code 970; 35 Ill. Reg. 6742) was proposed over 3 years after PA 95-196 authorized this program.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

SECRETARY OF STATE

Heading of the Part: Illinois Safety Responsibility Law

Code Citation: 92 Ill. Adm. Code 1070

Section Numbers: 1070.120

Date Originally Published in the Illinois Register: 12/23/11
35 Ill. Reg. 20125

At its meeting on March 6, 2012, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that SOS be more timely in proposing rules that implement statutory directives. Section 7-316.1 of the Illinois Vehicle Code became effective 1/1/06, almost 6 years before this rulemaking was proposed.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO AND
FILING PROHIBITION OF PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

Section Numbers: 300.1230

Date Originally Published in the Illinois Register: 6/24/11
35 Ill. Reg. 9927

At its meeting on March 6, 2012, the Joint Committee on Administrative Rules voted to object to the above-proposed rulemaking and prohibit its filing with the Secretary of State. The reason for the Objection and Prohibition is as follows:

JCAR objected to, and prohibited the filing of, the Department of Public Health's rulemaking titled Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300; 35 Ill. Reg. 9927) because, at this time, the rulemaking requires clarification to communicate DPH's requirements to the regulated community and affected Illinois residents. Without this clarification, the rulemaking creates a serious threat to the public welfare.

The proposed rulemaking may not be filed with the Secretary of State or enforced by the Department of Public Health for any reason following receipt of this certification and statement by the Secretary of State for as long as the Filing Prohibition remains in effect.

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 March 6, 2012 through March 12, 2012 and have been scheduled for review by the Committee at its April 17, 2012 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
4/19/12	<u>State Board of Education</u> , Evaluation of Certified Employees Under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50)	12/2/11 35 Ill. Reg. 19467	4/17/12
4/20/12	<u>Department of Healthcare and Family Services</u> , Practice in Administrative Hearings (89 Ill. Adm. Code 104)	12/2/11 35 Ill. Reg. 19322	4/17/12
4/20/12	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	12/2/11 35 Ill. Reg. 19368	4/17/12
4/22/12	<u>Teachers' Retirement System of the State of Illinois</u> , The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)	12/30/11 35 Ill. Reg. 21013	4/17/12
4/25/12	<u>Elevator Safety Review Board</u> , Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000)	10/7/11 35 Ill. Reg. 15819	4/17/12

ILLINOIS ADMINISTRATIVE CODE
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Rules acted upon in Volume 36, Issue 12 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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**JOINT COMMITTEE ON
ADMINISTRATIVE RULES**

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**JOINT COMMITTEE ON
ADMINISTRATIVE RULES**

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