

TABLE OF CONTENTS

April 13, 2012 Volume 36, Issue 15

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
Extensions of Jurisdiction
80 Ill. Adm. Code 305.....5652

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF
Residential Services Construction Grant Program
89 Ill. Adm. Code 363.....5656

Licensing Standards for Day Care Homes
89 Ill. Adm. Code 406.....5663

Licensing Standards for Group Day Care Homes
89 Ill. Adm. Code 408.....5678

ILLINOIS GAMING BOARD
Riverboat Gambling
86 Ill. Adm. Code 3000.....5694

POLLUTION CONTROL BOARD
Introduction
35 Ill. Adm. Code 301.....5713

Water Quality Standards
35 Ill. Adm. Code 302.....5721

Water Use Designations and Site-Specific Water Quality Standards
35 Ill. Adm. Code 303.....5756

SECRETARY OF STATE
Illinois State Library Talking Book and Braille Service (TBBS)
(Repealer)
23 Ill. Adm. Code 3025.....5761

Illinois State Library Grant Programs
23 Ill. Adm. Code 3035.....5770

ADOPTED RULES

STUDENT ASSISTANCE COMMISSION, ILLINOIS
Public Information, Rulemaking and Organization
2 Ill. Adm. Code 5375.....5840

Information Requests
2 Ill. Adm. Code 5376.....5850

EMERGENCY RULES

LOTTERY, DEPARTMENT OF THE
Lottery (General)
11 Ill. Adm. Code 1770.....5856

**NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON
ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO
PROPOSED RULES**

NATURAL RESOURCES, DEPARTMENT OF

Hound Running Areas	
17 Ill. Adm. Code 970.....	5876
NOTICE OF MODIFICATION IN RESPONSE TO AN OBJECTION AND	
FILING PROHIBITION OF THE JOINT COMMITTEE ON	
ADMINISTRATIVE RULES	
SECRETARY OF STATE	
Procedures and Standards	
92 Ill. Adm. Code 1001.....	5877
JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
April Agenda.....	5878
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	5886

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
31	July 23, 2012	August 3, 2012
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
44	October 22, 2012	November 2, 2012
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 CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
305.290	New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b]
- 5) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services (CMS) is amending the Extensions of Jurisdiction (80 Ill. Adm. Code 305) by adding Section 305.290 to reflect six Memoranda of Understanding between the American Federation of State, County and Municipal Employees (AFSCME) and the State of Illinois. The first Memorandum of Understanding (MOU) pertains to the non-Personnel-Code Nuclear Safety Information Specialist II title at the Department of Central Management Services' Illinois Office of Communication and Information and was signed July 10, 2009. The second MOU pertains to the non-Personnel-Code Management Secretary I at the Illinois Commerce Commission and was signed September 17, 2009. The third MOU pertains to the non-Personnel-Code Human Resource Analyst at the Illinois Commerce Commission and was signed June 30, 2010. The fourth MOU pertains to the non-Personnel-Code Senior Financial and Budget Assistant at the Illinois Commerce Commission and was signed August 11, 2010. The fifth MOU pertains to the non-Personnel-Code Human Resource Clerk at the Illinois Commerce Commission and was signed October 18, 2010. The sixth MOU pertains to the non-Personnel-Code Transportation Industry Customer Service Representative I at the Illinois Commerce Commission and was signed December 16, 2009.
- 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 CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

Phone: 217/557-5404
Fax: 217/558-2697
mary.matheny@illinois.gov
- 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 the most recent agenda.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
305.280	Extends Jurisdiction A, B and C (June 1, 2011)
<u>305.290</u>	<u>Extends Jurisdiction A, B and C (July 1, 2012)</u>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011; amended at 36 Ill. Reg. _____, effective _____.

Section 305.290 Extends Jurisdiction A, B and C (July 1, 2012)

- a) Effective July 1, 2012, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Services' Illinois Office of Communication and Information position performing work as a Nuclear Safety Information Specialist II and to the Illinois Commerce Commission positions performing work as Management Secretary I, Human Resource Analyst, Senior Financial and Budget Assistant, Human Resource Clerk, or Transportation Industry Customer Service Representative I.
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to July 1, 2012 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective July 1, 2012.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Residential Services Construction Grant Program
- 2) Code Citation: 89 Ill. Adm. Code 363
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
363.10	New
363.20	New
363.30	New
363.40	New
363.50	New
363.60	New
- 4) Statutory Authority: 20 ILCS 530
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule describes the Department's Residential Services Construction Grant Program, grant application procedures, the information considered when deciding whether a grant application will be approved, post-grant-award requirements, allowable and disallowable costs, and required record keeping.
- 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 new Part implements the DCFS Residential Services Construction Grant Program Act [20 ILCS 530 (P.A. 96-1192)]
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses affected: This rulemaking affects child care facilities licensed by the Department pursuant to the Child Care Act of 1969 [225 ILCS 10] that provide residential services to children served by the Department.
 - B) Report, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
 - C) Type of professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 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 need for rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER c: FISCAL ADMINISTRATION

PART 363

RESIDENTIAL SERVICES CONSTRUCTION GRANT PROGRAM

Section

363.10	Purpose
363.20	Definitions
363.30	Operation of the Grant Program
363.40	Eligibility for Grant
363.50	Use of Grant Moneys
363.60	Reporting

AUTHORITY: Implementing and authorized by the DCFS Residential Services Construction Grant Program Act [20 ILCS 530].

SOURCE: Adopted at 36 Ill. Reg. _____, effective _____.

Section 363.10 Purpose

The purpose of this Part is to describe Residential Services Construction Grants that may be offered by the Department, how to apply for a Residential Services Construction Grant from the Department, what information is considered when deciding whether a grant application will be approved, post-grant-award requirements, allowable and disallowable costs, and required record keeping.

Section 363.20 Definitions

"Board" means the Illinois Capital Development Board [20 ILCS 530/5].

"Department" means the Illinois Department of Children and Family Services [20 ILCS 530/5].

"Residential services" means child care institution care, group home care, independent living services, and transitional living services that are licensed and purchased by the Department on behalf of children under the age of 22 years who are served by the Department and who need 24 hour residential care due to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

emotional and behavior problems and that are services for which the Department has rate setting authority [20 ILCS 530/5].

Section 363.30 Operation of the Grant Program

- a) *The Department, in consultation with the Board, shall establish the DCFS Residential Services Construction Grant Program and, pursuant to the Department's resource allocation management plan determined in consultation with eligible providers, may make grants to eligible licensed residential services providers, subject to appropriations, out of funds reserved for capital improvements or expenditures as provided for in this Part. The Program shall operate in a manner so that the estimated cost of the Program during the fiscal year will not exceed the total appropriation for the Program. The grants shall be for the purpose of constructing new residential services sites, renovating existing residential services sites, and supporting capital rate enhancements for residential services sites' capital projects. [20 ILCS 530/10]*
- b) The Department shall develop criteria and issue policy guidance each year for assessing requests. Requests will be based on the Department's strategic directions and the overall residential needs for the children being served at any given time. The criteria will include specific requirements that demonstrate the agency's performance and financial status. The criteria will be analyzed, discussed and updated from time to time, in collaboration with representatives of the provider community.

Section 363.40 Eligibility for Grant

- a) *To be eligible for a grant under this Part, a recipient must be a residential services provider with which the Department contracts for residential services [20 ILCS 530/15].*
- b) All grant requests shall be submitted, in writing, to the Department's Deputy Director of Budget and Finance, and must be received by the Department during March 1 through March 31 of the current State fiscal year in order to be considered for the subsequent fiscal year. Requests shall be mailed to:

Department of Children and Family Services
Division of Budget and Finance
Attn: Residential Service Construction Grant Committee

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

406 East Monroe, Station 440
Springfield, Illinois 62701

- c) To be considered, a request shall include at least the following information:
- 1) A certified audit report for the provider's most recent (prior) fiscal year;
 - 2) A clear, concise statement explaining and justifying the request;
 - 3) A detailed statement of financial, statistical and related program information in support of the request;
 - 4) Description of the expected client benefits and outcomes;
 - 5) Data identifying the individual cost of each item for which the grant is being sought, and a cost schedule for any viable options that could be included or excluded from an award;
 - 6) A detailed explanation of why the costs cannot be funded within the agency's current financing;
 - 7) The number of Department clients that will be served if the grant is awarded; and
 - 8) Certification, under penalty of perjury, by the chief executive officer and the financial officer of the provider that the application and all the information reports, schedules, budgets, and records submitted are true, correct and accurate.
- d) Review Process
- 1) Within 30 days after receipt of a request, designated staff of the Department's Division of Budget and Finance shall acknowledge, in writing, that the request has been received and forward the request to the chairperson of the Residential Service Construction Grant Committee.
 - 2) The committee shall include representatives of the Department and may include, by invitation of the Director, representatives of the provider community. When providers serve on the committee, they must be able to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

accept the current established criteria and serve with objectivity. Once a grant request is submitted, no member of the committee can be approached by the requesting agency or its representatives to discuss the proposal in any way. No committee member may discuss the individual requests from agencies outside the committee process.

- 3) The committee shall review each request for adequacy of documentation, appropriateness of the request, and the agency's fiscal stability, and shall consider the requesting agency's performance history for the current and preceding two fiscal years.
 - 4) The committee shall assess each request in relation to the Department's resource allocation management plan, and shall also consider fiscal efficiency and the best use of resources for the greatest number of Department clients.
 - 5) A request submitted by March 31 of the current State fiscal year shall be reviewed by the committee within 90 days after that date.
- e) On or before June 30 of the current State fiscal year, the Department shall advise each grant applicant, in writing, whether the request has been approved or denied for the upcoming fiscal year. This notification timeframe is subject to a signed budget. All decisions are considered final and are not subject to appeal.

Section 363.50 Use of Grant Moneys

- a) *A recipient of a grant under this Part may use the grant moneys to do any one or more of the following to improve services for Department clients:*
 - 1) *Acquire a new physical location for the purpose of delivering licensed residential services.*
 - 2) *Construct or renovate new or existing licensed residential services sites.*
 - 3) *Support capital rate enhancements for licensed residential services sites' capital projects. [20 ILCS 530/20]*
- b) Disallowable costs for which grant monies may not be used are the same as the disallowable costs set forth in 89 Ill. Adm. Code 356.60 (Rate Setting).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED RULES

Section 363.60 Reporting

Within 60 days after the first year of a grant under this Part, the grant recipient must submit a progress report to the Department. The Department may assist each grant recipient in meeting the goals and objectives stated in the original grant proposal submitted by the recipient, in ensuring that grant moneys are being used for appropriate purposes, and in ensuring that residents of the community are being served by the new residential services sites established with grant moneys. [20 ILCS 530/25]

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3) Section Number: 406.8 Proposed Action: Amend
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILCS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved: In order to comply with federal regulations (16 CFR 1219 or 1220), the amendment requires that by December 28, 2012 all cribs in the daycare home meet the federal safety standard.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Does this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
406.2	Amend	35 Ill. Reg. 17491; November 4, 2011
406.4	Amend	35 Ill. Reg. 17491; November 4, 2011
406.6	Amend	35 Ill. Reg. 17491; November 4, 2011
406.9	Amend	35 Ill. Reg. 17491; November 4, 2011
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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
TDD: 217/ 524-3715
Fax: 217/557-0692
E-Mail: CFPolicy@idcfs.state.il.us

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 406.APPENDIX D Pre-Service and In-Service Training
406.APPENDIX E List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], and Section 5 of The Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012; amended at 36 Ill. Reg. _____, effective _____.

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

wiring.

- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.
 - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Carbon Monoxide Detector
 - A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
- B) A second exit may be a window.
- i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

area.

- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of OSFM.
- 11) All walls and surfaces shall be free from chipped or peeling paint, carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
 - 12) Walls of rooms that children use shall be maintained free of lead paint.
 - 13) Furniture and equipment shall be kept in safe repair.
 - 14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
 - 15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 16) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 17) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- A) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- B) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children. (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.*
- 18) There shall be written plans for fire and tornado emergencies. Caregivers and assistants in the home shall be familiar with these plans.
- A) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
- B) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
- C) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
- D) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as the safe spots.
- 19) Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible.
- 20) Tornado drills shall be conducted monthly for the purpose of getting

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

children accustomed to moving to a position of safety in the event of a tornado.

- 21) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained on file for a period of 3 years.
- 22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.
 - A) All corridors and escape routes from the home shall be kept clear of obstructions.
 - B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.
 - C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.
 - E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.
 - F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc) on any exit door or exit window.
 - G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outside.
 - H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
- 23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

are operable. A log of these daily inspections shall be maintained for at least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.

- 24) The licensee shall hold monthly fire inspections of the day care home.
- 25) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 26) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 27) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 28) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 29) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 30) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
- 31) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:

- 1) A minimum of 35 square feet of floor space per each child in care, and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person ~~mayshall~~ smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person ~~mayshall~~ smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No openings shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
- 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
- m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- n) [By December 28, 2012, the day care home shall obtain certification that all cribs used by the center meet or exceed the federal safety standards in 16 CFR 1219 or 1220. This certification from the manufacturer shall be available for inspection by](#)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

| the licensing representative.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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
TDD: 217/524-3715
Fax: 217/557-0692
E-Mail: CFPolicy@idcfs.state.il.us

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	Pre-Service and In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
408.APPENDIX I	List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. _____, effective _____..

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.
 - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- 5) Carbon Monoxide Detector
 - A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
 - 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
 - 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
 - 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
 - 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.
 - 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
 - 12) When the basement area may be used for child care, 2 exits shall be

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

provided.

- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
 - B) A second exit may be a window.
 - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
 - C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of ~~the~~ OSFM.
- 13) All walls and surfaces shall be free from chipped or peeling paint.
- 14) Walls of rooms that children use shall be maintained free of lead paint, carpeting, fabric, or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.
- 15) Furniture and equipment shall be kept in safe repair.
- 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.

- 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 18) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
- 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.
 - 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.
 - 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.
 - 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
 - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
 - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
 - 9) The licensee shall hold monthly fire safety inspections of the group day care home.
 - 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
 - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- d) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present*

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. *Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.* [225 ILCS 10/5.5]

- e) Indoor space shall consist of a clean, comfortable environment for children.
 - 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- j) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- k) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- l) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

- A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- n) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- o) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

and care for the animals.

- 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) There shall be written response plans for fire and **tornado** emergency. These plans shall be familiar to all caregivers and assistants in the group day care home.
- 1) The fire evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route.
 - 2) The fire evacuation plan shall identify a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
 - 3) The fire evacuation plan shall require that the home be evacuated before calling the local emergency number 911.
 - 4) Fire drills shall be conducted monthly for the purpose of removing children from the group day care home as quickly as possible during an emergency.
 - 5) Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.

- 6) The written tornado plan shall specify what actions will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
 - 7) Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.
- r) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
 - s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
 - t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
 - 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
 - 2) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
 - u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) By December 28, 2012, the group day care home shall obtain certification that all cribs used by the center meet or exceed the federal safety standards in 16 CFR 1219 or 1220. This certification from the manufacturer shall be available for inspection by the licensing representative.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3000.100	Amendment
3000.625	Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), (6), (7) and (13) of this Act [230 ILCS 10/5 (c) (2), (3), (6), (7), and (13)]
- 5) A Complete Description of the Subjects and Issues Involved: The definition of "Electronic Gaming Device" in Section 3000.100 of the riverboat gambling rules (86 Ill. Adm. Code 3000.100) is changed to include multiple position devices in the following categories: reel-type, single-game video, and multi-game video. Currently, the definition of "Electronic Gaming Device" only includes single position devices in these categories. The Illinois Gaming Board has already approved and allowed an Electronic Gaming Device with multiple positions.

Section 3000.625 of this Part, Chip Specifications (86 Ill. Adm. Code 3000.625), is amended to require that each chip issued by the holder of an owner's license shall have permanently impressed, engraved, or imprinted upon it the location of the Riverboat Gaming Operation. This change will make the identification requirements for chips consistent with those for tokens. Tokens issued by, or used in, Riverboat Gaming Operations currently must clearly identify their location under Section 635 of this Part, Issuance and Use of Tokens and Vouchers for Gaming (86 Ill. Adm. Code 3000.635).
- 6) Published studies and reports, and underlying sources of 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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Lynn J. Carter
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. (312) 814-7253
lynn.carter@igb.illinois.gov
- 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: The proposed rulemaking will impose no additional requirements.
 - C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory agenda on which this rulemaking was summarized: The proposed amendment to 86 Ill. Adm. Code 3000.100 was not summarized in a regulatory agenda. The proposed amendment to 86 Ill. Adm. Code 3000.625 was summarized in the Board's January 2012 regulatory agenda.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, Cash and Electronic Credits
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: SURVEILLANCE AND SECURITY

Section	
3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967,

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act [230 ILCS 10].

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single- and Multiple-Position Reel-Type, Single- and Multiple-Position Single-Game Video and Single- and Multiple-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier's cage of a Riverboat Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a Riverboat Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Remote Access": Communication with an electronic information system from a remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": A provider of Gaming Equipment/Supplies, Gaming Equipment maintenance or repair services, security services or a lessor of a Riverboat or dock facility.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming Device.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is issued by a Voucher Printer connected to an Electronic Gaming Device at a Riverboat Gaming Operation and which scrip is redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a Riverboat Gaming Operation and the total face value of Vouchers accounted for by the Riverboat Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices at a Riverboat Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

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

SUBPART F: CONDUCT OF GAMING

Section 3000.625 Chip Specifications

a) Value Chips

- 1) Each Chip issued by a holder of an Owner's License shall be round in shape, have clearly and permanently impressed, engraved or imprinted thereon the name and location of the issuing Riverboat Gaming Operation and the specific value of the Chip, except that a holder of an Owner's License may issue Gaming Chips without a value impressed, engraved or imprinted thereon for Roulette. Chips with a value contained thereon shall be known as "Value Chips" and Chips without a value contained thereon shall be known as "Non-Value Chips."
- 2) Value Chips may be issued by the holder of the Owner's License in denominations of \$.25, \$.50, \$1.00, \$2.50, \$5.00, \$20.00, \$25.00, \$100.00, \$500.00, \$1,000.00 and \$5,000.00. The holder of the Owner's License shall have the discretion to determine the denominations to be utilized on its Riverboat and the amount of each denomination necessary for the conduct of Gaming operations.
- 3) Each denomination of Value Chip shall have a different primary color from every other denomination of Value Chip. Value Chips shall fall within the colors set forth below when such Chips are viewed both in daylight and under incandescent light. In conjunction with such primary colors, each holder of an Owner's License shall utilize contrasting secondary colors for the edge spots on each denomination of Value Chip. Unless otherwise approved by the Administrator, no holder of an Owner's License shall use a secondary color on a specific denomination of Chip identical to the secondary color used by another holder of an Owner's

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

License on that same denomination of the Value Chip. The primary color to be utilized by each holder of an Owner's License for each denomination of Value Chip shall be:

- A) \$0.25 – "Blue";
 - B) \$0.50 – "Mustard Yellow";
 - C) \$1.00 – "White";
 - D) \$2.50 – "Pink";
 - E) \$5.00 – "Red";
 - F) \$20.00 – "Yellow";
 - G) \$25.00 – "Green";
 - H) \$100.00 – "Black";
 - I) \$500.00 – "Purple";
 - J) \$1,000.00 – "Fire Orange"; and
 - K) \$5,000.00 – "Gray".
- 4) Each denomination of Value Chip utilized by a holder of an Owner's License shall, unless otherwise authorized by the Administrator:
- A) Have its center portion, which contains the value of the Chip and the Riverboat Gaming Operation issuing it, of a different shape for each denomination;
 - B) Be designed so as to be able to determine on closed circuit black and white television the specific denomination of such Chip when placed in a stack of Chips of other denominations; and
 - C) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 5) The Board shall have the discretion to approve a Value Chip in the denomination of \$1,000.00 or \$5,000.00 at variance with the requirements of this Section provided that any variation is specifically identified as such by the holder of the Owner's License and provided further that said variation does not affect the control, security or integrity of said Chips or the operation of the Games.
- b) Non-Value Chips
- 1) Each Non-Value Chip utilized by a Riverboat shall be issued solely for the purpose of Gaming at roulette. The Non-Value Chips at each roulette table shall:
 - A) Have the name of the Riverboat Gaming Operation issuing it molded into its center;
 - B) Contain a design, insert or symbol differentiating it from the Non-Value Chips being used at every other roulette table in the Riverboat;
 - C) Have "roulette" impressed on it; and
 - D) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.
 - 2) Non-Value Chips issued at a roulette table shall only be used for Gaming at that table and shall not be used for Gaming at any other table in the Riverboat nor shall any holder of an Owner's License or its employees allow any Riverboat patron to remove Non-Value Chips permanently from the table from which they were issued.
 - 3) No person at a roulette table shall be issued or permitted to Game with Non-Value Chips that are identical in color and design to Value Chips or to Non-Value Chips being used by another person at the same table. When a patron purchases Non-Value Chips, a Non-Value Chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel. At that time, a marker button denoting the value of a stack of 20 Chips of that color shall be placed in the slot or receptacle.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 4) Non-Value Chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the Riverboat Gaming Operation. When so presented, the dealer at such table shall exchange them for an equivalent amount of Value Chips which may then be used by the patron in Gaming or redeemed as any other Value Chips.
- 5) Each holder of an Owner's License shall have the discretion to permit, limit or prohibit the use of Value Chips in Gaming at roulette provided, however, that it shall be the responsibility of the holder of an Owner's License to keep accurate account of the Wagers being made at roulette with Value Chips so that the Wagers made by the one player are not confused with those made by another player at the table.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Introduction
- 2) Code Citation: 35 Ill. Adm. Code 301
- 3) Section Number: 301.106 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Sections 22.12 and 57 - 57.19 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.12, 27, 28, and 57 - 57.19]
- 5) A Complete Description of the Subjects and Issues Involved: A lengthy description is contained in the Board's March 15, 2012 first notice opinion and order in Board Docket R11-18 Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312 (Mar. 15, 2012). The Illinois Environmental Protection Agency (IEPA) filed this.

The Board proposes to amend the materials incorporated by reference in Section 301.06 to include an updated methodology concerning cyanide used to determine compliance with the water quality standards in 35 Ill. Adm. Code Part 302 (described elsewhere in this issue of the Illinois Register). No one has objected to the proposed update at the two public hearings held, or in written public comment.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The rulemaking includes amendments to 35 Ill. Adm. Code Parts 301, 302, and 303. The list of documents used by IEPA to prepare this proposal is quite lengthy. As the bulk of the proposed amendments are to the Part 302 water quality standards, the Board is including that list only in the notice pages for Part 302.
- 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? Yes. Section 301.106 is the central incorporations by reference Section for 35 Ill. Adm. Code. Subchapter C at 35 Ill. Adm. Code 301.106.
- 10) Are there any other proposed rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may download copies of the Board's opinion and order [in R11-18](#) from the Board's Web site at www.ipcb.state.il.us and may also request copies by calling the Clerk's office at 312-814-3620.

The Board will accept written public comment on this proposal for 45 days after the date of publication in the Illinois Register. Comments should refer to Docket R11-18 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

- 13) Initial Regulatory Flexibility Analysis: Part 301 itself imposes no requirements; it contains general provisions applicable to the enforcement of water quality standards in Part 302 (described elsewhere in this issue of the Illinois Register).
 - 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: July 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 301
INTRODUCTION

Section	
301.101	Authority
301.102	Policy
301.103	Repeals
301.104	Analytical Testing
301.105	References to Other Sections
301.106	Incorporations by Reference
301.107	Severability
301.108	Adjusted Standards
301.200	Definitions
301.205	Act
301.210	Administrator
301.215	Agency
301.220	Aquatic Life
301.221	Area of Concern
301.225	Artificial Cooling Lake
301.230	Basin
301.231	Bioaccumulative Chemicals of Concern
301.235	Board
301.240	CWA
301.245	Calumet River System
301.247	Chicago Area Waterway System
301.250	Chicago River System
301.255	Combined Sewer
301.260	Combined Sewer Service Area
301.265	Construction
301.267	Conversion Factor
301.270	Dilution Ratio
301.275	Effluent
301.280	Hearing Board
301.282	Incidental Contact Recreation
301.285	Industrial Wastes

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

301.290	Institute
301.295	Interstate Waters
301.300	Intrastate Waters
301.301	Lake Michigan Lakewide Management Plan
301.305	Land Runoff
301.307	Lower Des Plaines River
301.310	Marine Toilet
301.311	Method Detection Level
301.312	Minimum Level
301.313	Metals Translator
301.315	Modification
301.320	New Source
301.323	Primary Contact Recreation
301.324	Non-contact Recreation and Non-recreational
301.325	NPDES
301.330	Other Wastes
301.331	Outlier
301.335	Person
301.340	Pollutant
301.341	Pollutant Minimization Program
301.345	Population Equivalent
301.346	Preliminary Effluent Limitation
301.350	Pretreatment Works
301.355	Primary Contact
301.356	Projected Effluent Quality
301.360	Public and Food Processing Water Supply
301.365	Publicly Owned Treatment Works
301.370	Publicly Regulated Treatment Works
301.371	Quantification Level
301.372	Reasonable Potential Analysis
301.373	Same Body of Water
301.375	Sanitary Sewer
301.380	Secondary Contact
301.385	Sewage
301.390	Sewer
301.395	Sludge
301.400	Standard of Performance
301.405	STORET
301.410	Storm Sewer

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

301.411	Total Maximum Daily Load
301.413	Total Metal
301.415	Treatment Works
301.420	Underground Waters
301.421	Wasteload Allocation
301.425	Wastewater
301.430	Wastewater Source
301.435	Watercraft
301.440	Waters
301.441	Water Quality Based Effluent Limitation
301.442	Wet Weather Point Source
301.443	Whole Effluent Toxicity
301.APPENDIX A	References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 5 Ill. Reg. 6384, effective May 28, 1981; codified at 6 Ill. Reg. 7818; amended in R88-1 at 13 Ill. Reg. 5984, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2879, effective February 13, 1990; amended in R99-8 at 23 Ill. Reg. 11277, effective August 26, 1999; amended in R02-11 at 27 Ill. Reg. 158, effective December 20, 2002; amended in R08-9(A) at 35 Ill. Reg. 15071, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. _____, effective _____.

Section 301.106 Incorporations by Reference

- a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

"ASTM" means American Society for Testing and Materials.

"GPO" means Superintendent of Documents, U.S. Government Printing Office.

"NTIS" means National Technical Information Service.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Association.

"USEPA" means United States Environmental Protection Agency.

- b) The Board incorporates the following publications by reference:

American Public Health Association et al., ~~800 I4015 Fifteenth~~ Street, N.W.,
Washington, D.C. ~~20001-3710, (202)777-2742~~~~20005~~.

Standard Methods for the Examination of Water and Wastewater, ~~21st16th~~
Edition, ~~2005~~~~1985~~.

ASTM. American Society for Testing and Materials, 100 Barr Harbor Drive,
West Conshohocken, PA 19428-2959, (610)832-9585

ASTM Standard E 724-80 "Standard Practice for Conducting Static Acute
Toxicity Tests with Larvae of Four Species of Bivalve Molluscs",
approved 1980.

ASTM Standard E 729-80 "Standard Practice for Conducting Static Acute
Toxicity Tests with Fishes, Macroinvertebrates, and Amphibians",
approved 1980.

ASTM Standard E 857-81 "Standard Practice for Conducting Subacute
Dietary Toxicity Tests with Avian Species", approved 1981.

ASTM Standard E 1023-84 "Standard Guide for Assessing the Hazard of a
Material to Aquatic Organisms and Their Uses", approved 1984.

ASTM Standard E 1103-86 "Method for Determining Subchronic Dermal
Toxicity", approved 1986.

ASTM Standard E 1147-87 "Standard Test Method for Partition
Coefficient (n-Octanol/Water) Estimation by Liquid Chromatography",
approved February 27, 1987.

ASTM Standard E 1192-88 "Standard Guide for Conducting Acute
Toxicity Tests on Aqueous Effluents with Fishes, Macroinvertebrates and
Amphibians", approved 1988.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

ASTM Standard E 1193-87 "Standard Guide for Conducting Renewal Life-Cycle Toxicity Tests with Daphnia Magna", approved 1987.

ASTM Standard E 1241-88 "Standard Guide for Conducting Early Life-Stage Toxicity Tests with Fishes", approved 1988.

ASTM Standard E 1242-88 "Standard Practice for Using Octanol-Water Partition Coefficients to Estimate Median Lethal Concentrations for Fish due to Narcosis", approved 1988.

ASTM Standard E 4429-84 "Standard Practice for Conducting Static Acute Toxicity Tests on Wastewaters with Daphnia", approved 1984.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703)487-4600

SIDES: STORET Input Data Editing System, January 1973, Document Number PB-227 052/8.

Water Quality Data Base Management Systems, February 1984, Document Number AD-P004 768/8.

USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460

Mutagenicity and Carcinogenicity Assessment for 1,3-Butadiene, September 1985, Document Number EPA/600/8-85/004A.

[Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001.](#)

- c) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202)783-3238:

Procedure 5.b.2 of Appendix F of 40 CFR 132 (1995)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

40 CFR 136 (1996)

40 CFR 141 (1988)

40 CFR 302.4 (1988)

- d) The Board incorporates the following federal regulations by reference, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202)783-3238:

USEPA 1996: The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion. EPA 823-B-96-007 (1996).

- e) This Section incorporates no future editions or amendments.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
302.208	Amend
302.303	Amend
302.304	Amend
302.504	Amend
302.510	Amend
302.553	Amend
302.595	Amend
302.648	Amend
302.657	Amend
302.669	Amend
- 4) Statutory Authority: Implementing Sections 22.12 and 57 - 57.19 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.12, 27, 28, and 57 - 57.19]
- 5) A Complete Description of the Subjects and Issues Involved: A lengthy description is contained in the Board's March 15, 2012 first notice opinion and order in Board Docket R11-18 Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312 (Mar. 15, 2012). The Board's proposal is based on the December 2, 2010 proposal filed by the Illinois Environmental Protection Agency (Agency or IEPA) under Section 27 of the Illinois Environmental Protection Act (Act), 415 ILCS 5/27 (2010) and the Board's procedural rules at 35 Ill. Adm. Code 102. IEPA's proposal was the culmination of a recent "triennial review" of standards required by the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 USC 1313.

The Board's first notice proposal includes IEPA's proposed updates to the boron, fluoride, and manganese water quality standards under the General Use standards in 35 Ill. Adm. Code 302.Subpart B, the Public and Food Processing Water Supply standards in 35 Ill. Adm. Code 302.Subpart C, and the Lake Michigan Basin Water Quality Standards in 35 Ill. Adm. Code 302.Subpart E. The proposal also makes other clean-up amendments and updates, including the correction of the chronic zinc standard and the repeal of a site-specific fluoride standard at 35 Ill. Adm. Code 303.312. The Board is adding cyanide test methods to the incorporations by reference in Parts 301 and 302. Finally, the Board

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

is also amending the requirements in Sections 302.595 and 302.669 that the Agency publish the derived water quality criteria in the *Illinois Register*, to require annual rather than quarterly publication (to better reflect the rate of updates to the criteria).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The rulemaking includes amendments to 35 Ill. Adm. Code Parts 301, 302, and 303. The list of documents used by IEPA to prepare this proposal is quite lengthy. As the bulk of the proposed amendments are to the Part 302 water quality standards, the Board is including that list here only:

Guidance Documents

Method OIA-1677 Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, 821-R-99-013, United States Environmental Protection Agency (August, 1999).

Standard Methods for the Examination of Water and Wastewater: Centennial Edition. 21st Edition. Eaton, AD, LS Clesceri, EW Rice, AE Greenberg, and MAR Franson (editors). ISBN: 0875530478. American Public Health Association. 2005. Washington, D.C.

Pollution Control Board Opinions: Rulemakings of General Applicability

In the Matter of Water Quality Triennial Review: Amendments to 35 Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141 (h),- and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11 (December 19, 2002).

In the Matter of Conforming Amendments/or the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101; 302.105; 302. Subpart E; 303.443, and 304.222, R97-25.

In the Matter of Proposed Amendments to Title 35, Subtitle C (Toxins Control), R88-21 - Docket A (January 25, 1990).

In the Matter of Water Quality Standards Revisions, R71-14 (Consolidated with R70-8 and R71-20) (March 7, 1972).

Pollution Control Board Opinions: Site Specific Rulemakings and Adjusted Standards Boron

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

In the Matter of: City of Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Run Creek: 35 Ill. Adm. Code 303.447 and 303.448, R09-11 (August 6, 2009).

In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City, Water, Light and Power and Springfield Metro Sanitary District from 35 Ill. Adm. Code 302.208(g): New 35 Ill. Adm. Code 303.446, R09-8 (May 21, 2009).

In the Matter of: Petition of Central Illinois Light Company (Duck Creek Station) for Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105 Regarding the Parameter Boron, AS96-8 (June 20, 1996).

In the Matter of: Petition of Illinois Power Company (Baldwin Power Plant) for Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105 Regarding the Parameter Boron, AS96-I (May 2, 1996).

In the Matter of: Petition of the City of Springfield, Office of Public Utilities for an Adjusted Standard from 35 Ill. Adm. Code 302.208(e), AS94-9 (December 1, 1994).

In the Matter of: Petition of Akzo Chemicals, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.105 and 302.208, AS93-8 (September 1, 1994).

In the Matter of: Petition of South Illinois Power Cooperative (Marion Power) for Adjusted Standard from 35 Ill.. Adm. Code 302.208(e), AS92-10 (July 1, 1993).

In the Matter of: The Proposed Amendment to Rule 203 of the Water Pollution Regulations. R76-18 (May 25, 1978) (Illinois Power Wood River Station).

Fluoride

In the Matter of: Granite City Division of National Steel Petition for Adjusted Standard from 35 Ill. Adm. Code 302.208: Numeric Standard for Fluoride, AS 90-4 (April 8, 1993).

In the Matter of: Petition of General Motors Corporation to Amend 35 Ill. Adm. Code 303.222 (Site Specific Regulation for Fluoride), R93-13 (January 11, 1995).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

In the Matter of: Site-Specific Limitation for the Modine Manufacturing Company Facility, Ringwood, Illinois, R87-36 (May 24, 1990)

In the Matter of: Site Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233, R03-11 (December 18, 2003).

Toxicity Studies and Data used in Derivation of Proposed Water Quality standards and summarized in Attachment 1, Exhibits G, H, O, P, Q and R:

Beleau, MH and JA Bartosz. 1982. Acute toxicity of selected chemicals: data base. U.S. Fish and Wildlife Service, Colorado River Fishery Project, Report No.6. Salt Lake City, Utah. 3:242-254.

Biesinger, KE and OM Christensen. 1972. Effects of various metals on survival, growth, reproduction, and metabolism of *Daphnia magna*. Journal of the Fisheries Research Board of Canada 29:1691-1700.

Buikema, AL, CL See, and J Cairns, Jr. 1977. Rotifer sensitivity to combinations of inorganic water pollutants. OWRT Project A-071-VA. Virginia Water Resources Research Center Bulletin No. 92. Blackburg, VA; 42 p.

Calleja, MC, G Persoone, and P Geladi. 1994. Comparative acute toxicity of the first 50 multicentre evaluation of *in vitro* cytotoxicity chemicals to aquatic non-vertebrates. Archives of Environmental Contamination and Toxicology 26:69-78.

Camargo, JA and JV Tarazona 1990. Acute toxicity to freshwater benthic macroinvertebrates of fluoride ion (F-) in soft water. Bulletin of Environmental Contamination and Toxicology 45:883-887.

Camargo, JA and JV Tarazona. 1991. Short-term toxicity of fluoride ion (F-) in soft water to rainbow trout (*Salmo gairdneri*) and brown trout (*Salmo trutta fario*). Fluoride 24(2):76-83.

Camargo, JA, JV Ward, and KL Martin. 1992. The relative sensitivity of competing hydropsychid species to fluoride toxicity in the Cache la Poudre River (Colorado). Archives of Environmental Contamination and Toxicology 22:107-113.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Couillard Y, P Ross, and B Pinel-Alloul. 1989. Acute toxicity of six metals to the rotifer *Brachionus calyciflorus*, with comparisons to other freshwater organisms. Toxicity Assessment 4:451-462.

Davies, PH and SF Brinkman. 1994. Acute and chronic toxicity of manganese to exposed and unexposed rainbow and brown trout. Federal Aid in Fish and Wildlife Restoration Job Progress Report, Colorado Division of Wildlife, Fish Research Section. Fort Collins, CO, USA. Federal Aid Project #F-243R-1.

Davies, PH and SF Brinkman. 1995. Acute and chronic toxicity of manganese to brown trout (*Salmo trutta*) in hard water. Federal Aid in Fish and Wildlife Restoration Job Progress Report, Colorado Division of Wildlife, Fish Research Section. Fort Collins, CO, USA. Federal Aid Project #F-243R-2.

Davies, PH, SF Brinkman, and M McIntyre. 1998a. Toxicity of manganese and zinc to Boreal toad tadpoles (*Bufo boreas*). In: Federal Aid in Fish and Wildlife Restoration Job Progress Final.

Report, Colorado Division of Wildlife, Fish Research Section. Fort Collins, CO, USA. Federal Aid Project #F-243R-5.

Davies, PH, SF Brinkman, and M McIntyre. 1998b. Toxicity of manganese to early-life stage and fry of brook trout (*Salvelinusfontinalis*) and rainbow trout (*Oncorhynchus mykiss*) in water hardnesses of 30 and 150 mg/L. In: Federal Aid in Fish and Wildlife Restoration Job Progress Final Report, Colorado Division of Wildlife, Fish Research Section. Fort Collins, CO, USA. Federal Aid Project #F-243R-5.

Dethloff, GM, WA Stubblefield, and CE Schlekat. 2009. Effects of water quality parameters on boron toxicity to *Ceriodaphnia dubia*. Archives of Environmental Contamination and Toxicology 57:60-67.

ENSR. 1990. Unpublished in-house data.

ENSR. 1992a. Acute toxicity of manganese to *Pimephales promelas* under static-renewal test conditions at four levels of water hardness. June 1992.

ENSR. 1992b. Acute toxicity of manganese to *Ceriodaphnia dubia* under static-renewal test conditions at four levels of water hardness. June 1992.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- ENSR. 1992c. Chronic toxicity of manganese to *Ceriodaphnia dubia* under static-renewal test conditions at four levels of water hardness. July 1992.
- ENSR. 1996e. Early life stage toxicity of manganese to the fathead minnow (*Pimephales promelas*) under flow-through test conditions. March 1996.
- Fieser, AH. 1985. Toxicity of fluorides to aquatic organisms: modeling for water hardness and temperature. Dissertation. University of Pittsburgh.
- Gersich, FM. 1984. Evaluation of a static renewal chronic toxicity test method for *Daphnia magna Straus* using boric acid. Environmental Toxicology and Chemistry 3:89-94.
- Great Lakes Environmental Center. October 22, 2010. Final Report on Acute and Chronic Toxicity of Nitrate, Nitrite, Boron, Manganese, Fluoride, Chloride and Sulfate to Several Aquatic Animal Species.
- Hamilton, SJ. 1995. Hazard assessment of inorganics to three endangered fish in the Green River, Utah. Ecotoxicology and Environmental Safety 30:134-142.
- Hamilton, SJ and KJ Buhl. 1990. Acute toxicity of boron, molybdenum and selenium to fry of chinook salmon and coho salmon. Archives of Environmental Contamination and Toxicology 19(6):366-373.
- Hamilton, SJ and KJ Buhl. 1997. Hazard evaluation of inorganics, singly and in mixtures to Flannelmouth Sucker, *Catostomus lalipinnis*, in the San Juan River, New Mexico. Ecotoxicology and Environmental Safety 38:296-308.
- Harding ESE, Inc. 2001. Acute toxicity of strontium to *Oncorhynchus mykiss*, and manganese to *Physa integra*, under static test conditions. Laboratory Project ID: 311213.0100. September 2001.
- Herbert, DWM and DS Shurben. 1964. The toxicity of fluoride to rainbow trout. Water and Waste Treatment. Sept/Oct 1964, pp.141 - 142.
- Hickey, CWo 1989. Sensitivity of four New Zealand cladoceran species and *Daphnia magna* to aquatic toxicants. New Zealand Journal of Marine and Freshwater Research 23:131-137.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Keller, AE and T Augspurger. 2005. Toxicity of fluoride to the endangered unionid mussel, *Alasmidonta raveneliana*, and surrogate species. Bulletin of Environmental Contamination and Toxicology 74:242-249.
- Khargarot, BS. 1991. Toxicity of metals to a freshwater tubificid worm, *Tubifex tubi/ex* (Muller). Bulletin of Environmental Contamination and Toxicology. 46:906-912.
- Lasier PJ, PV Winger, and K.J Bogenrieder. 2000. Toxicity of manganese to *Ceriodaphnia dubia* and *Hyalella azteca*. Archives of Environmental Contamination and Toxicology 38(3):298-304.
- Lewis, M. 1978. Acute toxicity of copper, zinc, and manganese in single and mixed salt solutions to juvenile longfin dace, *Agosia chrysogaster*. Journal of Fish Biology 13:695-700.
- Lewis, MA and LC Valentine. 1981. Acute and chronic toxicities of boric acid to *Daphnia magna* Straus. Bulletin of Environmental Contamination and Toxicology 27:309-315.
- Maier, KJ and AW Knight. 1991. The toxicity of waterborne boron to *Daphnia magna* and *Chironomus decorus* and the effects of water hardness and sulfate on boron toxicity. Archives of Environmental Contamination and Toxicology 20:282-287.
- Metcalf-Smith, JL, KE Holtze, GR Sirota, JJ Reid, and SR De Solla. 2003 . Toxicity of aqueous and sediment-associated fluoride to freshwater organisms. Environmental Toxicology and Chemistry 22: 161-166.
- Office of Pesticide Programs. 2000. Pesticide Ecotoxicity Database (Formerly: Environmental Effects Database (EEDB)). Environmental Fate and Effects Division, U.S. EPA, Washington, D.C.
- Pimentel, R and RV Bulkley. 1983. Influence of Water Hardness on Fluoride Toxicity to Rainbow Trout. Environmental Toxicology and Chemistry 2(4):381-386.
- Rathore, RS and BS Khargarot. 2003. Effects of water hardness and metal concentration on a freshwater *Tubifex tubifex* Muller. Water, Air, and Soil Pollution 142:341-356.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Reimer, PS. 1999. Environmental effects of manganese and proposed guidelines to protect freshwater life in British Columbia. Unpubl. Master's Thesis, Univ. British Columbia.

Sanders and Associates, LLC. 2007. Toxicity of boron to the aquatic organisms - *Hyalella azteca* (benthic crustacean), *Dugesia tigrina* (flatworm), *Ceriodaphnia dubia* (water flea) and *Pimephales promelas* (fathead minnow). Report to Michigan Department of Environmental Quality. April 30, 2007.

Sanders, D. 1998. Tier II boron value data supplement. Rept., RMT Applied Biology, Appleton, WI. August 7, 1998.

Sanders, D. 1999. Tier II boron value data supplement. Rept., RMT Applied Biology, Appleton, WI. February 15, 1999.

Smith, LR, TM Holsen, and NC Ibay. 1985. Studies on the acute toxicity of fluoride ion to stickleback, fathead minnow and rainbow trout. *Chemosphere* 14:1383-1389.

Soucek, DJ and A Dickinson. 2010. Acute and Chronic Toxicity of Boron, Fluoride, and Manganese to Freshwater Organisms. Illinois Natural History Survey, Institute of Natural Resource Sustainability. University of Illinois, Urbana-Champaign. Champaign, IL. Report to Illinois Environmental Protection Agency. October 5, 2010.

The Advent Group, Inc. 2000. Toxicity Test Results: Fluoride Water Quality Criteria. Prepared for U.S. Steel, Gary Works, by The Advent Group, Inc. Unpublished data.

Other Documents Relied On

Casale, RJ, MW LeChevallier, and FW Pontius. Review of Manganese Control and Related Manganese Issues. American Water Works Association (AWWA) Research Foundation and AWWA. Denver, CO, 2002.

East Fork LaMoine River Watershed TMDL Report. Illinois Environmental Protection Agency, IEPAIBOW/07-016. August, 2007.

Eckhart, CD. 1998. Boron stimulates embryonic trout growth. *Journal of Nutrition* 128:2488-2493.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Fort, DJ, TL Propst, EL Stover, FJ Murray, and PL Strong. 1999. Adverse effects from low dietary and environmental boron exposure on reproduction, development, and maturation in *Xenopus laevis*. *The Journal of Trace Elements in Experimental Medicine* 12:175-185.

Hamann, PE Jr., JB McEwen, and AG Meyers. 1990. Guide to Selection of Water Treatment Processes. In *Water Quality and Treatment: A Handbook of Community Water Supplies*. 4th Edition. American Water Works Association, McGraw-Hill, USA, pp 157-187.

Kohl, PM, and SJ Medlar. Occurrence of Manganese in Drinking Water and Manganese Control. American Water Works Association (AWWA) Research Foundation and AWWA. Denver, CO, 2006.

Loewengart, G. 2001. Toxicity of boron to rainbow trout: A weight-of-the-evidence assessment. *Environmental Toxicology and Chemistry* 20(4):796-803.

Rowe, RI, C Bouzan, S Nabili, and CD Eckhert. 1998. The response of trout and zebrafish embryos to low and high boron concentrations is U-shaped. *Biological Trace Element Research* 66:261-270.

U.S. Environmental Protection Agency Legacy STORET Data Center Database at <http://www.epa.gov/storpublllegacy/gateway.htm>.

- 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? Yes. The materials incorporated by reference are listed in the central incorporations by reference section for this Subchapter C at 35 Ill. Adm. Code 301.106.
- 10) Are there any other proposed rulemaking pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may download copies of the Board's opinion and order in R11-18 from the Board's Web site at www.ipcb.state.il.us and may also request copies by calling the Clerk's office at 312-814-3620.

The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should refer to Docket R11-18 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small businesses, small municipalities and not for profit corporations that discharge wastewaters into "waters of the State" (usually under their National Pollutant Discharge and Elimination System (NPDES) permits).
 - B) Reporting, bookkeeping or other procedures required for compliance: Those needed to comply with current permit requirements.
 - C) Types of Professional skills necessary for compliance: Wastewater treatment plant staff, possibly an environmental engineer.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 302
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	
302.100	Definitions
302.101	Scope and Applicability
302.102	Allowed Mixing, Mixing Zones and ZIDs
302.103	Stream Flows
302.104	Main River Temperatures
302.105	Antidegradation

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	
302.201	Scope and Applicability
302.202	Purpose
302.203	Offensive Conditions
302.204	pH
302.205	Phosphorus
302.206	Dissolved Oxygen
302.207	Radioactivity
302.208	Numeric Standards for Chemical Constituents
302.209	Fecal Coliform
302.210	Other Toxic Substances
302.211	Temperature
302.212	Total Ammonia Nitrogen
302.213	Effluent Modified Waters (Ammonia) (Repealed)

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	
302.301	Scope and Applicability
302.302	Algicide Permits

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

302.303	Finished Water Standards
302.304	Chemical Constituents
302.305	Other Contaminants
302.306	Fecal Coliform
302.307	Radium 226 and 228

SUBPART D: SECONDARY CONTACT AND
INDIGENOUS AQUATIC LIFE STANDARDS

Section	
302.401	Scope and Applicability
302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section	
302.501	Scope, Applicability, and Definitions
302.502	Dissolved Oxygen
302.503	pH
302.504	Chemical Constituents
302.505	Fecal Coliform
302.506	Temperature
302.507	Thermal Standards for Existing Sources on January 1, 1971
302.508	Thermal Standards for Sources Under Construction But Not In Operation on January 1, 1971
302.509	Other Sources
302.510	Incorporations by Reference
302.515	Offensive Conditions
302.520	Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.521	Supplemental Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 302.525 Radioactivity
- 302.530 Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)
- 302.535 Ammonia Nitrogen
- 302.540 Other Toxic Substances
- 302.545 Data Requirements
- 302.550 Analytical Testing
- 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values – General Procedures
- 302.555 Determining the Tier I Lake Michigan Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
- 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
- 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
- 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)
- 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
- 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife
- 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health – General
- 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
- 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHHNV)
- 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

- Section
- 302.601 Scope and Applicability
- 302.603 Definitions
- 302.604 Mathematical Abbreviations
- 302.606 Data Requirements
- 302.612 Determining the Acute Aquatic Toxicity Criterion for an Individual Substance –

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

	General Procedures
302.615	Determining the Acute Aquatic Toxicity Criterion – Toxicity Independent of Water Chemistry
302.618	Determining the Acute Aquatic Toxicity Criterion – Toxicity Dependent on Water Chemistry
302.621	Determining the Acute Aquatic Toxicity Criterion – Procedure for Combinations of Substances
302.627	Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance – General Procedures
302.630	Determining the Chronic Aquatic Toxicity Criterion – Procedure for Combinations of Substances
302.633	The Wild and Domestic Animal Protection Criterion
302.642	The Human Threshold Criterion
302.645	Determining the Acceptable Daily Intake
302.648	Determining the Human Threshold Criterion
302.651	The Human Nonthreshold Criterion
302.654	Determining the Risk Associated Intake
302.657	Determining the Human Nonthreshold Criterion
302.658	Stream Flow for Application of Human Nonthreshold Criterion
302.660	Bioconcentration Factor
302.663	Determination of Bioconcentration Factor
302.666	Utilizing the Bioconcentration Factor
302.669	Listing of Derived Criteria
302.APPENDIX A	References to Previous Rules
302.APPENDIX B	Sources of Codified Sections
302.APPENDIX C	Maximum total ammonia nitrogen concentrations allowable for certain combinations of pH and temperature
302.TABLE A	pH-Dependent Values of the AS (Acute Standard)
302.TABLE B	Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Absent
302.TABLE C	Temperature and pH-Dependent Values of the CS (Chronic Standard) for Fish Early Life Stages Present
302.APPENDIX D	Section 302.206(d): Stream Segments for Enhanced Dissolved Oxygen Protection

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b), and 27].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1356, effective December 24, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective August 26, 1999; amended in R01-13 at 26 Ill. Reg. 3505, effective February 22, 2002; amended in R02-19 at 26 Ill. Reg. 16931, effective November 8, 2002; amended in R02-11 at 27 Ill. Reg. 166, effective December 20, 2002; amended in R04-21 at 30 Ill. Reg. 4919, effective March 1, 2006; amended in R04-25 at 32 Ill. Reg. 2254, effective January 28, 2008; amended in R07-9 at 32 Ill. Reg. 14978, effective September 8, 2008; amended in R11-18 at 36 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.208 Numeric Standards for Chemical Constituents

- a) The acute standard (AS) for the chemical constituents listed in subsection (e) shall not be exceeded at any time except for those waters for which a zone of initial dilution (ZID) applies pursuant to Section 302.102 as provided in subsection (d).
- b) The chronic standard (CS) for the chemical constituents listed in subsection (e) shall not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except for those waters in which the Agency has approved a mixing zone or allowed mixing pursuant to Section 302.102 as provided in subsection (d). The samples used to demonstrate attainment or lack of attainment with a CS must be collected in a manner that assures an average representative of the sampling period. For the chemical constituents ~~metals~~ that have water quality based standards dependent upon hardness, the chronic water quality standard will be calculated according to subsection (e) using the hardness of the water body at the time the ~~metals~~ sample was collected. To calculate attainment status of chronic metals standards, the concentration of the chemical constituent ~~metal~~ in each sample is divided by the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

calculated water quality standard for the sample to determine a quotient. The water quality standard is attained if the mean of the sample quotients is less than or equal to one for the duration of the averaging period.

- c) The human health standard (HHS) for the chemical constituents listed in subsection (f) shall not be exceeded when the stream flow is at or above the harmonic mean flow pursuant to Section 302.658 nor shall an annual average, based on at least eight samples, collected in a manner representative of the sampling period, exceed the HHS except for those waters in which the Agency has approved a mixing zone or allowed mixing pursuant to Section 302.102 as provided in subsection (d).
- d) The standard for the chemical constituents of subsections (g) and (h) shall not be exceeded at any time except for those waters in which the Agency has approved a mixing zone or allowed mixing pursuant to Section 302.102. In waters where mixing is allowed pursuant to Section 302.102, the following apply:
 - 1) ~~The AS shall not be exceeded in any waters except for those waters for which the Agency has approved a zone of initial dilutions (ZID) pursuant to Section 302.102.~~
 - 2) ~~The CS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.~~
 - 3) ~~The HHS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.~~
- e) Numeric Water Quality Standards for the Protection of Aquatic Organisms

Constituent	<u>STORET Number</u>	AS (µg/L)	CS (µg/L)
Arsenic (trivalent, dissolved)	<u>22680</u>	360 X 1.0* = 360	190 X 1.0* = 190
<u>Boron (total)</u>		<u>40,100</u>	<u>7,600</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Cadmium (dissolved)	01025	$e^{A+B\ln(H)} \times \left\{ 1.138672 - \left[\frac{[(\ln(H))(0.041838)]}{5} \right] \right\}^{*5}$	$e^{A+B\ln(H)} \times \left\{ 1.101672 - \left[\frac{[(\ln(H))(0.041838)]}{5} \right] \right\}^{*5}$
		where $A = -2.918$ and $B = 1.128$	where $A = -3.490$ and $B = 0.7852$
Chromium (hexavalent, total)	01032	16	11
Chromium (trivalent, dissolved)	80357	$e^{A+B\ln(H)} \times 0.316^{*5}$	$e^{A+B\ln(H)} \times 0.860^{*5}$
		where $A = 3.688$ and $B = 0.8190$	where $A = 1.561$ and $B = 0.8190$
Copper (dissolved)	01040	$e^{A+B\ln(H)} \times 0.960^{*5}$	$e^{A+B\ln(H)} \times 0.960^{*5}$
		where $A = -1.464$ and $B = 0.9422$	where $A = -1.465$ and $B = 0.8545$
Cyanide**	00718	22	5.2
<u>Fluoride</u> (total)		$\frac{e^{A+B\ln(H)}}{}$	$\frac{e^{A+B\ln(H)}}{}$ <u>but shall not exceed 4.0 mg/L</u>
		<u>where $A = 6.7319$ and $B = 0.5394$</u>	<u>where $A = 6.0445$ and $B = 0.5394$</u>
Lead (dissolved)	01049	$e^{A+B\ln(H)} \times \left\{ 1.46203 - \left[\frac{[(\ln H)(0.1457/2)]}{5} \right] \right\}^{*5}$	$e^{A+B\ln(H)} \times \left\{ 1.46203 - \left[\frac{[(\ln H)(0.145712)]}{5} \right] \right\}^{*5}$
		where $A = -1.301$ and $B = 1.273$	where $A = -2.863$ and $B = 1.273$
<u>Manganese</u>		$\frac{e^{A+B\ln(H)} \times 0.9812^{*5}}{}$	$\frac{e^{A+B\ln(H)} \times 0.9812^{*5}}{}$

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

		<u>where A = 4.9187 and B = 0.7467</u>	<u>where A = 4.0635 and B = 0.7467</u>
Mercury (dissolved)	71890	2.6 X 0.85* = 2.2	1.3 X 0.85* = 1.1
Nickel (dissolved)	01065	$e^{A+B\ln(H)} \times 0.998^*$	$e^{A+B\ln(H)} \times 0.997^*$
		where A = 0.5173 and B = 0.8460	where A = -2.286 and B = 0.8460
TRC	500600	19	11
Zinc (dissolved)	01090	$e^{A+B\ln(H)} \times 0.978^*$	$e^{A+B\ln(H)} \times 0.986^*$
		where A = 0.9035 and B = 0.8473	where A = -0.4456A 0.8165 and B = 0.8473
Benzene	78124	4200	860
Ethylbenzene	78113	150	14
Toluene	78131	2000	600
Xylene(s)	81551	920	360

where:

- $\mu\text{g/L}$ = microgram per liter
 - e^x = base of natural logarithms raised to the x-power
 - $\ln(H)$ = natural logarithm of Hardness (~~STORET-00900~~)
 - *
 - **
- standard to be evaluated using either of the following USEPA approved methods, incorporated by reference at 35 Ill. Adm. Code 301.106: Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Amperometry, January 2004, Document Number EPA-821-R-04-001 or Cyanide Amenable to Chlorination, Standard Methods 4500-CN-G (40 CFR 136.3)

f) Numeric Water Quality Standard for the Protection of Human Health

Constituent	STORET Number	(µg/L)
Mercury (total)	71900	0.012
Benzene	78124	310

where:

µg/L = micrograms per liter

g) Single-value standards apply at the following concentrations for these substances: Concentrations of the following chemical constituents shall not be exceeded except in waters for which mixing is allowed pursuant to Section 302.102.

Constituent	Unit	STORET Number	Standard
Barium (total)	mg/L	01007	5.0
Boron (total)	mg/L	01022	1.0
Chloride (total)	mg/L	00940	500
Fluoride	mg/L	00951	1.4
Iron (dissolved)	mg/L	01046	1.0
Manganese (total)	mg/L	01055	1.0
Phenols	mg/L	32730	0.1
Selenium (total)	mg/L	01147	1.0
Silver (total)	µg/L	01077	5.0

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

where:

mg/L = milligram per liter and

µg/L = microgram per liter

- h) Water quality standards for sulfate are as follows~~The following concentrations for sulfate must not be exceeded except in receiving waters for which mixing is allowed pursuant to Section 302.102:~~

- 1) At any point where water is withdrawn or accessed for purposes of livestock watering, the average of sulfate concentrations must not exceed 2,000 mg/L when measured at a representative frequency over a 30 day period.
- 2) The results of the following equations provide sulfate water quality standards in mg/L for the specified ranges of hardness (in mg/L as CaCO₃) and chloride (in mg/L) and must be met at all times:
 - A) If the hardness concentration of receiving waters is greater than or equal to 100 mg/L but less than or equal to 500 mg/L, and if the chloride concentration of waters is greater than or equal to 25 mg/L but less than or equal to 500 mg/L, then:

$$C = [1276.7 + 5.508 (\text{hardness}) - 1.457 (\text{chloride})] * 0.65$$

where:~~Where,~~

C = sulfate concentration

- B) If the hardness concentration of waters is greater than or equal to 100 mg/L but less than or equal to 500 mg/L, and if the chloride concentration of waters is greater than or equal to 5 mg/L but less than 25 mg/L, then:

$$C = [-57.478 + 5.79 (\text{hardness}) + 54.163 (\text{chloride})] * 0.65$$

where:~~Where~~

C = sulfate concentration

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) The following sulfate standards must be met at all times when hardness (in mg/L as CaCO₃) and chloride (in mg/L) concentrations other than specified in (h)(2) are present:
- A) If the hardness concentration of waters is less than 100 mg/L or chloride concentration of waters is less than 5 mg/L, the sulfate standard is 500 mg/L.
 - B) If the hardness concentration of waters is greater than 500 mg/L and the chloride concentration of waters is 5 mg/L or greater, the sulfate standard is 2,000 mg/L.
 - C) If the combination of hardness and chloride concentrations of existing waters are not reflected in subsection (h)(3)(A) or (B), the sulfate standard may be determined in a site-specific rulemaking pursuant to section 303(c) of the Federal Water Pollution Control Act of 1972 (Clean Water Act), 33 USC 1313, and Federal Regulations at 40 CFR 131.10(j)(2).

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

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section 302.303 Finished Water Standards

Water shall be of such quality that with treatment consisting of coagulation, sedimentation, filtration, storage and chlorination, or other equivalent treatment processes, the treated water shall meet in all respects the requirements of Part ~~611604~~.

(Note: Prior to codification, Table I, Rule 304 of Ch 6: Public Water Supplies)

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

Section 302.304 Chemical Constituents

The following levels of chemical constituents shall not be exceeded:

~~STORET~~

CONCENTRATION

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CONSTITUENT	NUMBER	(mg/l)
Arsenic (total)	01002	0.05
Barium (total)	01007	1.0
<u>Boron (total)</u>		<u>1.0</u>
Cadmium (total)	01027	0.010
Chloride (total)	00940	250-
Chromium	01034	0.05
<u>Fluoride (total)</u>		<u>1.4</u>
Iron (dissolved)	01046	0.3
Lead (total)	01051	0.05
Manganese (total)	01055	<u>1.00-15</u>
Nitrate-Nitrogen	00620	10-
Oil (hexane-solubles or equivalent)	00550, 00556 or 00560	0.1
Organics		
Pesticides		
Chlorinated Hydro- carbon Insecticides		
Aldrin	39330	0.001
Chlordane	39350	0.003
DDT	39370	0.05
Dieldrin	39380	0.001
Endrin	39390	0.0002
Heptachlor	39410	0.0001
Heptachlor Expoxide	39420	0.0001
Lindane	39782	0.004
Methoxychlor	39480	0.1
Toxaphene	39400	0.0005
Organophosphate Insecticides		
Parathion	39540	0.1
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxy- acetic acid (2,4-D)	39730	0.1
2-(2,4,5-Trichloro- phenoxy)-propionic acid (2,4,5-TP or Silvex)	39760	0.01

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Phenols	32730	0.001
Selenium (total)	01147	0.01
Sulphates	00945	250-
Total Dissolved Solids	70300	500-

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

SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section 302.504 Chemical Constituents

The following concentrations of chemical constituents must not be exceeded, except as provided in Sections 302.102 and 302.530:

- a) The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a zone of initial dilution (ZID) pursuant to Sections 302.102 and 302.530. Chronic aquatic life standards (CS) and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed pursuant to Sections 302.102 and 302.530 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the CS or HHS must be collected in a manner which assures an average representation of the sampling period.

<u>Constituent</u>	<u>STORET</u> <u>Number</u>	<u>Unit</u>	<u>AS</u>	<u>CS</u>	<u>HHS</u>
Arsenic (Trivalent, dissolved)	22680	µg/L	$340 \times 1.0^* = 340$	$340 \times 1.0^* = 148$	NA
<u>Boron (total)</u>		<u>mg/L</u>	<u>40.1</u>	<u>7.6</u>	<u>NA</u>
Cadmium (dissolved)	01025	µg/L	$\exp[A + B \ln(H)] \times \{1.138672 - [(\ln H)(0.041838)]\}^*$	$\exp[A + B \ln(H)] \times \{1.101672 - [(\ln H)(0.041838)]\}^*$	NA
			where $A = -3.6867$ and $B = 1.128$	where $A = -2.715$ and $B = 0.7852$	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chromium (Hexavalent, total)	01032	µg/L	16	11	NA
Chromium (Trivalent, dissolved)	80357	µg/L	$\exp[A + B \ln(H)] \times 0.316^*$ where $A = 3.7256$ and $B = 0.819$	$\exp[A + B \ln(H)] \times 0.860^*$ where $A = 0.6848$ and $B = 0.819$	NA
Copper (dissolved)	01040	µg/L	$\exp[A + B \ln(H)] \times 0.960^*$ where $A = -1.700$ and $B = 0.9422$	$\exp[A + B \ln(H)] \times 0.960^*$ where $A = -1.702$ and $B = 0.8545$	NA
Cyanide** <u>(Weak acid dissociable)</u>	00718	µg/L	22	5.2	NA
<u>Fluoride (total)</u>		<u>µg/L</u>	<u>$\exp[A + B \ln(H)]$</u> <u>where $A = 6.7319$</u> <u>and $B = 0.5394$</u>	<u>$\exp[A + B \ln(H)]$</u> <u>but shall not exceed 4.0 mg/L</u> <u>where $A = 6.0445$</u> <u>and $B = 0.5394$</u>	<u>NA</u>
Lead (dissolved)	01049	µg/L	$\exp[A + B \ln(H)] \times \{1.46203 - [(\ln H) (0.145712)]\}^*$ where $A = -1.055$ and $B = 1.273$	$\exp[A + B \ln(H)] \times \{1.46203 - [(\ln H) (0.145712)]\}^*$ where $A = -4.003$ and $B = 1.273$	NA
<u>Manganese (dissolved)</u>		<u>µg/L</u>	<u>$\exp[A + B \ln(H)] \times 0.9812^*$</u> <u>where $A = 4.9187$</u> <u>and $B = 0.7467$</u>	<u>$\exp[A + B \ln(H)] \times 0.9812^*$</u> <u>where $A = 4.0635$</u> <u>and $B = 0.7467$</u>	<u>NA</u>

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Nickel (dissolved)	01065	μg/L	$\exp[A + B \ln(H)] \times 0.998^{\frac{1}{5}}$	$\exp[A + B \ln(H)] \times 0.997^{\frac{1}{5}}$	NA
			where $A = 2.255$ and $B = 0.846$	where $A = 0.0584$ and $B = 0.846$	
Selenium (dissolved)	01145	μg/L	NA	5.0	NA
TRC	50060	μg/L	19	11	NA
Zinc (dissolved)	01090	μg/L	$\exp[A + B \ln(H)] \times 0.978^{\frac{1}{5}}$	$\exp[A + B \ln(H)] \times 0.986^{\frac{1}{5}}$	NA
			where $A = 0.884$ and $B = 0.8473$	where $A = 0.884$ and $B = 0.8473$	
Benzene	78124	μg/L	3900	800	310
Chlorobenzene	34301	mg/L	NA	NA	3.2
2,4-Dimethylphenol	34606	mg/L	NA	NA	8.7
2,4-Dinitrophenol	03756	mg/L	NA	NA	2.8
Endrin	39390	μg/L	0.086	0.036	NA
Ethylbenzene	78113	μg/L	150	14	NA
Hexachloroethane	34396	μg/L	NA	NA	6.7
Methylene chloride	34423	mg/L	NA	NA	2.6
Parathion	39540	μg/L	0.065	0.013	NA
Pentachlorophenol	03761	μg/L	$\exp B([\text{pH}] + A)^{\frac{1}{5}}$	$\exp B([\text{pH}] + A)^{\frac{1}{5}}$	NA

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

			where $A = -4.869$ and $B = 1.005$	where $A = -5.134$ and $B = 1.005$	
Toluene	78131	$\mu\text{g/L}$ mg/L	2000	610	51.0
Trichloroethylene	39180	$\mu\text{g/L}$	NA	NA	370
Xylene(s)	81551	$\mu\text{g/L}$	1200	490	NA

~~where~~Where:

NA = Not Applied

Exp[x] = base of natural logarithms raised to the x-power

ln(H) = natural logarithm of Hardness (~~STORET 00900~~)

* = conversion factor multiplier for dissolved metals

** = standard to be evaluated using either of the following USEPA approved methods, incorporated by reference at 35 Ill. Adm. Code 302.510: Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001 or Cyanide Amenable to Chlorination, Standard Methods 4500-CN-G (40 CFR 136.3).

- b) The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under subsection (c) of this Section.

<u>Constituent</u>	<u>STORET Number</u>	<u>Unit</u>	<u>Water Quality Standard</u>
Barium (total)	01007	mg/L	5.0
Boron (total)	01022	mg/L	1.0
Chloride (total)	00940	mg/L	500
Fluoride	00951	mg/L	1.4

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Iron (dissolved)	01046	mg/L	1.0
Manganese (total)	01055	mg/L	1.0
Phenols	32730	mg/L	0.1
Sulfate	00945	mg/L	500
Total Dissolved Solids	70300	mg/L	1000

- c) In addition to the standards specified in subsections (a) and (b) of this Section, the following standards must not be exceeded at any time in the Open Waters of Lake Michigan as defined in Section 302.501.

<u>Constituent</u>	<u>STORET Number</u>	<u>Unit</u>	<u>Water Quality Standard</u>
Arsenic (total)	01002	µg/L	50.0
Boron (total)		mg/L	1.0
Barium (total)	01007	mg/L	1.0
Chloride (<u>total</u>)	00940	mg/L	12.0
Fluoride (total)		mg/L	1.4
Iron (dissolved)	01046	mg/L	0.30
Lead (total)	01051	µg/L	50.0
Manganese (total)	01055	mg/L	0.15
Nitrate-Nitrogen	00620	mg/L	10.0
Phosphorus	00665	µg/L	7.0
Selenium (total)	01147	µg/L	10.0
Sulfate	00945	mg/L	24.0
Total Dissolved Solids	70300	mg/L	180.0
Oil (hexane solubles or equivalent)	00550, 00556 or 00560	mg/L	0.10

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Phenols	32730	µg/L	1.0
---------	------------------	------	-----

- d) In addition to the standards specified in subsections (a), (b) and (c) of this Section, the following human health standards (HHS) must not be exceeded in the Open Waters of Lake Michigan as defined in Section 302.501 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the HHS must be collected in a manner which assures an average representation of the sampling period.

<u>Constituent</u>	<u>STORET Number</u>	<u>Unit</u>	<u>Water Quality Standard</u>
Benzene	34030	µg/L	12.0
Chlorobenzene	34301	µg/L	470.0
2,4-Dimethylphenol	34606	µg/L	450.0
2,4-Dinitrophenol	03757	µg/L	55.0
Hexachloroethane (total)	34396	µg/L	5.30
Lindane	39782	µg/L	0.47
Methylene chloride	34423	µg/L	47.0
Toluene	78131	mg/L	5.60
Trichloroethylene	39180	µg/L	29.0

- e) For the following bioaccumulative chemicals of concern (BCCs), acute aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS) must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representation of the sampling period.

<u>Constituent</u>	<u>STORET Number</u>	<u>Unit</u>	<u>AS</u>	<u>CS</u>	<u>HHS</u>	<u>WS</u>
--------------------	--------------------------	-------------	-----------	-----------	------------	-----------

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Mercury (total)	71900	ng/L	1,700	910	3.1	1.3
Chlordane	39350	ng/L	NA	NA	0.25	NA
DDT and metabolites	39370	pg/L	NA	NA	150	11.0
Dieldrin	39380	ng/L	240	56	0.0065	NA
Hexachlorobenzene	39700	ng/L	NA	NA	0.45	NA
Lindane	39782	µg/L	0.95	NA	0.5	NA
PCBs (class)	79819	pg/L	NA	NA	26	120
2,3,7,8-TCDD	03556	fg/L	NA	NA	8.6	3.1
Toxaphene	39400	pg/L	NA	NA	68	NA

~~where~~Where:

mg/L = milligrams per liter (10^{-3} grams per liter)

µg/L = micrograms per liter (10^{-6} grams per liter)

ng/L = nanograms per liter (10^{-9} grams per liter)

pg/L = picograms per liter (10^{-12} grams per liter)

fg/L = femtograms per liter (10^{-15} grams per liter)

NA = Not Applied

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

Section 302.510 Incorporations by Reference

- a) The Board incorporates the following publications by reference:

American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005, Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1996. Available from the American Public Health Association, 1015 Fifteenth St., NW, Washington, D.C. 20005 (202)789-5600.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460, Method OIA-1677, DW: Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry, January 2004, Document Number EPA-821-R-04-001.

- b) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238:

40 CFR 136 (1996)

40 CFR 141 (1988)

40 CFR 302.4 (1988)

The Sections of 40 CFR 132 (1996) listed below:

Appendix A

Section I A

Section II

Section III C

Section IV D, E, F, G, H, and I

Section V C

Section VI A, B, C, D, E, and F

Section VIII

Section XI

Section XVII

Appendix B

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section III

Section VII B and C

Section VIII

Appendix C

Section II

Section III A (1 through 6 and 8), B (1 and 2)

Appendix D

Section III C, D, and E

Section IV

| cd) This Section incorporates no future editions or amendments.

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

Section 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values – General Procedures

The Lake Michigan Aquatic Life Criteria and Values are those concentrations or levels of a substance at which aquatic life is protected from adverse effects resulting from short or long term exposure in water.

- a) Tier I criteria and Tier II values to protect against acute effects in aquatic organisms will be calculated according to procedures listed at Sections 302.555, 302.560 and 302.563. The procedures of Section 302.560 shall be used as necessary to allow for interactions with other water quality characteristics such as hardness, pH, temperature, etc. Tier I criteria and Tier II values to protect against chronic effects in aquatic organisms shall be calculated according to the procedures listed at Section 302.565.
- b) Minimum data requirements. In order to derive a Tier I acute or chronic criterion, data must be available for at least one species of freshwater animal in at least

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

eight different families such that the following taxa are included:

- 1) The family Salmonidae in the class Osteichthyes;
 - 2) One other family in the class Osteichthyes;
 - 3) A third family in the phylum Chordata;
 - 4) A planktonic crustacean;
 - 5) A benthic crustacean;
 - 6) An insect;
 - 7) A family in a phylum other than Arthropoda or Chordata; and
 - 8) A family from any order of insect or any phylum not already represented.
- c) Data for tests with plants, if available, must be included in the data set.
- d) If data for acute effects are not available for all the eight families listed above, but are available for the family Daphnidae, a Tier II value shall be derived according to procedures in Section 302.563. If data for chronic effects are not available for all the eight families, but there are acute and chronic data available according to Section 302.565(b) so that three acute to chronic ratios (ACRs) can be calculated, then a Tier I chronic criterion can be derived according to procedures in Section 302.565. If three ACRs are not available, then a Tier II chronic value can be derived according to procedures in Section 302.565(**be**).
- e) Data must be obtained from species that have reproducing wild populations in North America except that data from salt water species can be used in the derivation of an ACR.

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

Section 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

- a) The Agency shall maintain a listing of toxicity criteria and values derived

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

pursuant to this Subpart. This list shall be made available to the public and updated whenever a new criterion or value is derived periodically but no less frequently than annually quarterly, and shall be published when updated in the Illinois Register and the Agency's website at <http://www.iepa.state.il.us>.

- b) A criterion or value published pursuant to subsection (a) of this Section may be proposed to the Board for adoption as a numeric water quality standard.
- c) The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion or value listed pursuant to subsection (a) of this Section until adopted by the Board as a numeric water quality standard.

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

SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section 302.648 Determining the Human Threshold Criterion

The HTC is calculated according to the equation:

$$HTC = ADI/[W + (F \times BCF)]$$

whereWhere:

- HTC = Human health protection criterion in milligrams per liter (mg/L);
- ADI = Acceptable daily intake of substance in milligrams per day (mg/d) as specified in Section 302.645;
- W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section 302.102 ~~302.201~~(b)(3), or 0.001 liters per day (L/d) for other General Use waters;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and
- BCF = Aquatic organism Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Sections 302.660 through 302.666.

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

Section 302.657 Determining the Human Nonthreshold Criterion

The HNC is calculated according to the equation:

$$\text{HNC} = \text{RAI} / [\text{W} + (\text{F} \times \text{BCF})]$$

whereWhere:

- HNC = Human Nonthreshold Protection Criterion in milligrams per liter (mg/L);
- RAI = Risk Associated Intake of a substance in milligrams per day (mg/d) which is associated with a lifetime cancer risk level equal to a ratio of one to 1,000,000 as derived in Section 302.654;
- W = Per capita daily water consumption equal to 2 liters per day (L/d) for surface waters at the point of intake of a public or food processing water supply, or equal to 0.01 liters per day (L/d) which represents incidental exposure through contact or ingestion of small volumes of water while swimming or during other recreational activities for areas which are determined to be public access areas pursuant to Section ~~302.102302.201~~(b)(3), or 0.001 liters per day (L/d) for other General Use waters;
- F = Assumed daily fish consumption in the United States equal to 0.020 kilograms per day (kg/d); and
- BCF = Aquatic Life Bioconcentration Factor with units of liter per kilogram (L/kg) as derived in Section 302.663.

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

Section 302.669 Listing of Derived Criteria

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) The Agency shall develop and maintain a listing of toxicity criteria pursuant to this Subpart. This list shall be made available to the public and updated whenever a new criterion is derived~~periodically~~ but no less frequently than annually~~quarterly~~, and shall be published when updated in the Illinois Register and the Agency's website at <http://www.iepa.state.il.us>.
- b) A criterion published pursuant to subsection (a) may be proposed to the Board for adoption as a numeric water quality standard.
- c) The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion listed pursuant to subsection (a) until adopted by the Board as a water quality standard.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Number: 303.312 Proposed Action:
Repeal
- 4) Statutory Authority: Implementing Sections 22.12 and 57 - 57.19 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/22.12, 27, 28, and 57 - 57.19.]
- 5) A Complete Description of the Subjects and Issues Involved: A lengthy description is contained in the Board's March 15, 2012 first notice opinion and order in Board Docket R11-18 Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B, C, E, F and 303.312 (Mar. 15, 2012).

Section 303.312 sets forth fluoride standards for waters receiving fluorspar mine drainage. The Board adopted Section 303.312 in 1975 to provide site-specific relief from the general use fluoride standard for two companies: Ozark-Mahoning and Minerva Oil. At the time, these companies performed fluorspar mining in Pope and Hardin Counties. The Illinois Environmental Protection Agency reported that both companies ceased production and terminated their discharge permits. IEPA also added that the Illinois State Geologic Survey confirmed that there are currently no companies conducting fluorspar mining in Illinois or anywhere in the United States. Consequently, the Board proposes to repeal the Section as no longer necessary.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The rulemaking includes amendments to 35 Ill. Adm. Code Parts 301, 302, and 303. The list of documents used by IEPA to prepare this proposal is quite lengthy. As the bulk of the proposed amendments are to the Part 302 water quality standards, the Board is including that list only in the Notice pages for Part 302.
- 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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may download copies of the Board's opinion and order in R11-18 from the Board's Web site at www.ipcb.state.il.us and may also request copies by calling the Clerk's office at 312-814-3620.

The Board will accept written public comment on this proposal for 45 days after the date of publication in the Illinois Register. Comments should refer to Docket R11-18 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

- 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:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 303
WATER USE DESIGNATIONS AND SITE-SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required (Repealed)

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section	
303.200	Scope and Applicability
303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	Chicago Area Waterway System and Lower Des Plaines River
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters
303.220	Primary Contact Recreation Waters
303.225	Incidental Contact Recreation Waters
303.227	Non-Contact Recreation Waters and Non-Recreational Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE
SPECIFIC WATER QUALITY STANDARDS

Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage (<u>Repealed</u>)
303.321	Wabash River Temperature
303.322	Unnamed Tributary of the Vermilion River

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

303.323	Sugar Creek and Its Unnamed Tributary
303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
303.331	Mississippi River North Temperature
303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters (Repealed)
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
303.445	Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River
303.446	Boron Water Quality Standard for Segments of the Sangamon River and the Illinois River
303.447	Unnamed Tributary of the South Branch Edwards River and South Branch Edwards River
303.448	Mud Run Creek

SUBPART D: THERMAL DISCHARGES

Section	
303.500	Scope and Applicability
303.502	Lake Sangchris Thermal Discharges

303.APPENDIX A	References to Previous Rules
303.APPENDIX B	Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February 22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007; amended in R09-8 at 33 Ill. Reg. 7903, effective May 29, 2009; amended in R09-11 at 33 Ill. Reg. 12258, effective August 11, 2009; amended in R08-9(A) at 35 Ill. Reg. 15078, effective August 23, 2011; amended in R11-18 at 36 Ill. Reg. _____, effective _____.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY STANDARDS

Section 303.312 Waters Receiving Fluorspar Mine Drainage **(Repealed)**

- a) ~~The fluoride standard of Section 302.208 shall not apply to waters which:

 - 1) ~~receive effluent from the mines and mills of the fluorspar mining and concentrating industry, and~~
 - 2) ~~have been designated by the Illinois State Water Survey as streams which once in ten years have an average minimum seven day low flow of zero.~~~~
- b) ~~Such waters shall meet the following standard with regard to fluoride:~~

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Fluoride	0095	5

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

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: The Illinois State Library Talking Book and Braille Service (TBBS)
- 2) Code Citation: 23 Ill. Adm. Code 3025
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3025.10	Repeal
3025.15	Repeal
3025.20	Repeal
3025.30	Repeal
3025.40	Repeal
3025.100	Repeal
3025.150	Repeal
- 4) Statutory Authority: Implementing Section 18 of the Illinois State Library Act [15 ILCS 320/18], the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and authorized by Section 2 of the Illinois State Library Act [15 ILCS 320/2]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and the will be incorporated as Subpart F in Illinois State Library Grant Programs (23 Ill. Adm. Code 3035).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this repealer replace any emergency rules currently in effect? No
- 8) Does this repealer contain any automatic repeal date? No
- 9) Does this repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The objective is to consolidate this Part as Subpart F of Illinois State Library Grant Programs (23 Ill. Adm. Code 3035).
- 12) Time, Place and Manner in which interested persons may comment on this proposed amendments:

Joseph Natale

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profits 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 these amendments were summarized: January 2012

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

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3025

ILLINOIS STATE LIBRARY TALKING BOOK AND BRAILLE SERVICE (TBBS)

(REPEALED)

SUBPART A: TBBS PROGRAM

- Section
- 3025.10 Definitions
- 3025.15 Purpose
- 3025.20 Eligibility
- 3025.30 Application
- 3025.40 Talking Book Centers

SUBPART B: INFORMATION TRANSMISSION SERVICES

- Section
- 3025.100 Provision of Service
- 3025.150 Remittance for Service

AUTHORITY: Implementing Section 18 of the Illinois State Library Act [15 ILCS 320/18], the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and authorized by Section 2 of the Illinois State Library Act [15 ILCS 320/2].

SOURCE: Adopted at 26 Ill. Reg. 9943, effective June 27, 2002; amended at 29 Ill. Reg. 8202, effective June 1, 2005; repealed at 36 Ill. Reg. _____, effective _____.

SUBPART A: TBBS PROGRAM

Section 3025.10 Definitions

"Accessible Electronic Information Service" means news and other timely information (including newspapers) provided to eligible patrons from multi-state service centers or qualified providers as designated by the Director, using high-speed computers, telecommunication and attendant technologies for acquisition of contents and rapid distribution.

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

"Competent Authority" means, in cases of blindness, visual disability or physical limitations, physicians licensed to practice medicine in the State of Illinois or comparable licensing authority; doctors of osteopathy; ophthalmologists; optometrists; registered nurses; physical therapists; and professional staff of hospitals, institutions and public or welfare agencies, such as social workers, case workers, counselors, rehabilitation teachers, and school superintendents. In the absence of any of these, certification of eligibility may be made by professional librarians or any person whose competence under specific circumstances is acceptable to the Library of Congress. In the case of reading disability from organic dysfunction, "competent authority" means physicians licensed to practice medicine by the State of Illinois or comparable licensing authority who may consult with colleagues in associated disciplines.

"Director" means the State Librarian.

"Eligible Patron" means a blind person whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting lenses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees. Other eligible physically handicapped persons include persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material; persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations; and persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Senior citizens are eligible for this program.

"Free Matter" means postage free mailing of specified materials for the network of cooperating libraries and for eligible patrons. The cost for Free Matter is provided directly to the United State Postal Service by the Congress of the United States through the USPS budget. Examples of free material are books and magazines on tape, large-print material, Braille books and magazines, descriptive video, old-time radio shows, playback machines and other sound enhancement accessories.

"Illinois Radio Information Services" or "IRIS" means the network that broadcasts accessible electronic information services on a daily basis on a special radio called a sideband receiver. The receivers are distributed at no cost to

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

eligible patrons. Local newspapers are read and usually include pieces of news that may not generally be heard on the television news broadcasts. A variety of topics are available, including comics, grocery ads and obituaries. IRIS also produces public affairs programs and listener call-in shows.

"National Library Service for the Blind and Physically Handicapped" or "NLS" means a part of the Library of Congress. NLS produces books and magazines, in recorded and Braille formats, playback equipment for listening to the books, an international online catalog of available books, and catalogs of available books in accessible formats. These materials are distributed to a network of cooperating libraries throughout the United States that serve eligible patrons on a temporary or permanent basis.

"Qualified Provider" means any entity that can provide high quality and timely information that is accessible through an electronic information service.

"Regional Library for the Blind and Physically Handicapped" (LBPH) means the Talking Book and Braille Service (TBBS) for blind and physically disabled individuals that is administered by the Illinois State Library as designated by NLS.

"Talking Book Centers" or "TBCs" means facilities in Illinois designated by the Director of the Illinois State Library that are geographically dispersed throughout the State that provide direct library service to eligible patrons delivered primarily through the free matter for the blind and physically handicapped postage subsidy as defined in Section E040 of the Domestic Mail Manual published in The Postal Bulletin (PB 22081, July 23, 2003), which can be ordered from the United States Postal Service, 475 L' Enfant Plaza SW, Washington DC 20260-5540.

Section 3025.15 Purpose

- a) TBBS provides postage-free mail order public library service to any Illinois resident who is unable to read standard print material due to a permanent or temporary visual or physical disability. NLS supplies the talking book and Braille book collection. Under the direction of the TBBS, TBCs provide this service directly to the residents of the geographic areas they serve by providing customer service by telephone, mail or online.
- b) TBBS is the administrator of the grant funds that support this program. It also

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

provides automation support, collection backup, bibliographic control, continuing education opportunities and organized leadership for the group.

Section 3025.20 Eligibility

- a) General. Eligibility for the services of the library for the blind and physically handicapped is determined by the federal guidelines in 36 CFR 701.10 and is applied to all applicants.
- b) Eligibility Criteria. The following persons are eligible for loan service:
 - 1) persons whose visual acuity is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance not greater than 20 degrees;
 - 2) persons whose visual disability, with correction and regardless of optical measurement, is certified as permanently or temporarily preventing the reading of standard printed material;
 - 3) persons certified as permanently or temporarily unable to read or unable to use standard printed material as a result of physical limitations; or
 - 4) persons certified as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

Section 3025.30 Application

- a) Applications to receive the service are available at Talking Book Centers and public libraries, and from health and social services professionals. The forms ask for such information as name, address, date of birth, education, type of disability, items an applicant intends to borrow, and machinery that will be necessary to access that material.
- b) Each applicant must be certified as eligible and meeting requirements by a competent authority.
- c) For an application, write the Illinois State Library Talking Book and Braille Service, 401 E. Washington, Springfield IL 62701.

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

Section 3025.40 Talking Book Centers

- a) The geographic boundaries of a TBC shall be those boundaries approved by the State Librarian. In setting TBC boundaries, the State Librarian shall place primary importance on the statewide implication of resource sharing, the efficient use of public funds, the impact on affected eligible patrons, and the impact on services provided by the affected TBC.
- b) To qualify for an annual grant as a TBC, the applicant entity shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service. The application shall consist of:
 - 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used to expand TBC services to eligible patrons. Grant funds may be used for staff, materials, equipment and services.
 - 2) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used, and an evaluation detailing the impact of the program.
 - 3) A certification stating that:
 - A) the grant funds will be kept in a separate account;
 - B) local funding for library service will not diminish as a result of the program;
 - C) the library will submit quarterly financial and programmatic reports to the Illinois State Library on October 30, January 30, April 30 and July 30 of each year covering the use of the funds.
- c) Funds allocated for statewide services under this program are awarded in the form of grants to units of government that are exempt from the Illinois Procurement Code.

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

- d) The State Library will maintain an updated list of TBCs on its Web site.

SUBPART B: INFORMATION TRANSMISSION SERVICES

Section 3025.100 Provision of Service

- a) The Director shall annually announce and accept grant applications or contract proposals from multi-state service centers or qualified providers to supply accessible electronic information service for eligible patrons.
- b) Grant applications or contract proposals shall include:
- 1) Scope and subject matter of services offered by the qualified provider to eligible patrons;
 - 2) How the entity will provide eligible patrons with international, national, State and local news, opinions, advertisements and other items of general interest using high-speed computers, telecommunications and attendant technologies;
 - 3) A recital that the grant agreement is subject to the Grant Funds Recovery Act [30 ILCS 705];
 - 4) Currency of the news and information to be provided, the method of access to the news and information, and the hours of distribution; and
 - 5) A fee schedule of any costs to be paid by the eligible patron or ancillary items not provided by the qualified provider.
- c) The service provider shall agree to the terms and conditions of the grant contract agreement. Such terms and conditions shall include: annual grant application deadline; grant monetary ceiling; a provision stating the grant is subject to the terms and conditions of the Grant Funds Recovery Act [30 ILCS 705] (including Sections 4-11); a provision permitting the Library to inspect records and conduct audits; name, address and business organization status of the grantee; reporting dates and statistical information required of a grantee for users of the program; date the agreement was executed; and term of the grant award.

SECRETARY OF STATE

NOTICE OF PROPOSED REPEALER

- d) The service provider shall submit annually and on an ongoing basis throughout the year statistical information regarding usage of the program.
- e) Funds allocated for services under this program are exempt from the Illinois Procurement Code [30 ILCS 500].

Section 3025.150 Remittance for Service

Upon acceptance of a grant application or contract proposal by the Director, a contract will be executed by the Office of the Secretary of State and paid from the Accessible Electronic Information Service Fund.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois State Library Grant Programs

2) Code Citation: 23 Ill. Adm. Code 3035

3) Section Numbers: Proposed Action:

3035.110	Amend
3035.115	Amend
3035.135	Amend
3035.140	Amend
3035.200	Amend
3035.210	Amend
3035.220	Amend
3035.230	Amend
3035.240	Amend
3035.260	Amend
2035.270	Repealed
2035.300	Amend
2035.310	Amend
2035.320	Amend
2035.350	Amend
2035.360	Amend
2035.370	Amend
3035.400	Amend
3035.410	Amend
3035.420	Amend
3035.430	Amend
3035.435	Amend
3035.450	Amend
3035.460	Amend
3035.470	Amend
3035.520	Amend
3035.540	Amend
3035.565	Amend
3035.570	Amend
3035.600	New
3035.610	New
3035.620	New
3035.630	New
3035.640	New

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

3035.650	New
3035.660	New
3035.700	New
3035.710	New
3035.720	New
3035.730	New
3035.EXHIBIT A	Amend

- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121-9163), and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking affects the grant programs offered by the Illinois State Library for the public and school library per capita programs; literacy program; Talking Book and Braille Service and Library Services and Technology Act grants; including the scholarship program. In Subpart A: State Grants, libraries applying for grants are required to certify on an annual basis their membership in a regional library system, which is a requirement for grants. By completing the online certification, the data needed to apply, review, execute and monitor a grant is in place on the Secretary of State's Internet server. In Subpart B: Literacy Grant Program, the amendments clarify criteria for a grant application, the review and grant administration process. In Subpart C, the Training Program is being renamed as the Scholarship Program. In Section 3035.370 (j)(1), grant recipients unable to meet their commitment to carry out the conditions of the scholarship, shall have three years to repay the grant funds. In Subpart D: Live and Learn Construction Grants, a detailed definition of "Facility plan" is provided, and in Section 3035.430 the work that grant will cover in providing a parking place for disabled is clarified. In Section 3035.450 (b)(2)(K), a revised budget based on construction bids is being deleted, as in Section 3035.540(k) in Subpart E: Public Library Construction Act Grants. Two new Subparts are being added to this Part, Talking Book and Braille Service (TBBS) and Library Services and Technology (LSTA) Act Grants. The TBBS rules in Subpart F are being moved from 23 Ill. Adm. Code 3025, which is being repealed. The LSTA rules are for the federal funds provided by the Institute of Museum and Library Services that are granted through the Illinois State Library.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? The existing incorporations by reference regarding literacy testing in the repealed Section 3035.270 are being moved to Section 3035.220 to clarify the documentation is to be submitted with a grant application.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: To implement an online library and literacy grant application process for grants through a single unified source of information maintained by the Secretary of State and State Librarian through the Illinois State Library.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
Springfield, IL 62701-1796
- 217/558-4185; jnatale@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profits corporations affected: Literacy programs provided by small business and not for profits, as well as libraries of all types, would be affected since they will be submitting grant applications to the Illinois State Library through the Secretary of State's website.
- B) Reporting, bookkeeping or other procedures required for compliance: Grant reporting procedures for grant applicants are not changing in this rulemaking than currently required by the Illinois State Library. The rulemaking addresses grant application procedures.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: Ability to fill out an online application, create and attach PDFs.
- 14) Regulatory Agenda on which these rules were summarized: January 2012

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

- Section
- 3035.10 Definitions
- 3035.100 System Area and Per Capita Grants
- 3035.105 Library System Technology Grants
- 3035.110 Special Library Services to ~~Persons with a Print Disability~~
~~the Blind and Physically Handicapped~~
- 3035.115 Public Library Per Capita and Equalization Aid Grants
- 3035.120 School District Library Grant Program
- 3035.125 Library Grants for Veterans' Homes
- 3035.130 Educate & Automate Automation/Technology Grants
- 3035.135 Requirements, Denial and Revocation of Approval
- 3035.140 Grants, Expenditures and Audits
- 3035.150 Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

- Section
- 3035.200 Purpose
- 3035.210 Definitions
- 3035.220 Application for Grant
- 3035.230 Review of Grant Applications
- 3035.240 Award of Grants, Accountability and Recordkeeping
- 3035.250 Cancellation of Grant
- 3035.260 Fiscal Procedures
- 3035.270 Other Requirements (Repealed)
- 3035.280 Penny Severns' Grant Program
- 3935.290 Invalidity

SUBPART C: ~~SCHOLARSHIP TRAINING~~ PROGRAM GRANTS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section

3035.300	Purpose
3035.310	Definitions
3035.320	Number and Amount of Scholarship Training Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Scholarship Training Program Grantees
3035.370	Conditions of Scholarship Training Program Grants

SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

Section

3035.400	Program Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section

3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements
3035.560	Public Library Capital Needs Assessment

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

3035.565	Public Library Site Selection
3035.570	Eligible Project Costs
3035.575	General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds
3035.580	Standardized Definitions and Guidelines
3035.585	Limitations on Expenditures of Bond Proceeds

SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)Section

<u>3025.600</u>	<u>Purpose</u>
<u>3025.610</u>	<u>Definitions</u>
<u>3025.620</u>	<u>Eligibility</u>
<u>3025.630</u>	<u>Application</u>
<u>3025.640</u>	<u>Talking Book Centers</u>
<u>3025.650</u>	<u>Provision of Information Transmission Services</u>
<u>3025.660</u>	<u>Remittance for Information Transmission Services</u>

SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)Section

<u>3035.700</u>	<u>Purpose</u>
<u>3035.710</u>	<u>Definitions</u>
<u>3035.720</u>	<u>Duty to Administer</u>
<u>3035.730</u>	<u>Grant Application and Awards</u>

3035.EXHIBIT A	Differences Among the Three Types of Literacy Grant Programs
3035.EXHIBIT B	Guidelines for Rating Life Safety/Legal Issues

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9141), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.10, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. _____, effective _____.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: STATE GRANTS

Section 3035.110 Special Library Services to Persons with a Print Disability~~the Blind and Physically Handicapped~~

- a) Application for Annual Grants for special library services to Persons with Print Disabilities~~the blind and physically handicapped~~ shall be made to the State Librarian prior to July 1 of each year and shall consist of a budget and a description of services to be offered.
- b) To qualify for an Annual Grant to the Illinois State Library for Persons with Print Disabilities~~the Blind and Physically Handicapped~~, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service.

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

Section 3035.115 Public Library Per Capita and Equalization Aid Grants

- a) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards 2.0, *Serving Our Public: Standards for Illinois Public Libraries, 2009* (produced by the Illinois Library Association, 33 West Grand Avenue, Chicago IL 60610-4306). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when those levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Act.) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.10.
- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.

- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) The grant may not be used for the construction of a new library or for capital improvements to the existing library.
- e) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

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

Section 3035.130 Educate & Automate Automation/Technology Grants

- a) Competitive grants
 - 1) Application for purchases of equipment and services that support library development and technological advancement (Section 8.5 of the Act) in libraries shall be made prior to July 1. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.
 - 2) Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.
 - 3) The number of grants to be awarded is at the discretion of the State Librarian.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (Section 8.5 of the Act).
- c) Funding awarded under subsections (a) and (b) of this Section may be used for any or all of the following purposes:
 - 1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;
 - 2) Computer hardware and software for ILLINET libraries and library systems;
 - 3) Access to electronic information by the general public through ILLINET libraries;
 - 4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public.
 - 5) Library organizations are eligible for Educate & Automate Automation/Technology Grants for purposes stipulated in this subsection (c). Library organizations must draw their membership from librarians or various types of libraries as defined in 23 Ill. Adm. Code 3035.10. Their headquarters must be within the State of Illinois. Their mission must have the charge for promotion, provision, development and improvement of libraries and library services, and be based in Illinois.
- d) The following reports and records will be completed and transmitted to the Illinois State Library:
 - 1) Quarterly financial reports due December 31, April 15 and July 15 showing expenditures made from grant funds by line item.
 - 2) Quarterly narrative reports due December 31, April 15 and July 15 stating the progress of the project; accomplishments to date; problems

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.

- 3) Final financial report and final narrative report due September 15 evaluating the degree to which the grantee achieved the goals and objectives of the project.
- e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

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

Section 3035.135 Requirements, Denial and Revocation of Approval

- a) Libraries shall complete, on an annual basis, the certification process required for library system membership in order to apply for a grant under this Part.
- b)a) Grant applicants must demonstrate in their grant applications that they have satisfactorily met all requirements of this Part.
- c)b) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- d)e) Grant applicants shall use the grant application format~~forms~~ prepared and made available by the State Librarian for this purpose. The applications are available at <http://www.cyberdriveillinois.com/departments/library/grants/home.html>.
- e)d) Grant applications not submitted ~~in~~on the required format~~forms~~ by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.
- f)e) Any agency submitting a grant application not considered for funding by the Illinois State Library shall be notified~~copied and returned to the submitting organization, accompanied by a letter~~ explaining the reason for denial.
- g)f) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in 23 Ill. Adm. Code 3030.121.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

Section 3035.140 Grants, Expenditures and Audits

- a) The Illinois State Library staff shall review grant applications. Additional qualified reviewers may be selected by the Director of the Illinois State Library as needed. The~~and the~~ decision of the State Librarian is final.
- b) The Illinois State Library will notify the submitting agency~~grant applicant~~ when the application is approved for contractual purposes.
- c) Any change in the use of funds from that stated in the approved grant application shall have prior approval of the State Librarian. Recipients of the Public Library Per Capita and Equalization Aid Grants and the School Per Capita Grant shall follow the requirements in Sections 3035.115 and 3035.120, respectively.
- d) Failure to spend funds in accordance with the application or approved amendment shall result in ineligibility for future grants for a period of one year.
- e) All State funded grantees receiving grants under Subparts A, B, D, ~~and E~~ and F at a combined cumulative total of \$175,000 or more in Secretary of State grant awards in the same fiscal year shall submit an agency-wide audit upon completion of the grant activity.
 - 1) All governmental unit audits shall comply with Government Auditing Standards: 2007 Revision, published by the Comptroller General of the United States, U.S. General Accounting Office, 441 G. Street, NW, Washington DC 20548. No later amendments to these standards are incorporated in this Section.
 - 2) All not-for-profit agency audits will comply with Not-for-Profit Organizations AICPA Audit and Accounting Guide: 2007, published by the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York NY 10036. No later amendments to these standards are incorporated in this Section.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- f) The Illinois State Library may request additional information and data from any governmental unit, not-for-profit agency, public corporation or other entity submitting a grant application.

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

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.200 Purpose

- a) The Adult Literacy Grant Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act [15 ILCS 320/7.2] to develop, expand or support adult, family and workplace literacy programs in Illinois through local community programs administered by education agencies, libraries, public and private employers, volunteer or community-based organizations, or a coalition of any of these entities.
- b) The purposes of the 3 types of literacy programs are:
- 1) Adult literacy program will provide direct instructional services~~instruction~~ in reading, writing, comprehension, computation or English language by volunteer tutors~~literacy~~ to persons ~~17~~14 years or older who read, write, comprehend or compute below a 9.0th grade level or below student performance level 7 in English language skills.
 - 2) Workplace literacy program will provide services at their place of business to assess the educational skill levels of, and to provide direct instructional services for, adults employed or available to be employed by an Illinois employer who read, write, comprehend or compute below a 9.0 grade level in English or below student performance level 7 in English language skills.
 - 3) Family literacy program will provide direct instructional services to parents and children, and reciprocal parent-child learning activities ~~for another family literacy program~~ offered to adult caregivers and their children. Adult caregivers must be persons 17 years or older who read, write, comprehend or compute below a 9.0 grade level or below student performance level 7 in English language skills. ~~Family literacy services~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~may include services to the clients of residential domestic violence shelters.~~

- c) The features of each of the three types of literacy programs are delineated in Exhibit A of this Part.

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

Section 3035.210 Definitions

"Adult Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult students using volunteer tutors.

"Adult Literacy Provider Agency" means an educational agency providing basic skills or English language instruction to adult students.

"Adult Student" means an individual in Illinois who has exceeded the maximum age for compulsory schooling ~~(17),(16) and~~ is not currently enrolled in school (see 105 ILCS 5/Art. 26) and qualifies for instructional services through an educational assessment.

"Applicant" means "Submitting Agency" as defined in this Section. ~~the eligible education agency or public or private employer.~~

"Application" means the ~~formal written~~ request for a literacy grant submitted to the Illinois State LibraryLAB pursuant to this Subpart. ~~Applications shall be submitted by the legal entity responsible for the disbursement of public funds.~~

"Basic Skills Instruction" means instructional services in reading, writing, comprehension and/or computation.

"Businesses" means public or private employers. Businesses functioning as educational agencies may not be a for-profit entity.

"Child Education Agency" means an entity working with children at risk of school failure.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Coalition" means a structured cooperative effort among ~~a library system,~~ libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, that provides services to citizens within that community and the surrounding area.

"Computation" means to determine by mathematics.

"Contract" means one or more literacy grant projects awarded to any one applicant.

"Educational Agencies" means those entities eligible to apply that are public libraries and are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board; community based organizations, volunteer agencies or a coalition of those entities, and businesses as defined in this Section. If not a governmental entity, the agency must that have been granted 501(c)(3) status by the Internal Revenue Service; ~~and public and private employers.~~

"Educational ~~Skills~~-Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension, ~~and~~ computation or English language skills ~~in English.~~

"English Language Instruction" means instructional services in reading, writing, comprehension, computation and speaking the English language.

"Family Literacy" means a structured program that provides direct instructional services in basic skills or English language, reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, ~~and~~ structured reciprocal time for both to learn together, and library education.

"Fiscal Year" means the fiscal year of the State of Illinois.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means ~~the main facility for~~ a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute, ~~and~~ comprehend and speak English above the 9.08-9 grade level or speak English above student performance level 7 as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"~~Partnering~~Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

"Site Visit" means a ~~scheduled~~ visit conducted by a literacy grant monitor to a literacy grant recipient to determine whether the project meets or maintains the criteria of the grant program. The site visit may be made in person, by phone or by electronic means, at the discretion of the Illinois State Library Literacy Office.

"State Library" or "ISL" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Submitting agency" means the eligible education agency or business authorized to submit a literacy grant application. The submitting agency shall be the legal entity responsible for the disbursement of public funds.

"Testing" means educational assessment.

"Volunteer Tutor" means an unpaid, trained individual over the age of 17 who provides one to one or small group instruction to adult students.

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

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

Section 3035.220 Application for Grant

- a) ISL may make grant ~~applications~~application forms available prior to the availability of funds, subject to the conditions stipulated in Section 3035.135 of this Part.
- b) Applications shall be submitted to the ~~Literacy Office,~~ Illinois State Library in a format prescribed by the Secretary of State, ~~Gwendolyn Brooks Building, 300 S. Second, Springfield, Illinois 62701.~~
- e) ~~Applications shall be reviewed by the LAB. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.~~
- c)d) ~~Grant awards and the maximum grant amounts will be determined by the State Librarian. The maximum grant amount shall be determined by the State Librarian based on the amount of money appropriated by the General Assembly and the likely number of grant applications.~~
- e) ~~The grant period shall be within the fiscal year.~~
- d)f) Applications shall include the following information:
 - 1) The name of the literacy program for the community.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) The name and address of the ~~grant~~ applicant.
- 3) The name and telephone number of the ~~grant project~~ applicant's director or executive officer.
- ~~4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.~~
- ~~4)5)~~ The name, address and contact person for each business whose employees will participate in workplace literacy services.
- ~~6) The name, address and contact person for domestic violence shelter facilities whose clients will participate in literacy services.~~
- ~~5)7)~~ The name, address and contact person for the local public library that is partnering in family literacy services.
- ~~6)~~ The name, address and contact person for the child education agency that is partnering in family literacy services.
- ~~7)~~ The name, address and contact person for the adult literacy provider agency that is partnering in family literacy services.
- 8) The term of the literacy program, including a time schedule for the completion of project objectives of the literacy program within the grant year.
- 9) The total amount of grant money requested for the literacy program.
- 10) A brief and explicit description of the literacy program purpose and goals.
- 11) A statement supported by current, relevant statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence ~~(statements from local officials, State legislature requests, or community college reports)~~ detailing the need for the literacy program in the particular community or geographic region of the ~~grant~~ applicant.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 12) A statement of the instructional ~~and recruitment, promotional and training~~ methods to be used ~~by the grant applicant~~ to meet its stated goals ~~and objectives~~.
- ~~13) A statement of the grant applicant's plans to coordinate its effort with other community groups providing similar or related services, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business and library organizations, and a listing of participating agencies.~~
- 13) An explicit description of plans to evaluate project goals and student progress, including statistical data.
- A) Testing
- i) Plans for pre- and post-testing of students must be part of the proposal application. The Slosson Oral Reading Test-Revised (SORT-R), 2002 edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions.
- ii) In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, 1978 edition (produced by New Reader's Press, 1320 Jamesville Ave., 5795 Widewater Parkway, Syracuse NY 13214); the Comprehensive English Language Skills Assessment (CELSA), 2009 edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road, Suite 1, 378, Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, 4646 40th Street, NW, Washington DC 20016; the Foreign Service Institute Oral Proficiency

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions.

iii) In the case of students who enroll for math assistance only, the TABE math test, 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing. The material incorporated by reference includes no later amendments or editions.

iv) Other professionally accepted educational assessments approved by the Literacy Office of the State Library may be used that provide accurate measurements of an adult student's literacy or English language skill level.

~~14)~~ ~~A statement detailing plans to evaluate project objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.~~

~~14)15)~~ A statement from each of the partnering list of all organizations that are participating agencies in the literacy program project detailing their responsibilities to the literacy project, including cooperation, coordination and services, and proposed by the grant applicant, including signatures of organization representatives.

~~15)16)~~ The budget for the literacy project, setting forth the personnel costs, fringe benefits (e.g., retirement benefits and health insurance), travel costs, equipment purchases, supplies, contractual services, instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.

A) No grant funds shall be used to purchase equipment.

B) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the Illinois State Library. Justification must be provided if consultant services are purchased,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and Illinois State Library, based on the consultant's prior experience and expertise in literacy programs.

- ~~17) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.~~
- ~~18) For organizations that are not units of government, a statement of cash flow in accordance with Statement No. 95, FASB Statements of Financial Accounting Standards, Financial Accounting Standards Board, 401 Merritt 7, Norwalk, Connecticut 06856, November 1987, no subsequent dates or editions included.~~
- ~~19) If the applicant is a charitable organization, the proper certification of federal and State tax exempt status.~~

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

Section 3035.230 Review of Grant Applications

- a) The LAB and other qualified reviewers shall review all grant applications for projects that are designed to deliver direct instructional service in literacy to adult students.
- b) The review processLAB will use the following selection criteria:
- 1) Whether the need for literacy services for the target population is demonstrated and how proposed literacy services address the need.
 - 2) Whether statements from partnering agencies demonstrate the grant applicant has identified similar programs provided locally by other organizations and has described cooperation and coordination with the proposed literacy projectssuch programs.
 - 3) Whether the application~~plan of operation~~ contains a specific statement of project goals and outcomes, the methods used to achieve these goals and outcomes, and the manner in which these goals and outcomes will be evaluated. ~~the number of students to be served, and the number of~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~administrative and instructional personnel necessary to serve the targeted student population.~~

- 4) Whether the proposed budget is reasonable in view of the proposed goals of the project, and the budget is adequate to support the project.
 - 5) Whether the ~~application~~proposed project contains the number of students to be served and evaluation methods and procedures that will produce quantifiable data regarding the results of the educational assessment, including pre- and post-testing of students to evaluate student progress; ~~recordkeeping procedures for both students' instructional hours and volunteer tutors' hours of participation.~~
 - 6) Whether the persons managing the project have experience, training or education to provide adult literacy programming, including at least a bachelor's degree, and the administrative capacity to support the project.
 - 7) A report on the use of the previous year's grant, if a grant was received, detailing information on students served, progress of program towards its stated goals and an evaluation detailing the student outcomes achieved, the programmatic outcomes and the impact of the program.
- e) ~~The criteria listed in subsection (b) of this Section will be evaluated by the LAB, using its best professional judgment.~~
- d) ~~The LAB shall not select any grant application nor award any public funds to any grant applicant that:~~
- 1) ~~Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].~~
 - 2) ~~Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].~~
 - 3) ~~Has employees of the Office of the Secretary of State as its managers.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.~~
- ~~e) The LAB shall not award more than one grant under this Subpart to any one applicant in the same fiscal year.~~
- ~~f) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.~~

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

Section 3035.240 Award of Grants, Accountability and Recordkeeping

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved, based upon the criteria in Section 3035.230.
- b) Grant awards will be made upon appropriation of funds. For grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.
- c) No public funds shall be awarded to any grant applicant that:
 - 1) Does not certify or state that it will comply with the Illinois Human Rights Act [775 ILCS 5].
 - 2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud or misrepresentation under laws of the United States, Illinois or any other state, or have been convicted of bribery in violation of Section 50-5 of the Illinois Procurement Code [30 ILCS 500/50-5].
 - 3) Has employees of the Office of the Secretary of State as its managers.
 - 4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

by LAB, failure to complete reporting requirements satisfactorily, misappropriation of funds, or any violation of this Part as determined by the Secretary.

- d) No more than one contract shall be awarded under this Subpart to any one applicant in the same fiscal year. Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- e)e) The Secretary of State shall make his or her final decision upon each recommendation as soon as possible or within 60 days after the recommendation is presented to the Secretary.
- f)e) The final approved grant applications and the funding determination shall constitute the Adult Literacy Grant Program, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140] and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.
- g)e) Approved grant applicants shall submit to the State Library, Office of the Secretary of State, such reports as deemed necessary by the Illinois State Library staff to assure project accountability. Reports to be submitted include:
- 1) Quarterly financial reports showing expenditures made from grant funds by line item. Mid-term reports due January 15 stating the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and percentage of completion of the project to date.
 - 2) Quarterly narrative reports stating the progress of the project. Quarterly financial reports showing expenditures made from grant funds by line item due October 15, January 15 and April 15.
 - 3) Semiannual statistical reports including number of students served and results of educational assessments. Mid-term statistical reports due January 15.
 - 4) Final financial report and final statistical and narrative report due July 15 evaluating the degree to which the grantee achieved the goals and objectives of the project.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

h) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the Illinois State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:

- 1) Review the grant budget and expenditures in the project to date.
- 2) Verify that the project plan is being implemented according to the proposal approved by the LAB.
- 3) Submit a written report on the progress of the project to the Literacy Office following each site visit.

i) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law [735 ILCS 5/Art. III].

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

Section 3035.260 Fiscal Procedures

- a) The literacy grant recipient may be asked by the State Library to present copies of past audits or require that an audit of grant funds be performed on individual programs in accordance with Section 3035.140(e) of this Part.
- b) Audits may be requested for such reasons as poor recordkeeping, fiscal irregularities, or staff's request after viewing narrative reports or after viewing files at the program site.
- c) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3035.270 Other Requirements (Repealed)

- a) **Testing**
- 1) ~~Plans for pre and post testing of students must be attached to the proposal application. The Slosson Oral Reading Test Revised (SORT-R), 2002 edition (produced by Slosson Educational Publications, Inc., P.O. Box 280, East Aurora NY 14052-0280), or the Test of Adult Basic Education (TABE), 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940) must be used in student testing for semiannual reports submitted to the State Library. The materials incorporated by reference include no later amendments or editions. Programs are encouraged to use additional tests for their own purposes.~~
 - 2) ~~In the case of English as a Second Language (ESL) projects, professionally accepted tests must be used, such as the ESLOA Oral Assessment, 1978 edition (produced by New Reader's Press, 1320 Jamesville Ave., Syracuse NY 13210); the Comprehensive English Language Skills Assessment (CELSA), 2009 edition (produced by the Association of Classroom Teacher Testers, 1187 Coast Village Road, Suite 1, # 378, Montecito CA 93108-2794); the Basic English Skills Test (BEST), 2006 edition (produced by the Center for Applied Linguistics, 4646 40th Street, NW, Washington DC 20016); the Foreign Service Institute Oral Proficiency Interview (FSI) (also known as ILR), 1983 edition (produced by the Foreign Service Institute Shultz Center, 4000 Arlington Boulevard, Arlington VA 22204-1500). The materials incorporated by reference include no later amendments or editions. All tests used must be described in the proposal. Results must accompany semiannual and final reports.~~
 - 3) ~~In the case of students who enroll for math assistance only, the TABE math test, 2004 edition (produced by CTB/McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940), must be used in testing for semiannual reports submitted to the State Library, Office of the Secretary of State. The material incorporated by reference includes no later amendments or editions.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~4) Other professionally accepted literacy and language assessments may be used that provide accurate measurements of student proficiency.~~
- ~~b) No grant funds shall be used to purchase equipment.~~
- ~~e) No literacy program shall transfer funds within the approved grant budget in excess of 10% of the budget line item from which the funds are transferred, without the prior written approval of the State Library. Approval will be granted by the State Library when justification is shown for why the transfer is necessary and how it will affect the goals and objectives of the project. Unapproved expenditures in excess of 10% of a budget line will not be paid for by the grant.~~
- ~~d) Costs for purchase of consultant services will not be allowed in the proposal budget unless the specific expertise required is not available at the applicant's agency or the State Library. Justification must be provided if consultant services are purchased, and a complete description of the work to be performed must also be provided. The proposed consultant must be mutually acceptable to both the grantee and State Library, based on the consultant's prior experience and expertise in literacy programs.~~
- ~~e) A literacy grant monitor shall make a minimum of one site visit during each biennium. Additional site visits shall be made at the discretion of the State Library Literacy Office (for such reasons as poor recordkeeping, fiscal irregularities, monitor's/staff's request after viewing narrative reports, requests by literacy program). Literacy monitors shall evaluate program effectiveness. It shall be the responsibility of the grant monitor to:~~
- ~~1) Review the grant budget and expenditures in the project to date.~~
 - ~~2) Verify that the project plan is being implemented according to the proposal approved by the LAB.~~
 - ~~3) Submit a written report on the progress of the project to the Literacy Office following each site visit.~~

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

SUBPART C: ~~SCHOLARSHIP TRAINING~~ PROGRAM GRANTS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3035.300 Purpose

- a) The Illinois State Library ScholarshipTraining Program Grants, which assist Illinois residents to obtain a master's degree in library and information science, are established in this Subpart.
- b) The purposes of the Library ScholarshipTraining Program Grants are to encourage college graduates with demonstrated scholarship, talent and potential to enter the library profession, to encourage these new librarians to work in Illinois libraries, and to improve and stimulate development of library service in Illinois.
- c) The State Library shall administer the State Library ScholarshipTraining Program Grants.

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

Section 3035.310 Definitions

"Academic Year" shall mean the instruction period from the fall term of one calendar year through the spring term of the following calendar year, unless the grantee has requested to begin studies with summer enrollment.

"Applicant" shall mean a person who applies for the Illinois State Library ScholarshipTraining Grant and who has not begun the program for a master's degree in library and information science.

"C Average" shall mean the median grade on a letter grading system at the Illinois graduate library schools, or a 2.0 grade on a 4.0 grade scale, or a 3.0 grade on a 5.0 grade scale.

"Director" shall mean the Director of the Illinois State Library.

"Grant" shall mean a Library ScholarshipTraining Program Grant being awarded under this Subpart.

"Illinois Library and Information Network (ILLINET) Library" shall mean a library that is a member of an Illinois library system.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Library" shall mean an entity that serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least 15 hours per week as a librarian. The collection must have permanent financial support, be accessible centrally and occupy identifiable quarters in one principal location.

"Library System" shall mean an organization of libraries established under the Illinois Library System Act [75 ILCS 10].

"MLS" shall mean a program for the master's degree in library and information science in which the applicant is enrolled and for which the scholarship training grant is awarded.

"Resident of Illinois" shall mean a person who is domiciled in Illinois for one calendar year prior to application, or a person who is a domiciliary of Illinois and registered to vote in Illinois but is attending a school of higher education outside of Illinois.

"Secretary of State" or "Secretary" shall mean the Illinois Secretary of State, who is the State Librarian.

"State Library" shall mean the Illinois State Library, as established pursuant to the State Library Act [15 ILCS 320].

"Scholarship Training Program" shall mean the Illinois State Library Scholarship Training Program, as established by this Subpart Part.

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

Section 3035.320 Number and Amount of Scholarship Training Program Grants

- a) The State Library shall award no more than 15 Library Scholarship Training Program Grants each academic year, depending on the availability of funds. The final number of grants awarded shall be determined by the amount of grant money available and the number of qualified applicants.
- b) The maximum grant to be awarded shall be \$7,500 for the master of library and information science program in which the successful applicant is enrolled. For

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

grants under this Subpart, the State Library shall make a lump sum payment upon the signing of the grant contract with the Secretary of State.

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

Section 3035.350 Application Process

- a) All applications must be submitted ~~in a format prescribed by the~~ Illinois State Library, ~~Library Training Program Grants, Gwendolyn Brooks Building, 300 South Second Street, Springfield, Illinois 62701-1796~~ by May 1 of each year.
- b) All applications must be submitted on the written application form supplied by the State Library. The application form shall request personal identifying information concerning the applicant, the name and admittance date of the library school the applicant seeks to attend, the applicant's educational history and college transcripts, the collegiate extra academic activities of the applicant, any organizational affiliations of the applicant, the applicant's employment history, the names and addresses of three references, and an essay question to be answered by the applicant seeking to know why the applicant wants to be a librarian.

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

Section 3035.360 Selection of ~~Scholarship Training~~ Program Grantees

- a) A grant will be awarded to up to 15 applicants per calendar year who:
 - 1) possess the best academic performance as indicated by:
 - A) grade point average, in comparison to the other applicants and to the applicant's peers in his or her undergraduate school;
 - B) the personal interview by the State Library staff and the Illinois State Library ~~Scholarship Training~~ Grant Program Committee appointed by the Director of the Illinois State Library;
 - C) whether the answer to the essay question on the application form shows the applicant to be a person genuinely interested in becoming a librarian in Illinois (for example, by identifying their personal goals and by demonstrating their intellectual curiosity,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

initiative, leadership ability, flexibility, punctuality, dependability, creativity and resourcefulness);

- 2) participated in extracurricular activities in college that show the applicant to be a student with interests that can contribute to his or her success as a librarian;
 - 3) produce personal references that recommend the applicant for the grant;
 - 4) exhibit positive attitude and demeanor toward his or her work, indicating that the applicant will work well in the library community; and
 - 5) are likely to succeed academically in the master of library and information science program based upon past academic and extracurricular performance.
- b) Only applications postmarked by May 1 of each calendar year will be considered.
 - c) The successful grant applicants will be notified by August 1 of each calendar year.
 - d) The final decision regarding each applicant will be made by the Director of the State Library.
 - e) Grant applications are subject to the conditions stipulated in Section 3035.135 of this Part.

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

Section 3035.370 Conditions of ~~Scholarship Training~~ Program Grants

- a) The applicants must submit proof of acceptance but not be enrolled in the graduate library program at a school specified in Section 3035.330 by May 1 of each calendar year. No grant award may be utilized to defray or otherwise reimburse previous study and applicants may not be enrolled in the graduate program at the time of submission of the application.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- b) The grant recipient must notify the State Library in writing of his or her proposed date of graduation from the master of library and information science program at least four months before the date of graduation.
- c) The grant recipient must immediately notify in writing the State Library of other grants or loans being accepted by the applicant.
- d) The grant recipient must commence the master of library and information science program at the beginning of the next fall academic term (unless the grantee has requested to begin studies with summer enrollment), and must continue on a full or a part-time basis with no interruptions or leaves of absence, except upon the written approval of the Director of the State Library after consideration of the recipient's written request, based on unforeseen hardship, such as personal emergency, illness or disability.
- e) The recipient must forward an original or photocopy of the college's or university's official notification of grades of graduate library school courses for each semester of study to the Illinois State Library [Scholarship Training](#) Program Grants Committee within 30 days following the semester's conclusion.
- f) A Library [Scholarship Training](#) Program Grant is subject to cancellation if a C average for each semester of graduate library courses is not maintained.
- g) If, for any reason, the grant recipient is unable to complete the required course program and receive the master's degree in library and information science, the recipient must refund the total amount of money received. The grant must also be repaid if the recipient fails to fulfill the personal services agreement for two years of full-time work in a qualifying Illinois library. In the event of other extenuating circumstances (i.e., unplanned, unforeseen crisis, emergencies, or situations beyond the recipient's control), the responsibility of the recipient will be reviewed and determined by the Director of the Illinois State Library.
- h) The recipient must satisfy the requirements of the personal services agreement with the Illinois State Library within the first three years following graduation from graduate library school. The recipient must submit to the Illinois State Library proof of employment by an ILLINET library, Illinois library system or the Illinois State Library and proof of continued employment in such a library until the two year work agreement has been fulfilled.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- i) The successful applicant must sign a written agreement evidencing all of these terms and conditions at the time of acceptance of the grant.
- j) The failure, either by neglect or willful misconduct, of the recipient to strictly adhere to this Section shall result in the forfeiture of the grant, and the grant shall be paid back to the State Library. If the two year work agreement is not fulfilled, the recipient shall repay the amount of the grant, or repay a pro-rated amount if only a fraction of the time is worked in a public library. The Director shall send a written payback order to the applicant. If the recipient wishes to contest the payback order, he or she shall be entitled to request a personal hearing before the Director. The request for a hearing must be made within 30 days after the date of the payback order. The hearing date, time and location will be stated in a letter to the recipient, which will be sent within 15 days after the receipt of the hearing request. The decision after the hearing by the Director is final.
 - 1) The grant shall be paid back ~~within a three-year period at the rate of at least \$100 per month~~, commencing within 90 days after the grant recipient leaving the master's program without successful completion, or completion of the ~~public~~-library service agreement.
 - 2) No interest on the unpaid balance shall be charged.
 - 3) The State Library shall use the offset procedure with the Illinois Comptroller (74 Ill. Adm. Code 285) and the Illinois State Collection Act of 1986 [30 ILCS 210] to collect any unpaid monies due to the State Library by any grant recipient.

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

SUBPART D: ~~LIVE AND LEARN~~~~PUBLIC LIBRARY~~ CONSTRUCTION GRANTS

Section 3035.400 ~~Program~~Purpose

To establish a program of matching State grants to aid in paying for the construction costs of public libraries and facilities for library systems within Illinois. Local money, except as provided in subsection (c), will be matched by State grants based on the category of grant as follows:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- a) Remodeling for Accessibility. Special projects where 70%-100% of total project funds are to be used specifically for remodeling an existing building as outlined in Section 3035.470. The State's share shall be a maximum of 50% of the project's total cost, subject to the restrictions in Section 3035.435(c).
- b) Projects involving new construction, additions to and/or remodeling of existing buildings, conversion of buildings not currently used for library services, energy conservation projects, security systems, technology wiring and renovation projects, including projects involving shared use of public facilities. The State's share shall be a maximum of 50% of the project's total cost, subject to the restrictions in Section 3035.435(c). For shared use public facilities, the costs allocated to the public library portion of the building are the only costs eligible for reimbursement under this grant program, as stipulated in Section 3035.480.
- c) Mini-grants. These projects include, but are not limited to, new carpeting, new furnishings, remodeling, energy conservation, security systems, technology wiring and interior or exterior painting. Libraries receiving mini-grants must address legal requirements for making the building accessible to persons with disabilities~~the handicapped~~. There is no local match required for mini-grants.

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

Section 3035.410 Definitions

For the purposes of this Subpart:

"Act" means the Illinois Library System Act [75 ILCS 10].

"Application round" means the period in which applications for grants are available to prospective applicants and completed applications are reviewed and grants awarded as indicated in Section 3035.400.

"Appropriation" means the amount of funds actually approved by the General Assembly for a particular fiscal year and allocated to fund the construction grant program under Section 8 of the Illinois Library System Act.

"Audit" means a report of financial compliance of a construction grant project by a certified public accountant.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Construction" includes, but is not limited to:

The construction of new public library and library systems buildings.

The acquisition, expansion, remodeling and/or alteration of existing buildings.

The purchase of initial equipment for new buildings or existing buildings that are being expanded, remodeled or altered under this grant.

The demolition of existing structures on the project site and/or preparations and improvements of the site, including excavation.

Architect's fees and the cost of the site if acquired in the last 2 years.

Any combination of these activities, ~~(including architect's fees and the cost of the site if acquired in the last 2 years).~~

"Conversion" means converting a building currently not used as a library into a public library facility.

"Equipment" includes machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and all other items necessary for the functioning of a particular facility as a library or as a library system facility. By way of illustration, "equipment" includes fixtures, furnishings and carpeting. Shelving is acceptable in new construction, within new building additions or for accessibility projects. "Equipment" does not include, for example, books, periodicals, films, recordings, computers, computer equipment, projection equipment or wireless Internet components.

"Facility plan" means a narrative report describing the project, with the following components:

Examine the present and future public library facility needs required by present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

A site analysis, space needs assessment and project design as specified in Section 3035.450(b)(1)(G).

How the library facility will provide access for persons with disabilities, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400), and will display the symbol of accessibility.

"Intersystem reciprocal borrowing" means reciprocal borrowing transactions involving a lending library and a patron registered as a borrower at a library in another system.

"Library" means a tax-supported public library that is a full member of~~within~~ an Illinois Library System. "Library" also means a main library facility and its branches.

"Library building consultant" refers to an individual, chosen by the applicant library, with a Master's degree in library science from a library school accredited by the American Library Association with prior experience in at least one library construction project. An architect licensed to practice in Illinois or a structural or other type of engineer, depending on the scope of work, licensed to practice in Illinois, with prior experience in at least one library construction project, may also be a library building consultant. The architect or engineer may be retained for other services by the applicant library.

"Library system" means an organization defined at Section 2 of the Library System Act.

"Local matching funds" means general funds, securities, general revenue bonds, tax levies, mortgages and locally generated monies. Local matching funds do not include any pledges as defined in this Section; any funds from the State of Illinois or the federal government; any funds from collateralized pledges; or pending referendum to authorize funds for the construction project.

"Mini-grants" means projects to enable public libraries with limited funds, as defined in this Section, to remodel or refurbish the library.

"Pledge" means a non-collateralized offer or guarantee in writing of a specified dollar amount as part of the local matching funds for a construction project.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Political unit" refers to the local governing authority.

"Public libraries with limited funds" refers to public libraries that would have received an income of less than \$15 per capita in the preceding fiscal year by using a formula in which the library's equalized assessed valuation is multiplied by .13% and divided by the population of the library's service area.

"Security system" means an electronic system designed to protect the library property, facility and contents and individuals on the premises.

"Shared use facility" means a building occupied by a public library and a school or another entity that is open to the public and complements the concept of public library service.

"State fiscal year" means the period from July 1 through June 30.

"State Librarian" means the Illinois Secretary of State.

"Technology wiring" means the installation of wiring to allow for the transmission of electronic data.

"Total project cost" means the combination of the local funds and any State or federal grant funds to be expended on the project.

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

Section 3035.420 Duty to Administer

- a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the Illinois State Librarian, to administer the provisions of this Part and to award any grants, when appropriate, on an annual basis from funds appropriated by the Illinois General Assembly.
- b) The State Librarian shall add to, delete from, or modify this Part in accordance with the provisions of the Illinois Library System Act [75 ILCS 10], as necessary for the administration of these construction grants.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- c) The Director of the Illinois State Library shall appoint a committee that will review applications for grants. The committee shall make recommendations on the program to the State Librarian. One committee member shall be an architect or an engineer licensed to practice in the State of Illinois. ~~The Director of the Illinois State Library shall apprise the Illinois State Library Advisory Committee of the recommendations and program status.~~
- d) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial or other conflict of interest.

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

Section 3035.430 Priorities in Library Grant Construction Proposals

- a) Library grant funds for library building construction in any one application round will be awarded according to the following priorities:
- 1) Remodeling for accessibility, with conditions as stated in subsection (b) of this Section.
 - 2) A maximum of \$1 million and no less than 10% of available funding in a fiscal year will be allocated for mini-grants for public libraries.
 - 3) Projects involving new construction, additions to and/or remodeling of existing buildings, energy conservation projects, conversions, technology wiring and renovation projects, including projects involving shared use of public facilities.
- b) ~~The cost of the minimum required accessible parking spaces as stipulated in the Illinois Accessibility Code (71 Ill. Adm. Code 400.310(c)(1)) can be included for remodeling for accessibility projects. The costs covered include the grading, surfacing, striping and signage for the designated parking spaces. The cost of a parking lot can be included in the total project cost funded for remodeling for accessibility projects, but grant funds will not be allocated solely for a parking lot project unless it is for accessibility for the disabled (ramps, curbs, doors, etc.).~~

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

Section 3035.435 Grant Funding Limitations

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$125,000 per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed ~~\$35,000~~\$25,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Priority will be given to a library that has not received any construction funding, whether under a library construction grant program or a specific appropriation from the Secretary of State, during the three prior State fiscal years, including the current State fiscal year.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.
- f) Competitive bids for construction projects shall not be let until after the grant contract with the Secretary of State has been signed.
- g) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification.
- h) A public library may only apply for either a Live and Learn Construction Grant or a Public Library Construction Grant in the same award year.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

Section 3035.450 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants: The applicant shall provide:
 - 1) Application Phase
 - A) To be eligible for a Live and& Learn construction grant, ~~a public library must comply with the~~ assurances contained in this Section, as listed in the Construction Grant Application Form, as most recently adopted by the Subcommittee for Public Library Construction, a subcommittee of the Illinois State Library Advisory Committee.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, Illinois Library Standard 2.0, Serving Our Public: Standards for Illinois Public Libraries, incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.
 - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
 - E) A facility plan~~Library Building Program~~. For projects with a total cost of over \$150,000, a library building consultant may~~must~~ work with the library in developing the facility plan~~building program~~.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

- F) For projects with a total cost equal to or greater than \$75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized~~required~~.
- G) Project design,~~Preliminary construction plans~~ with a site plan, outlining specifications and an estimated cost per square foot.
- H) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- I) ~~For the following are required for~~ new construction, additions and projects involving evacuation of soil:
- i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-579-4 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- J) Assurance that the~~The~~ real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

or proof of long-term occupancy (20-year minimum) shall be provided, except for mini-grants. The applicant shall provided assurance that the~~The~~ building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

~~K)~~ ~~A letter from the Director of the Regional Library System that serves the applicant library acknowledging that the System is aware of the proposed project.~~

~~L)~~ ~~A listing of all applicable authorities having jurisdiction over the applying facility.~~

~~K/M)~~ ~~An~~The library will submit with the grant application an Americans With Disabilities Act Self-Evaluation, except for new construction projects.

~~L/N)~~ Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.

2) Construction Phase

A) An assurance that the~~The~~ grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

B) An assurance that the construction~~Construction~~ work will be performed under the lump sum (fixed price) contract method.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- C) An assurance that the~~The~~ library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts ~~will be~~ made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) An assurance that adequate~~Adequate~~ methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) An assurance that all~~All~~ laborers and mechanics employed by the contractor or subcontractors on all construction projects ~~will~~~~shall~~ be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- G) An assurance that a~~A~~ copy of the building permit ~~will~~~~shall~~ be supplied to the Illinois State Library prior to the actual construction and ~~that~~ the permit ~~will~~~~shall~~ be posted in a prominent place on the construction site.
- H) An assurance that any~~Any~~ change in the Plans and Specifications requiring a work change order ~~will~~~~shall~~ be submitted to the Illinois State Library. All change orders shall be subject to the Illinois

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

- I) ~~An assurance that contractors~~ ~~Contractors~~ and subcontractors ~~will~~~~shall~~ comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- J) Construction contracts signed by both the library board (or library system board) and contractors that is, or comparable, to the "Standard Form of Agreement Between Owner & Contractor A-101-1997" published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
 - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~K)~~ ~~A revised budget shall be prepared after bids have been accepted and shall be submitted to the Illinois State Library for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget. Grant monies awarded are based on the amount specified in the original budget; grant awards will not be increased because of subsequent increases in revised budgets. Decisions shall not affect the time frame imposed unless approved by the Director of the Illinois State Library.~~
- ~~K)~~ An assurance that aA sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- ~~L~~M) ~~An assurance that construction will not begin until a contract is executed with the State Librarian. Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).~~
- M) An assurance that construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).
- N) ~~An assurance that any~~Any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, ~~will~~shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- ~~O~~) ~~Construction will commence within 140 days after the effective date of the grant contract, according to Section 3035.435(f).~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- OP) ~~An assurance that the~~The following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
 - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - iii) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
 - iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- PQ) ~~An assurance that, when~~When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~QR~~) An assurance that theThe library ~~will~~shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- ~~RS~~) An assurance that any~~Any~~ interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application for mini-grants described in Section 3035.400(c), upon approval of the Illinois State Library construction consultant. Documentation and written assurances may be waived if they are not relevant to the specific mini-grant. As an example, a legal description of the affected real estate may not be required for a mini-grant project to install carpeting in the existing library building.
- d) Applications will be considered in accordance with Section 3035.420(c).
- e) Grant applications are subject to the conditions stipulated in Section 3035.135.
- f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

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

Section 3035.460 Requirements and Conditions of Grant Funds

- a) Building Construction Plans
- 1) Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).
 - 2) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40]. A library building consultant shall be retained by the grantee

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

~~throughout the planning and construction if the total cost of the project exceeds \$150,000.~~

- 3) An architect and/or engineer licensed to practice in Illinois shall be retained by the grantee throughout the design and construction if the total cost of the project is equal to or greater than \$75,000.
 - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act, and must have submitted applications~~submit an application~~ for, and have been awarded, those grants for three previous fiscal years. This subsection (a)(4) shall not apply to library systems.
 - 5) The library or library system facility shall provide access for persons with disabilities~~the physically handicapped~~ as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400); ~~published by the Illinois Capital Development Board~~, and shall display the symbol of accessibility.
- b) No grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable, or proof of long term (20 year) occupancy exists. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system.
 - c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.
 - d) All contracts for library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a unit of local government and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

the alternative procedure may be followed, to the extent consistent with State statutes and local ordinances.

~~e) The library system of which the applicant is a member shall be notified of the proposed project; a copy of the completed application shall be sent to the library system director by the applicant prior to the time that the paperwork is submitted to the Illinois State Library. This subsection shall not apply if the library system is the applicant.~~

e)f) The library board shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time before, during and after completion of construction. The records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].

f)g) The library board shall comply with all applicable provisions in local bidding ordinances.

g)h) The library must permit intersystem reciprocal borrowing.

h)i) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

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

Section 3035.470 Remodeling for Accessibility

Applications for special grants for Remodeling for Accessibility projects shall include:

- a) A statement of need to meet the Illinois Accessibility Code.
- b) A supplemental detailed project budget showing costs for:
 - 1) Elevators or lifts
 - 2) Remodeling restrooms
 - 3) Ramps and curbs

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) Entrances
- 5) Remodeling stairways
- 6) ~~Parking spaces~~ ~~Telephones~~
- 7) Drinking fountains
- 8) Accessibility signs
- 9) Shifting of book stacks for 3 foot clear aisles
- 10) Circulation desk and study carrels
- 11) Total (1-10)

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

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section 3035.520 Grant Applications

- a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.
- b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:
 - 1) A service plan statement of no more than two pages that states:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.
 - B) The necessity for the proposed project.
 - C) Plans to meet existing library standards of service (Serving Our Public, incorporated by reference in Section 3035.115(a)).
 - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- 2) A public library facilities plan with the following components:
- A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for 20 year population projection (for new construction, conversions and additions to buildings).
 - B) A site analysis, space needs assessment and project design.
 - C) How the library facility will provide access for the physically handicapped, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.
- 3) Supporting Documentation:
- A) A letter from the Illinois Historic Preservation Agency evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
 - B) ~~For the following conditions apply in~~ new construction, additions and projects involving evacuation of soil:
 - i) ~~Documentation~~ ~~Provide documentation~~ stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Floodplain Map website, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Division of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order [2006-579-4](#) regarding flood damages.

- ii) A subsurface soil analysis by a soils engineer and environmental site assessment, if applicable.
- iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.

C) Documentation ~~Show~~ that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.

~~D) A letter from the Director of the Regional Library System that serves the applicant public library acknowledging that the System is aware of the proposed project.~~

~~E) A listing of all applicable authorities having jurisdiction over the applying facility.~~

~~D)F)~~ An Americans With Disabilities Act Self-Evaluation, except for new construction projects.

~~E)G)~~ Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ~~F)H)~~ A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy and dedication.
- ~~G)H)~~ A maintenance plan and schedule that contains necessary assurances that new, renovated and existing facilities are being or will be properly maintained.
- c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.
- d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.
- e) Grant applications are subject to the conditions stipulated in Section 3035.140.
- f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time.
- g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c) ~~of this Part~~, supporting documentation related to the project site shall be provided before a grant award is made.

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

Section 3035.540 Supervision of Public Library Construction Act Projects

The State Librarian shall exercise general supervision over public library construction projects financed pursuant to the Act.

- a) The grantee library will expend in 30% increments. The public library shall submit a letter from an architect and a financial report at the 30, 60 and 90% points of substantial completion. The final 10% will be paid out upon completion of the project and submission of all final reports to the State Librarian.
- b) Construction work will be performed under the lump sum (fixed price) contract method.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- c) The library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- d) Architectural, engineering and land surveying contracts will be made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- e) Adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- f) All laborers and mechanics employed by the contractor or subcontractors on all construction projects shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- g) A copy of the building permit shall be supplied to the State Librarian prior to the actual construction, and the permit shall be posted in a prominent place on the construction site.
- h) Any change in the Plans and Specifications requiring a work change order shall be submitted to the State Librarian. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The State Librarian shall be notified of and approve or deny any change orders of \$10,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter approved by the library board stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- i) Contractors and subcontractors shall comply with all applicable provisions of the Illinois Human Rights Act [775 ILCS 5] and all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental handicap.
- j) Construction contracts shall be signed by both the library board and contractors, using the Standard Form of Agreement Between Owner & Contractor A-101-1997, published by the American Institute of Architecture, 1735 New York Ave., NW, Washington DC 20006-5292, or a comparable format. No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the State Librarian prior to the start of construction. All subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the library board and the State Librarian. The State Librarian shall have the right to disapprove any contracts between the library board and contractors if:
- 1) The bidding procedure outlined in subsection (e) was not followed.
 - 2) The conditions and standards specified in the contract between the State Librarian and the library board are not incorporated into the contracts between the library board and the contractors.
- k) ~~A revised budget shall be prepared after bids have been accepted and shall be submitted to the State Librarian for approval prior to actual construction. Approval will be based on the reduction in the contingency line item from 5% in the original budget to 2% of total project cost in the revised budget.~~ Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs~~revised budgets~~. Decisions shall not affect the time frame imposed unless approved by the Director of the State Library~~State Librarian~~.
- l) A sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction; and a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the building's construction.
- m) Projects receiving over \$200,000 must use .5% of the grant award for the purchase and placement of suitable works of art. The purchase of the artwork will be done in conjunction with the Capital Development Board (see 20 ILCS 3105/14).

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- n) Any agent authorized by the State Librarian, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, shall have full access to, and the right to examine, any records, books, papers or documents of the grantee involving transactions related to the grant.
- o) Construction will commence within 140 days after the effective date of the grant contract. Competitive bids for construction projects shall not be let until after the grant contract with the State Librarian has been signed. Construction may not commence until proof of ownership or long-term lease agreement of the affected real estate is received.
- p) The following reports and records will be completed and transmitted to the State Librarian: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 36 months after the execution of the contract, unless an extension is granted by the State Librarian; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Librarian. The final financial report shall be signed by the president of the library's board of directors.
 - 1) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
 - 2) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - 3) The close-out report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The close-out report shall include a project audit according to Section 3035.140(e).
 - 4) For a project that requires an architect or engineer, the architect or engineer shall certify to the State Librarian when the project reaches the 30%, 60%, 90% and 100% stage of completion.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- q) When construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
- r) The library shall establish a separate account for construction grant funds with a federally or Illinois regulated financial institution that is insured by the Federal Deposit Insurance Corporation.
- s) Any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the public library construction project.
- t) Some of the documentation and assurances in this Section may be waived or modified by the State Librarian if the applicant adheres to comparable or stricter requirements, except that subsections (f) and (i) will not be waived.

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

Section 3035.565 Public Library Site Selection

- a) The public library shall select the sites for all new projects.
- b) Suitability for Development and Construction
 - 1) The site should be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving.
 - 2) The site ~~shall~~should not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. These hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, groundwater incursions, vibrations, explosions and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410],

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Archaeological and Paleontological Resources Protection Act [20 ILCS 3435], the Illinois Endangered Species Protection Act [520 ILCS 10], and the Environmental Protection Act [415 ILCS 58.15], as may be applicable.

- c) **Availability of Site**

The public library shall have a period of 90 days from the time the State Librarian determines eligibility, as stipulated in Section 3035.520(c) and (d), to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the public library. Extensions will be granted in those cases in which there is a reasonable expectation that the public library will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the public library, such as a delay in acquiring a title commitment.
- d) **Site Size and Configuration**

The proposed site shall be in concurrence with the public library facility plan, as stipulated in Section 3035.520(b)(2)(A), (B) and (C), and contain usable space sufficient in size and of regular configuration so as to accommodate the library's on-site program, as well as to accommodate ancillary functions that are better served on-site than off-site, and pedestrian movement among different points on the site.
- e) **Utilities and Services**
 - 1) **Water Supply**

Water must be made available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed public library, as well as to accommodate other forms of water consumption.
 - 2) **Sanitary Sewage Disposal**

The location or character of the site must not prevent the disposal of sanitary sewage from the public library.
 - 3) **Storm Water Disposal**

The location or character of the site must not prevent the disposal of storm water from the public library site.
 - 4) **Electric Power, Telephone, Gas**

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the public library may require at the point in the construction process when utility hook-ups are made.

- 5) Solid Waste Management Services
Solid waste management services must be available to the site.

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

Section 3035.570 Eligible Project Costs

- a) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- b) Funding may be used for joint use by the library and community, with the State Librarian's participation in the funding of facilities limited to those items required to meet the needs of the library's plan for the provision of library services and any other activities and events the applicant library plans to conduct. The library shall submit the documentation prescribed in Section 3035.480.
- c) Funding will not be used for administrative offices or other support services outside of a facility that provides direct on-site services to library users.
- d) Funding will not be used for facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations.
- e) Funding will not be allowed for square footage designated for food service in which a fee is charged (example: coffee shop or café).
- f) The State Librarian will not fund land acquisition costs:
- 1) For land that was or will be donated to the library.
 - 2) For land that is already owned by the library or its corporate authority and will be the site of new construction or an addition to an existing facility.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 3) For land that is not an integral part of ~~the~~this project and does not conform with Section 3035.565(d).
- g) Funds will be used to support off-site improvements only if they directly impact the facility.
- 1) The applicant shall submit documentation that local, State and/or federal funding sources are not available to the library or any other public body for off-site improvements before the State Librarian will consider participation in funding.
 - 2) The State Librarian's participation in funding off-site improvements is only permitted if the off-site property or interest in the property, such as an easement or leasehold, is owned by a public body.
- h) The State Librarian's participation in funding on-site improvements is limited to those minimum requirements necessary to making the site functionally operational. The State Librarian will not fund certain types of site improvements, including, but not limited to:
- 1) Storage facilities;
 - 2) Lawn sprinkling systems;
 - 3) Exterior commons area, such as paved sitting areas, benches, etc.;
 - 4) Traffic signals at intersections;
 - 5) Landscaping in excess of seeding costs;
 - 6) Off-site access roads.
- ~~h~~i) Determination of Recognized Project Cost
- 1) Recognized project cost shall be based upon calculations made in accordance with eligible expenditures enumerated in this Section and shall include the following unit cost (\$/sq.ft.):

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- A) Buildings constructed to the five foot line;
 - B) Design and construction contingencies;
 - C) Building fixed equipment.
- 2) Recognized project cost shall also include additional associated costs as deemed appropriate by the State Librarian in consultation with the public library, as follows:
- A) Site improvements, including related architectural/engineering fees and reimbursements;
 - B) Land acquisition and associated legal fees. A certified property appraisal will be acquired prior to the approval of land acquisition costs in the grant award. The appraisal must be for the value of the land and any improvements;
 - C) Movable equipment;
 - D) Utility service lines, both on-site and off-site; and
 - E) Special foundation construction and related architectural/engineering fees deemed necessary as a result of unusual sub-surface soil conditions.
- 3) The State Librarian shall create separate recognized cost calculations for various types of construction projects, including but not limited to new construction and additions, and for rehabilitation of or renovations to an existing facility.
- 4) The recognized project costs initially calculated by the State Librarian will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate amount included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)Section 3035.600 Purpose

- a) TBBS provides postage-free mail order public library service to any Illinois resident who is unable to read standard print material due to a permanent or temporary visual or physical disability. NLS supplies the talking book and Braille book collection. Under the direction of the TBBS, TBCs provide this service directly to the residents of the geographic areas they serve by providing customer service by telephone, mail or online.
- b) TBBS is the administrator of the grant funds that support this program. It also provides automation support, collection backup, bibliographic control, continuing education opportunities and organized leadership for the group.

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

Section 3035.610 Definitions

"Accessible Electronic Information Service" means news and other timely information (including newspapers) provided to eligible patrons from multi-state service centers or qualified providers as designated by the Director, using high-speed computers, telecommunication and attendant technologies for acquisition of contents and rapid distribution.

"Competent Authority" means, in cases of blindness, visual disability or physical limitations, physicians licensed to practice medicine in the State of Illinois or comparable licensing authority; doctors of osteopathy; ophthalmologists; optometrists; registered nurses; physical therapists; and professional staff of hospitals, institutions and public and welfare agencies, such as social workers, case workers, counselors, rehabilitation teachers, and school superintendents. In the absence of any of these, certification of eligibility may be made by professional librarians or any person whose competence under specific circumstances is acceptable to the Library of Congress. In the case of reading disability from organic dysfunction, "competent authority" means physicians licensed to practice medicine by the State of Illinois or comparable licensing authority who may consult with colleagues in associated disciplines.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Director" means the State Librarian.

"Eligible Patron" means a blind person whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting lenses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees. Other eligible print-disabled persons include persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material; persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations; and persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner. Senior citizens are eligible for this program.

"Free Matter" means postage free mailing of specified materials for the network of cooperating libraries and for eligible patrons. The cost for Free Matter is provided directly to the United States Postal Service by the Congress of the United States through the USPS budget. Examples of free material are books and magazines on tape, large-print material, Braille books and magazines, descriptive video, old-time radio shows, playback machines and other sound enhancement accessories.

"Illinois Radio Information Services" or "IRIS" means the network that broadcasts accessible electronic information services on a daily basis on a special radio called a sideband receiver. The receivers are distributed at no cost to eligible patrons. Local newspapers are read and usually include pieces of news that may not generally be heard on the television news broadcasts. A variety of topics are available, including comics, grocery ads and obituaries. IRIS also produces public affairs programs and listener call-in shows.

"National Library Service for the Blind and Physically Handicapped" or "NLS" means a part of the Library of Congress. NLS produces books and magazines, in recorded and Braille formats, playback equipment for listening to the books, an international online catalog of available books, and catalogs of available books in accessible formats. These materials are distributed to a network of cooperating libraries throughout the United States that serve eligible patrons on a temporary or permanent basis.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Qualified Provider" means any entity that can provide high quality and timely information that is accessible through an electronic information service.

"Regional Library for the Blind and Physically Handicapped" or "LBPH" means the Talking Book and Braille Service (TBBS) for blind and physically disabled individuals that is administered by the Illinois State Library as designated by NLS.

"Talking Book Centers" or "TBCs" means facilities in Illinois designated by the Director of the Illinois State Library that are geographically dispersed throughout the State that provide direct library service to eligible patrons delivered primarily through the free matter for the blind and physically handicapped postage subsidy as defined in Section E040 of the Domestic Mail Manual published in The Postal Bulletin (PB 22081, July 23, 2003), which can be ordered from the United States Postal Service, 475 L'Enfant Plaza, SW, Washington DC 20260-5540.

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

Section 3035.620 Eligibility

- a) General. Eligibility for the services of the library for the blind and physically handicapped is determined by the federal guidelines in 36 CFR 701.10 (1981) and is applied to all applicants.
- b) Eligibility Criteria. The following persons with print disabilities are eligible for loan service:
 - 1) persons whose visual acuity is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance not greater than 20 degrees;
 - 2) persons whose visual disability, with correction and regardless of optical measurement, is certified as permanently or temporarily preventing the reading of standard printed material;
 - 3) persons certified as permanently or temporarily unable to read or unable to use standard printed material as a result of physical limitations; or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 4) persons certified as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

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

Section 3035.630 Application

- a) Applications to receive the service are available at Talking Book Centers and public libraries, and from health and social services professionals. The forms ask for such information as name, address, date of birth, education, type of disability, items an applicant intends to borrow, and machinery that will be necessary to access that material.
- b) Each applicant must be certified as eligible and meeting requirements by a competent authority.
- c) The application will be available in a format prescribed by the Illinois State Library Talking Book and Braille Service. Applications are available at <http://www.cyberdriveillinois.com/departments/library/grants/home.html>.

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

Section 3035.640 Talking Book Centers

- a) The geographic boundaries of a TBC shall be those boundaries approved by the State Librarian. In setting TBC boundaries, the State Librarian shall place primary importance on the statewide implication of resource sharing, the efficient use of public funds, the impact on affected eligible patrons, and the impact on services provided by the affected TBC.
- b) To qualify for an annual grant as a TBC, the applicant entity shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped to serve as a TBC. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service. The application shall consist of:
- 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used to expand TBC

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

services to eligible patrons. Grant funds may be used for staff, materials, equipment and services.

2) A report on the use of the previous year's grant, if a grant was received, that shall show how the grant was used and an evaluation detailing the impact of the program.

3) A certification stating that:

A) the grant funds will be kept in a separate account;

B) local funding for library service will not diminish as a result of the program;

C) the library will submit quarterly financial and programmatic reports to the Illinois State Library on October 30, January 30, April 30 and July 30 of each year covering the use of the funds.

c) Funds allocated for statewide services under this program are awarded in the form of grants to units of government that are exempt from the Illinois Procurement Code.

d) The State Library will maintain an updated list of TBCs on its Web site.

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

Section 3035.650 Provision of Information Transmission Services

a) The Director shall annually announce and accept grant applications or contract proposals from multi-state service centers or qualified providers to supply accessible electronic information service for eligible patrons.

b) Grant applications or contract proposals shall include:

1) Scope and subject matter of services offered by the qualified provider to eligible patrons;

2) How the entity will provide eligible patrons with international, national, State and local news, opinions, advertisements and other items of general

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

interest using high-speed computers, telecommunications and attendant technologies;

- 3) A recital that the grant agreement is subject to the Grant Funds Recovery Act [30 ILCS 705];
 - 4) Currency of the news and information to be provided, the method of access to the news and information, and the hours of distribution; and
 - 5) A fee schedule of any costs to be paid by the eligible patron or ancillary items not provided by the qualified provider.
- c) The service provider shall agree to the terms and conditions of the grant contract agreement. These terms and conditions shall include: annual grant application deadline; grant monetary ceiling; a provision stating the grant is subject to the terms and conditions of the Grant Funds Recovery Act [30 ILCS 705] (including Sections 4 through 11); a provision permitting the State Library to inspect records and conduct audits; name, address and business organization status of the grantee; reporting dates and statistical information required of a grantee for users of the program; date the agreement was executed; and term of the grant award.
- d) The service provider shall submit annually and on an ongoing basis throughout the year statistical information regarding usage of the program.
- e) Funds allocated for services under this program are exempt from the Illinois Procurement Code [30 ILCS 500].

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

Section 3035.660 Remittance for Information Transmission Services

Upon acceptance of a grant application or contract proposal by the Director, a contract will be executed by the Office of the Secretary of State and paid from the Accessible Electronic Information Service Fund.

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

SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3035.700 Purpose

- a) The Illinois State Library distributes the Library Services and Technology Act (LSTA) appropriation to support statewide initiatives and services; sub-grant competitions or cooperative agreements to public, academic, school and special libraries; and regional library systems as stipulated in 23 Ill. Adm. Code 3030.35(b).
- b) The Illinois State Library recognizes certain legitimate Illinois library organizations as eligible for LSTA funding. Library organizations must draw their membership from librarians or various types of libraries as defined in 23 Ill. Adm. Code 3035.10. Their headquarters must be within the State of Illinois. Their mission must have the charge for promotion, provision, development and improvement of libraries and library services, and be based in Illinois.

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

Section 3035.710 Definitions

For the purpose of this Subpart, the definitions in 23 Ill. Adm. Code 3030.10 are applicable.

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

Section 3035.720 Duty to Administer

- a) It shall be the duty of the Illinois Secretary of State, in his or her capacity as the State Librarian, to administer the provisions of this Subpart and to award any grants, when appropriate, on an annual basis from funds provided by the Institute of Museum and Library Services and appropriated by the Illinois General Assembly.
- b) The Director of the Illinois State Library shall appoint a committee that will review applications for grants. The committee shall make recommendations on the program to the State Librarian. The Director of the Illinois State Library shall apprise the Illinois State Library Advisory Committee of the recommendations and program status.
- c) Committee members shall recuse themselves from making recommendations on any grant application in which they have a financial interest.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

Section 3035.730 Grant Application and Awards

- a) Applications shall be submitted to the Illinois State Library in a manner prescribed by the State Librarian.
- b) The Illinois State Library shall award grants subject to the conditions stipulated in Sections 3035.135 and 3035.140, 2 CFR 215 (2004) and OMB Circular A-102, (1997).
- c) Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The grant period shall be within the fiscal year.
- e) Obligations of the Illinois State Library to fund this grant program will cease immediately without penalty or further payment being required if the Institute of Museum and Library Services or the United States Congress fails to appropriate or otherwise make available sufficient funds. Award notification will be released upon legislative and gubernatorial approval of an appropriation.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

	Adult Literacy	Family Literacy	Workplace Literacy
Purpose	Improve the adult's literacy- skills	Improve the family's adult's literacy- skills , Improve parenting knowledgeskills	Improve the employee's literacy- skills , Increase work skills
<u>Target Audience</u>	Adults	Adults and their children	Employees who are adults
<u>Instructional Teaching Method</u>	Volunteer tutoring	Classroom teaching	Classroom teaching
Program Components	One: Adult Basic Education or English as a Second Language	Five: Adult Basic Education or English as a Second Language, Child education, Library education, Parenting education, Parent/child interaction	One: Adult Basic Education or English as a Second Language
Agencies Involved	One: Adult education agency	Three: Adult education agency, Library, Child education agency	Two: Adult education agency, BusinessesPublic or private employers
Agencies Eligible To Apply	Adult education agency	Any of the three agencies involved	Either of the two agencies involvedPublic or private employers
Location of Service	Anywhere	Anywhere	At the workplace, during work time

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5375
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5375.10	Amendment
5375.100	Amendment
5375.210	Amendment
5375.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective date of Amendments: April 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: In accordance Section 5-15(b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-15(b)], there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: There are no differences, as ISAC can adopt internal rules by filing a certified copy with the Secretary of State under Section 5-15(b) of the IAPA.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There are no changes, as ISAC can adopt internal rules by filing a certified copy with the Secretary of State under Section 5-15(b) of the IAPA.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: These rules have been updated to reflect changes made to the internal organization of this agency.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

PH: 847/948-8500 ext. 2216
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5375.10 Information

SUBPART B: RULEMAKING

Section
5375.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
5375.210 The Commission
5375.220 Agency Organization
5375.230 Procedures for Persons Desiring to Address the Commission at a Commission Meeting

5375.APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5375 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992; amended at 19 Ill. Reg.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

11384, effective August 1, 1995; amended at 20 Ill. Reg. 15073, effective November 15, 1996; amended at 24 Ill. Reg. 9189, effective July 1, 2000; amended at 34 Ill. Reg. 8530, effective July 1, 2010; amended at 36 Ill. Reg. 5840, effective April 1, 2012.

SUBPART A: PUBLIC INFORMATION

Section 5375.10 Information

- a) The public can obtain information about the Illinois Student Assistance Commission (ISAC) and its programs by contacting one of ISAC's offices located in Deerfield, Chicago or Springfield. General information is also available at ISAC's Website, www.collegezone.com.
- b) Requests for inspection or copying of ISAC's public records may be submitted as a Freedom of Information Act (FOIA) request made in accordance with ISAC's rules. (See 2 Ill. Adm. Code 5376.)

(Source: Amended at 36 Ill. Reg. 5840, effective April 1, 2012)

SUBPART B: RULEMAKING

Section 5375.100 Rulemaking Procedures

- a) ISAC shall follow the rulemaking procedures established by the Illinois Administrative Procedure Act [5 ILCS 100].~~The Commission's adoption of rules must proceed in accordance with the Illinois Administrative Procedure Act [5 ILCS 100], specifically, the rulemaking procedures of Article 5 of that Act. Those rulemaking procedures do not apply to certain exempt matters, i.e., any matter relating solely to agency management or personnel practices or to public property, loans or contracts [5 ILCS 100/5-35(e)].~~
- b) Rules, repeals or amendments to rules are developed by ISAC and submitted for public comment through publication in the Illinois Register, hereinafter "the first notice period." Any such rules, repeals or amendments, along with any public comments are thereafter presented to the Commission for consideration.~~With respect to non-exempt matters, the Commission's rulemaking procedures follow the requirements of the Illinois Administrative Procedure Act. ISAC's staff develops proposed rules and amendments to existing rules and submits them for public comment through publication in the Illinois Register. All written public~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

~~comments submitted on proposed ISAC rules and amendments are presented to the Commission for consideration. The Executive Director may recommend changes in the proposed rules and amendments based upon comments received.~~

- c) ~~The Commission may accept, modify or reject a proposed rule prior to adoption, amendment or repeal of the rule, will conduct a public hearing as required by Section 5-40(b) of the Illinois Administrative Procedure Act and may hold such a hearing on its own volition for the purpose of receiving public comments on the proposed rules and amendments, and may appoint a member of the staff to serve as a hearing officer to conduct the hearing.~~
- d) ~~The Commission shall thereafter direct the Executive Director or their designee to submit a proposed rule or modification for review by the Joint Committee on Administrative Rules (JCAR), hereinafter "the second notice period," or withdraw the proposed rule in accordance with the Illinois Administrative Procedure Act [5 ILCS 100]. After receiving the Executive Director's recommendation and the written comments from the public, the Commission shall vote whether to accept, modify or reject the proposed rules and amendments. After disposition by the Commission, the Executive Director shall submit the proposed rules and amendments for review by the Joint Committee on Administrative Rules (JCAR).~~
- e) ~~At the end of the second notice period, if no objections are received from JCAR, ISAC shall thereafter adopt the rule or any modification by causing the Executive Director to file a certified copy of the rule with the Secretary of State. If ISAC receives an objection from JCAR during the second notice period, the Executive Director will present the objection to the Commission at its next meeting for consideration. After the expiration of the JCAR review period, the proposed rules and amendments are re-submitted to the Commission for approval and adoption. Rules and amendments adopted by the Commission are filed with the Office of the Secretary of State and published in the Illinois Register.~~
- f) ~~The Executive Director may promulgate Emergency and Peremptory Rules and amendments in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].~~
- g) ~~Rules and amendments relating to the exempt matters, as defined in the Illinois Administrative Procedure Act [5 ILCS 100/5-35(c), described in subsection (a), including, without limitation, ISAC management, personnel practices, public property, loans or contracts, may be adopted, amended or repealed by action of~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

the Commission and shall be effective immediately upon adoption. A certified copy of rules and amendments relating to exempt matters will be filed with the Secretary of State.

(Source: Amended at 36 Ill. Reg. 5840, effective April 1, 2012)

SUBPART C: ORGANIZATION

Section 5375.210 The Commission

- a) The Commission was created by the Higher Education Student Assistance Act [110 ILCS 947/15]. Commission members are called "Commissioners". Commissioners are appointed by the Governor with the advice and consent of the Senate (see 110 ILCS 947/15(a)). Senate confirmation of a person appointed by the Governor to be a Commission member is a necessary prerequisite to becoming a member. However, while a gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend and observe Commission meetings at ISAC's expense, but shall not vote.
- b) The Governor designates one member of the Commission, other than the student member, to serve as Chairman (see 110 ILCS 947/15(a)).
- c) A Vice-Chairman shall be elected by a vote of the Commission. A new election for Vice-Chairman shall occur whenever the term of the incumbent Vice-Chairman expires or whenever the Governor designates a new Chairman.
- d) The Chairman of the Commission presides at Commission meetings. The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, a member designated by the Chairman shall preside at the Commission meetings. In the absence of such a designation by the Chairman, the most senior member based on length of service since original appointment shall preside at a Commission meeting if the Chairman and Vice-Chairman are not in attendance.
- e) The Commission shall convene at least one time per year. All Commission meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120].
- f) Six members of the Commission shall constitute a quorum. All official acts of the Commission require a majority vote in a meeting at which quorum is

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

~~present. When the Commission consists of 10 appointed and confirmed members, a quorum shall be 6. When the Commission consists of 9 or 8 appointed and confirmed members, a quorum shall be 5. When the Commission consists of 7 or fewer appointed and confirmed members, the quorum shall be 4.~~

- g) ~~Except as otherwise provided in Section 2.02(a) of the Open Meetings Act (e.g., an emergency meeting), each Commissioner shall be given at least 10 days' written notice of any meeting of the Commission. Commission meetings shall be convened pursuant to notice given in accordance with the Open Meetings Act.~~ The Commission shall adopt a schedule of regular meetings at the beginning of each calendar year, including the date, time and place of each scheduled meeting (see 5 ILCS 120/2.02).
- h) Matters on which the Commission shall deliberate and vote include, but are not limited to, the following:
- 1) Formula for determining grant eligibility for the Monetary Award Program (see 23 Ill. Adm. Code 2735);
 - 2) Budget requests that are submitted to the General Assembly for appropriation;
 - 3) The budget for the operations of the Illinois Designated Account Purchase Program and College Illinois!® 529 Prepaid Tuition Program;
 - 4) Investment policies, contract pricing and fees, and appointment of investment advisory panel members, investment managers and marketing agent for the College Illinois!® 529 Prepaid Tuition Program;
 - 5) Issuance of bonds or other securities pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];
 - 6) The amount of the federal default fee, to be charged to the borrowers (or absorbed by the Commission) on guaranteed student loans (see 23 Ill. Adm. Code 2720.80);
 - 7) Promulgation of rules, in accordance with Section 5375.100;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 8) Appointment of, and the salary and terms of employment of, the Executive Director of the Commission; and
- 9) Delegation of authority to the Executive Director and other ISAC staff ~~of authority~~ to execute and deliver contracts, agreements and similar instruments.
 - i) The Chairman (or other presiding officer) has full authority to determine all procedural issues incident to a Commission meeting. In the absence of a resolution adopted by the Commission to the contrary, meetings will be conducted in accordance with the most recently published edition of Robert's Rules of Order, Newly Revised.
 - j) Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in performing their duties, in accordance with the rules and guidelines established for the reimbursement of expenses incurred by members of boards and commissions of the government of the State of Illinois. For out-of-state travel by a Commissioner, expense reimbursement shall be withheld unless approved in advance by the Chairman.

(Source: Amended at 36 Ill. Reg. 5840, effective April 1, 2012)

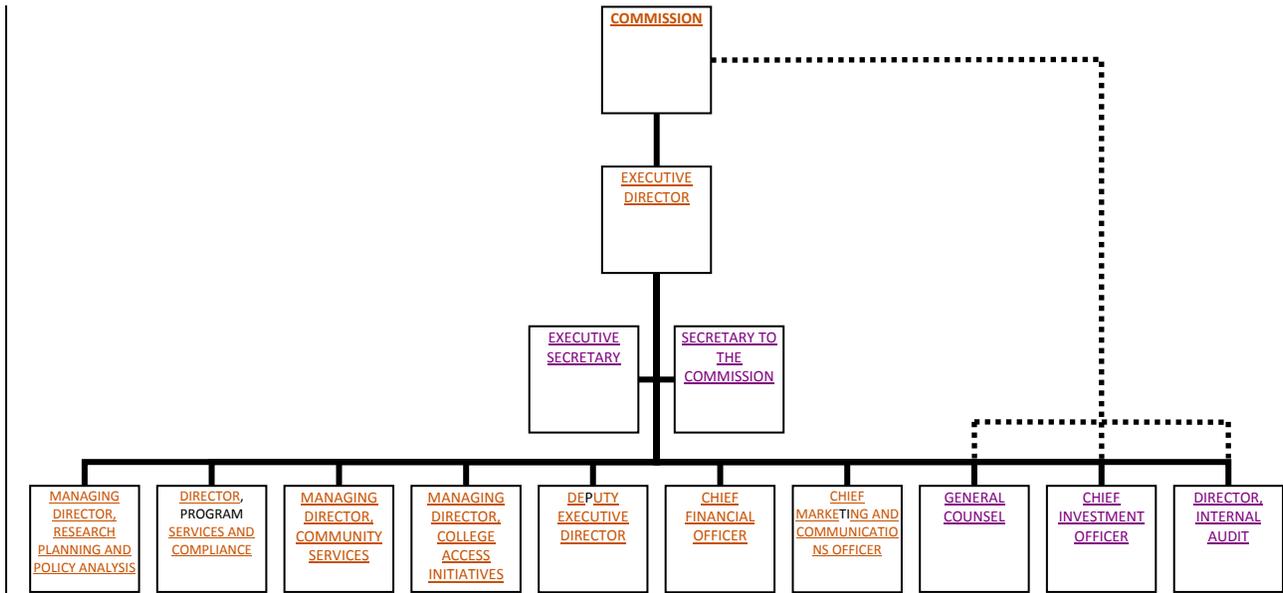
ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 5375.APPENDIX A Organization Chart

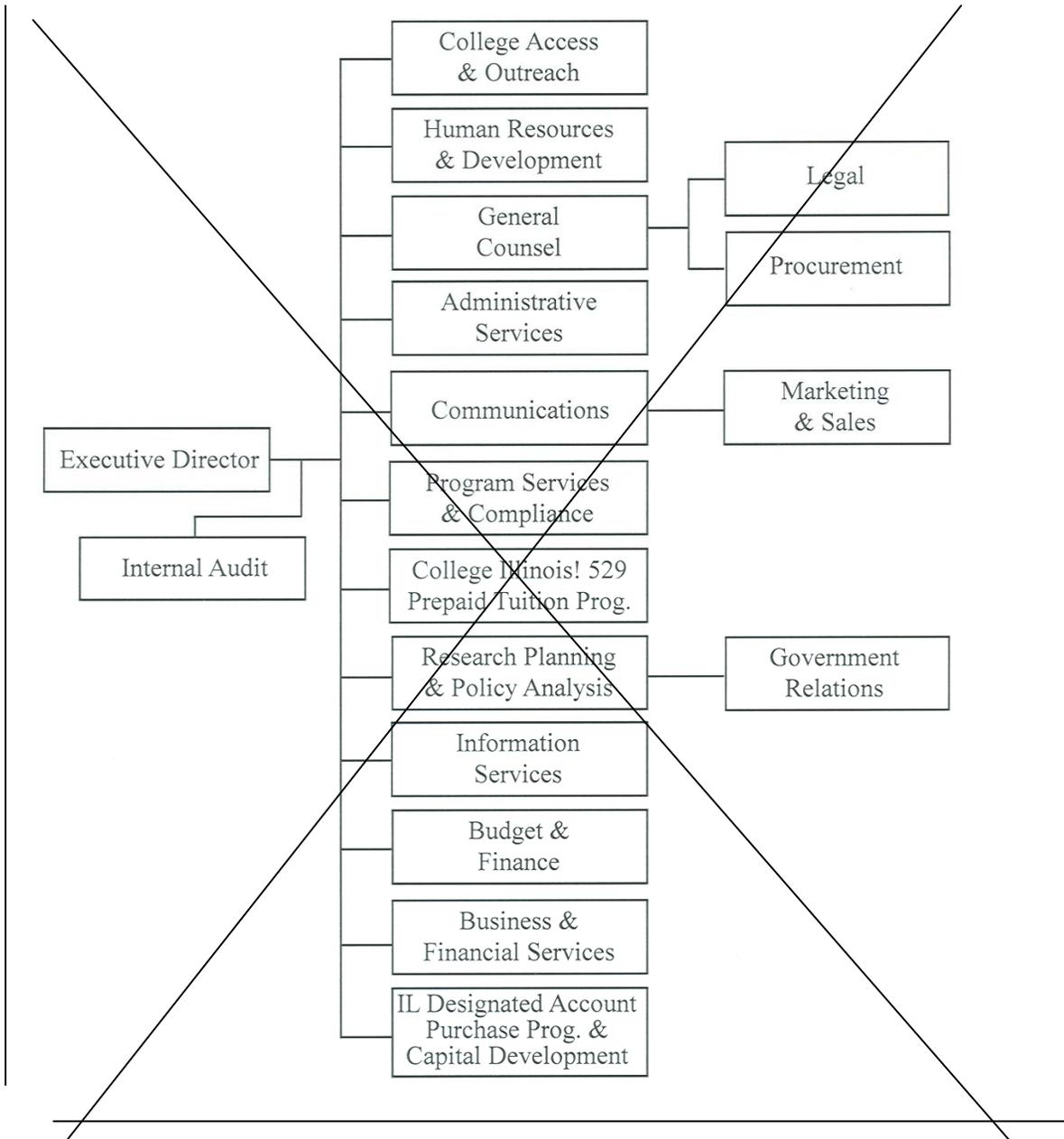
ILLINOIS STUDENT ASSISTANCE COMMISSION

ORGANIZATION CHART



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 36 Ill. Reg. 5840, effective April 1, 2012)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Information Requests
- 2) Code Citation: 2 Ill. Adm. Code 5376
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5376.201	Amendment
5376.301	Amendment
- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) Effective date of Amendments: April 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-15(b)], there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: There are no differences, as ISAC can adopt internal rules by filing a certified copy with the Secretary of State under Section 5-15(b) of the IAPA.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There are no changes, as ISAC can adopt internal rules by filing a certified copy with the Secretary of State under Section 5-15(b) of the IAPA.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: These rules have been updated to reflect changes to the agency's website address and FOIA email address.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

PH: 847/948-8500 ext. 2216
email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5376
INFORMATION REQUESTS

SUBPART A: INTRODUCTION

Section	
5376.101	Summary and Purpose
5376.102	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
5376.201	Records that Will Be Disclosed
5376.202	Records that Will Be Withheld from Disclosure
5376.203	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section	
5376.301	Submittal of Requests for Records
5376.302	Information To Be Provided in Requests for Records
5376.303	Requests for Records for Commercial Purposes

SUBPART D: AGENCY RESPONSE TO REQUESTS FOR RECORDS

Section	
5376.401	Timeline for Agency Response
5376.402	Requests for Records that the Agency Considers Unduly Burdensome
5376.403	Requests for Records that Require Electronic Retrieval
5376.404	Denials of Requests for Records
5376.405	Requests for Review of Denials – Public Access Counselor
5376.406	Circuit Court Review
5376.407	Administrative Review

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section

5376.501	Inspection of Records
5376.502	Copying of Records; Fees
5376.503	Reduction and Waiver of Fees

5376.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140], implementing Section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Old Part repealed at 34 Ill. Reg. 15461 and new Part adopted at 34 Ill. Reg. 15463, effective October 1, 2010; amended at 36 Ill. Reg. 5850, effective April 1, 2012.

SUBPART B: CLASSIFICATION OF RECORDS

Section 5376.201 Records that Will Be Disclosed

Upon [receiving a](#) request meeting the requirements of this Part, the Agency shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 5376.202 or Section 5376.203. Records covered under this Section shall include, but are not be limited to:

- a) *Records of funds. All records relating to the obligation, receipt, and use of public funds of the Agency are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Agency under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Agency prior to disclosure. (Section 2.10 of FOIA)*
- c) *Criminal history records. The following documents maintained by the Agency pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) *Court records that are public;*
- 2) *Records that are otherwise available under State or local law; and*
- 3) *Records in which the requesting party is the individual identified, except as provided under Section 5376.202(a)(5)(F) of this Part. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Agency are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 5376.202 or 5376.203 of this Part may be redacted. (Section 2.20 of FOIA)*

(Source: Amended at 36 Ill. Reg. 5850, effective April 1, 2012)

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE AGENCY

Section 5376.301 Submittal of Requests for Records

- a) Any request for public records should be submitted in writing to the FOI Officer at the Agency office located in the Deerfield, Illinois office.
- b) Contact information for the FOI Officer can be found online at www.collegeillinois.org www.collegezone.com.
- c) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

The Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
Attn: FOI Officer

- d) E-mailed requests should be sent to the FOI Officer at: ISAC.FOIA@isac.illinois.gov FOIA@isac.org, and should indicate in the subject line of the e-mail that it contains a FOIA request. The specific request should be in the body of the email and should indicate whether an emailed response is adequate. Faxed FOIA requests should be faxed to 847-948-5033, Attn: FOI Officer, and should indicate whether a faxed response is adequate.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 36 Ill. Reg. 5850, effective April 1, 2012)

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1770.10	Amendment
1770.20	Amendment
1770.130	Amendment
1770.140	Amendment
1770.145	New Section
1770.150	Amendment
1770.160	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 7.1, 7.2, 7.12, and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.1, 7.2 and 7.12]
- 5) Effective Date of Amendments: March 27, 2012
- 6) If the emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency amendments will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: March 27, 2012
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Lottery's principal office and is available for public inspection.
- 9) Reason for Emergency: Section 7.12 of the Illinois Lottery Law [20 ILCS 1605/7.12] directed the Illinois Lottery to establish a pilot program for the sale of Lottery tickets via the Internet, contingent upon the Lottery seeking a review by the United States Department of Justice (USDOJ) to determine the propriety of Internet lottery ticket sales under federal law. The Illinois Lottery received a USDOJ Memorandum Opinion on or about December 23, 2011, providing that intrastate lottery sales via the Internet are permissible. Since that time, the Illinois Lottery and its private manager and system providers have been developing modifications to the central gaming system, internal control system and related processes and procedures in order to implement the Internet pilot program, with the goal of maximizing fiscal year 2012 revenues to the State while ensuring the program complies with State and federal legal requirements, particularly

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

those regarding verification of age, identity and location of persons making Internet purchases. Having satisfied these requirements, the Illinois Lottery is now in a position to promulgate rules for the implementation of the internet pilot program as required by Section 7.12 of the Illinois Lottery Law [20 ILCS 1605/7.12] and wishes to have those rules on file and available to the public in light of the Internet pilot program's launch that occurred on March 25, 2012.

10) A Complete Description of the Subjects and Issues Involved:

Section 1770.10 has been modified to include terms associated with the registration requirements and funding mechanisms for the Internet pilot program, and to distinguish between subscription purchases made through the Lottery's website and the individual ticket purchases authorized by the Internet pilot program. Additionally, because the term Superintendent could not be defined as part of the recent recodification of the Department of the Lottery's rules, the term has been defined in these emergency amendments.

New Section 1770.145, Internet Pilot Program, has been added to address the requirements of Sections 7.12, 7.15 and 7.16 of the Illinois Lottery Law [20 ILCS 1605/7.12, 7.15 and 7.16] that the Department of the Lottery promulgate rules to implement the Internet pilot program; that the issues of age verification, location verification, account funding and account security be addressed; the program be marketed to infrequent players; and that the Lottery's voluntary self-exclusion program be extended to Internet Lottery ticket purchases.

Sections 1770.20, 1770.130, 1770.140, 1770.150 and 1770.160 have been modified to reference new Section 1770.145 or to reflect the revised definitions in Section 1770.10, as appropriate. Section 1770.130 has also been amended to correct an outdated reference to "The Big Game" and replace it with the names of the multi-state games in which the Illinois Lottery currently participates, including the Mega Millions game offered for sale as part of the Internet pilot program.

11) Are there any proposed rulemakings to this Part pending? No12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.13) Information and questions regarding these emergency amendments shall be directed to:

Lisa Crites

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

Assistant to the General Counsel/Rules Coordinator
Illinois Department of the Lottery
101 West Jefferson, MC5-950
Springfield, IL 62702

Telephone: 217/524-5253
Fax: 217/558-2168
lisa.crites@illinois.gov

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

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770

LOTTERY (GENERAL)

Section

1770.10 Definitions

EMERGENCY

1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status

EMERGENCY

1770.30 Special Licenses

1770.40 License Revocation Without Prior Notice

1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice

1770.60 Conditions of Licensing

1770.70 License to be Displayed

1770.80 Change of Name, Ownership, or Form of Business Organization

1770.90 Delinquent Financial Obligations

1770.100 Bonding of Agents

1770.110 License Expiration and Renewal

1770.120 Agent Financial Adjustments

1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies

EMERGENCY

1770.140 Sales by Department Directly

EMERGENCY1770.145 Internet Pilot ProgramEMERGENCY

1770.150 Sales, Inspection, Compensation, and Ticket Purchases

EMERGENCY

1770.160 Lottery Tickets

EMERGENCY

1770.170 Lottery Games

1770.180 Drawings

1770.190 Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common
School Fund

1770.200 Eligibility to Buy

1770.210 Promotional Items

1770.220 Priority of Rules

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- 1770.230 Assignment of Lottery Prizes
1770.240 Voluntary Self-exclusion Program
1770.APPENDIX A Affidavit
1770.APPENDIX B Voluntary Self-exclusion Agreement

AUTHORITY: Implementing and authorized by Sections 7.1, 7.2, 7.12 and 7.15 of the Illinois Lottery Law [20 ILCS 1605/7.1, 7.2, 7.12 and 7.15]

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22 Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. 12812, effective September 28, 2001; amended at 26 Ill. Reg. 8562, effective May 30, 2002; recodified from the Department of the Lottery to the Department of Revenue pursuant to Executive Order 2003-9 at 27 Ill. Reg. 16993; amended at 29 Ill. Reg. 13869, effective August 29, 2005; amended at 32 Ill. Reg. 14888, effective August 28, 2008; recodified from the Department of Revenue to the Department of the Lottery, pursuant to PA 97-464, at 36 Ill. Reg. 4942; emergency amendment at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days.

Section 1770.10 Definitions**EMERGENCY**

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Agent", "Retailer", "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell Lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

"Applicant" means a person who has applied to the Superintendent for a license to sell Lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part.

"Claimant" means a person, as defined in this Section, who presents a winning Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for the purpose of receiving a prize.

"Department" means the Illinois Department of the Lottery.

"Game" means any individual or particular type of Lottery authorized by the Department.

"Internet Lottery Player Account" means a secure electronic record associated with a Registered Internet Lottery Player that allows the Internet Player to access information about his or her Lottery Internet Account, including, but not limited to the transaction history of purchases, winnings and prize redemptions.

"Internet Player" means the person affiliated with a registered Internet Lottery Player Account.

"License" means a license, issued by the Superintendent pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell Lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Lottery licensing unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent", "Lottery Sales Agent", "Licensed Sales Agent", "Licensed

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

"Retailer" or "Lottery Retailer" means a person permitted by a license issued by the Superintendent under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"Lottery Internet Account" means a bank account established for a Registered Internet Lottery Player for the sole purpose of purchasing Lottery Game Tickets or Subscriptions via the internet and receiving payment for any prizes won in connection with an internet Lottery purchase, up to \$25,000.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to the Department's central gaming system ~~Lottery central system~~.

"Person", when used in reference to a sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department, and also including any county, city, village, or township and any agency and instrumentality of this State.

"Person", when used in the context of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, provided the prize winner is the initial trustee; an irrevocable trust, if the trust agreement was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

"Point of Sale" means the physical location where a licensed agent is authorized

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

to conduct the sale of Lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the Lottery. In determining whether a winning Lottery ticket may be redeemed for cash by a Lottery retailer or must be presented to a Department office for payment, and whether a prize may be claimed in a group name or must be claimed by an individual group member, "prize" means the verified prize amount, less the dollar amount of the wager, in accordance with federal tax regulations.

"Redeem" means to surrender a winning Illinois Lottery ticket to a Lottery retailer for immediate cash payment of the prize, in accordance with Section 1770.190 of this Part.

"Registered Internet Lottery Player" means an individual that has successfully established an Internet Lottery Player Account after registering through the Lottery's web portal using the requisite age, location and other eligibility requirements.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing to such address with no return of the item.

"Special License" means a license issued by the Superintendent limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

"Subscription" means a program that allows a Registered Internet Lottery Player to make advance purchases to be automatically entered to play certain Lottery games for every drawing for a pre-selected, specific period of time. A subscription may also be purchased from the Lottery by phone or by mail.

"Superintendent" means the individual responsible for the executive oversight of the Department.

"Ticket" or "Lottery Game Ticket" means a Lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

Section 1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status

EMERGENCY

- a) The Superintendent shall license as sales agents, persons engaged in business activity dealing with the public provided, however, that the sole proprietors, partners, corporate officers or principals of an applicant must be 18 years of age or older to be eligible to apply for a license. The total number of sales agents shall be sufficient to assure that Lottery products are conveniently available to the public throughout the State, consistent with the constraints of the Department's budget. Any person interested in obtaining a license as a sales agent, must first fill out an application with the Department, on such forms as may be provided by the Department. The Department will have a representative meet with the applicant to discuss the responsibilities of selling Lottery products, and gather information concerning the applicant and his or her business establishment concerning the factors listed below. The Superintendent shall give careful consideration to the following factors in selecting as sales agents those persons which one may expect to provide a high level of sales volume of Lottery products, proper security for the Lottery equipment, tickets and money, and a good public image for the State's Lottery products.
 - 1) The credit worthiness and financial responsibility of the applicant as disclosed by standard credit reporting services, the records of the State and such other credible information bearing upon the credit worthiness of the applicant as may be brought to the attention of the Superintendent.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- 2) The criminal history and tax status of the applicant as disclosed in the application or in records of the State.
- 3) The physical security of the applicant's establishment in terms of the physical structure and design of the applicant's facilities as it would relate to the placement of Lottery equipment, the sale of Lottery products and the storage of Lottery receipts.
- 4) The public accessibility of applicant's place of business or activity, including accessibility from roads, major highways, parking facilities, public transit routes, accessibility by the disabled, proximity of pedestrian traffic, hours of operation of applicant's business, and the cleanliness, attractiveness and physical security of the premises.
- 5) The number of existing Lottery sales licenses in the vicinity.
- 6) The nature of the applicant's business and the volume of the applicant's sales from his or her regular business in order to assure that the sale of Lottery products will be ancillary to the applicant's regular business.
- 7) The level of anticipated or projected sales from the general area in which the applicant's business is located taking into consideration the demographics of the neighborhood or locality, the proximity of the location to population centers and the average sales for other comparable agents.
- 8) The character of the applicant and his or her reputation for honesty and integrity in the community.
- 9) The veracity of the information supplied in the license application.
- 10) The merchandising skills and business experience of the applicant, including the tenure of applicant's business at the proposed location.
- 11) The applicant may provide any information relating to the above listed factors to the Department's representative at the time of the site visit or may include any information relating to these factors at the time of submission of the application.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- b) The Superintendent shall make available forms for application for Lottery sales licensing. Each license application shall be accompanied by a non-refundable \$50 application fee, which application and fee should be mailed or delivered to the Office of the Superintendent located at:

Department of the Lottery
Lottery Licensing Unit
101 West Jefferson Street, MC5-940
Springfield, Illinois 62794-9015
800/752-9568

- c) The license fee described in subsection (b) will be waived by the Department if the period of the license does not exceed 30 days.
- d) The Superintendent may grant a licensed sales agent on-line status based upon an evaluation conducted by an employee of the Department. The evaluation will include, but shall not be limited to:
- 1) Performance as an instant sales agent, including sales volume, settlement practices and compliance with Department procedures;
 - 2) Financial responsibility;
 - 3) Proximity to existing on-line sales agents;
 - 4) Ability to pay valid winning tickets;
 - 5) Days and hours of operation;
 - 6) Accessibility of the sales agent's place of business, including available parking, proximity of public transit stops and accessibility by the disabled; and
 - 7) Anticipated volume of on-line sales.
- e) *Each Lottery licensee granted on-line status pursuant to the Department's rules must pay a fee of \$10 per week as partial reimbursement for telecommunications charges incurred by the Department in providing access to the Department's*

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

central~~Lottery's on-line~~ gaming system. [20 ILCS 1605/10.2]

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

Section 1770.130 Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
EMERGENCY

- a) Except as otherwise provided in subsections (b) and (c) of this Section, or Sections 1770.145 or~~Section~~ 1770.160(d) of this Part, no claim for a game prize with respect to any Lottery game shall be honored, and no prize shall be paid with respect to any such claim, unless the claim is accompanied by a valid winning ticket for the game and the prize. Each winning ticket must pass such validation and security tests as the Department may require to validate the ticket.
- b) Whenever a physical winning ticket is stolen, lost or destroyed after such ticket has been placed in the hands of a Lottery agent or the Department, the Department may provide for payment of the prize to the winner, provided that the purported winner furnishes a valid claim receipt with attached computer-generated claim ticket, with respect to a claim filed with a Lottery agent, or the claim receipt only, with respect to a claim filed with a Department administrative or marketing office. For instant game prizes where there is no computer-generated claim ticket, a written statement from the agent, confirming that the winning ticket was received by such agent, may be required prior to payment authorization. In the event a claim has been entered into the computer system but the claimant is unable to produce a claim receipt or, where appropriate, claim ticket, no action will be taken with respect to the claim until the claim period for the game has expired. If the ticket and original claim form and claimant's copy of the claim form remain lost at the conclusion of the claim period for the game in question, within 30 calendar days from and after the final claim date, any claimant with respect to such a prize may request a hearing, as provided by the Hearing Rules of the Department at 11 Ill. Adm. Code 1700, for purposes of proving-up the claim. If multiple claims are filed with respect to the same prize, such claims shall be heard in a consolidated hearing during which each claimant shall be permitted, in turn, to present evidence in support of his or her claim. No discovery of Department records relating to ticket procurement or ticket claims shall be allowed. At the conclusion of the offering of all proofs by all claimants for a prize, the Department shall offer such evidence as may be available from Department records that will tend to establish that agent location at which the

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

actual winning ticket was sold, together with the ticket identification numbers, and the date and time of sale. The Department's motion for dismissal prior to offering of proofs, accompanied by Department's certification that no computer claim record exists with respect to a purported claim, shall constitute an absolute defense to any claim for a prize.

- c) Whenever a player submits a claim during the valid claim period for a game alleging that a properly purchased Illinois Lottery ticket was lost or stolen after being deposited in the U.S. Mail, if one year has elapsed since the date of the on-line drawing for which the ticket was purchased or one year has elapsed since the announced end of game for the instant game in question, and no prize has been paid to or claimed by another person, the Superintendent may declare the ticket to be a valid winning ticket and authorize payment of the associated prize to the claimant provided that the following conditions are met:
- 1) The claimant furnishes a copy of the ticket or other satisfactory evidence as to the date, time and location of the ticket purchase for on-line games; the game, location of purchase, and approximate date of purchase for instant tickets; or such other relevant information as could only be known by the original purchaser of the ticket;
 - 2) The claimant establishes to the satisfaction of the Superintendent that the claimant took reasonable steps with respect to the security of the ticket, actually deposited the ticket in the U.S. Mail properly addressed to the Illinois Lottery, and that the ticket was not lost or stolen due to the player's negligence or carelessness;
 - 3) One and only one claimant meets the criteria outlined in subsections (c)(1) and (2); and
 - 4) The prize claimed is not a Lotto game Grand Prize, Little Lotto game First Prize, Mega Millions or Powerball~~The Big Game~~ Grand Prize or Second Prize, or instant game prize in excess of \$5,000.

Evidence regarding the date, time and place of purchase will not be considered satisfactory evidence of ticket purchase if such information has been generally released to the public by the Department.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

Section 1770.140 Sales by Department Directly**EMERGENCY**

- a) The Department may engage in direct sales of tickets at any selling points it establishes within the State. The Department may also sell its products by means of telephone, electronic transmission, parcel delivery services and, to the extent permitted by federal statutes, through the U.S. Mail and, subject to the provisions of Section 1770.145, via the internet.
- b) In any case where the Department is engaged in the selling of tickets as a general promotion, nothing herein shall be construed to prohibit the Department from compensating lottery agents who may be economically adversely affected by such promotion.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

Section 1770.145 Internet Pilot Program**EMERGENCY**

- a) The Department shall implement a pilot program of not less than 36 months and no more than 48 months in duration for the sale of Illinois Lottery tickets and games via the internet. [20 ILCS 1605/7.12] The Department shall offer for sale via the internet only those games authorized by statute.
- b) Players who wish to purchase Lottery Game Tickets or Subscriptions via the internet must register for an Internet Lottery Player Account to ensure that they are eligible to purchase Lottery Game Tickets or Subscriptions, claim prizes or otherwise receive winnings. Players will be required to provide to the Department, the private manager of the Illinois Lottery or any other third parties responsible for administering Internet Lottery Player Accounts, information including, but not limited to the following:
 - 1) legal name;
 - 2) valid street address (not a P.O. Box), which must be the Internet Player's

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

legal residence in the State of Illinois;

- 3) date of birth;
- 4) social security number;
- 5) debit card, credit card or bank account information; and
- 6) email address

The Department may request additional information from Internet Players to verify eligibility to establish a Lottery Internet Account, make purchases of Lottery Game Tickets or Subscriptions, claim prizes or otherwise receive winnings.

- c) The Department's gaming system shall capture the internet protocol (IP) address of the computer used for any internet purchase of Illinois Lottery Game Tickets or shares and verify the Internet Player's Internet Service Provider (ISP) in order to determine with reasonable certainty that the starting point for the purchase transaction is within the geographical boundaries of the State of Illinois.
- d) The Department, the private manager of the Illinois Lottery and any third parties engaged by the Lottery or the private manager, may utilize any combination of commercially available or custom identity verification software, geolocation software, geofiltering software, public databases, Department databases and financial entity "know your customer" (KYC) processes to confirm the accuracy of the information provided by Internet Players as required by **subsections** (b) and (c) in order to verify information including but not limited to the following:
 - 1) The player is at least 18 years old;
 - 2) The player is not an employee of the Department or the private manager of the Illinois Lottery, or any other Person prohibited from claiming prizes or otherwise receiving winnings pursuant to the Illinois Lottery Law [20 ILCS 1605] or this Part;
 - 3) The Internet Player has a valid street address (not a P.O. Box), which must be the Internets Player's legal residence in the State of Illinois;

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- 4) The computer being utilized for the purchase of Lottery game tickets or Subscription Plans via the internet is located within the State of Illinois such that *the sale of lottery tickets on the internet is limited to transactions that are initiated and received or otherwise made exclusively within the State of Illinois* [20 ILCS 1605/7.15]. If the Department is unable to confirm with reasonable certainty the location of the computer initiating an internet purchase transaction for any reason, including without limitation the use of certain ISPs, dial-up connections, cellular gateways, regional and international proxies and other internet communication methodologies that do not allow computer location confirmation, the transaction will not be processed;
 - 5) The Internet Player is an authorized user of the financial instrument identified for payment of internet purchases;
 - 6) The confirming email address is valid and associated with the Registered Internet Lottery Player.
- e) Upon verification of the player's age, identity, eligibility and location, the Department will establish an Internet Lottery Player Account protected by a password of the Internet Player's choosing. All future purchases of Lottery Game Tickets or Subscription Plans via the internet will be processed through this Internet Lottery Player Account. Ticket purchases made through the Internet Lottery Player Account will be limited to its currently available fund balance and may be monitored against maximum transaction limits established by the Department or lower limits established by the Internet Player, if any. The Department reserves the right to suspend an Internet Lottery Player Account when the maximum transaction limit is reached. The Department may reactivate a suspended account at the start of the next periodic monitoring cycle.
- f) Validated prizes up to \$600 won by an Internet Player as a result of an internet purchase will be posted automatically to the Internet Player Lottery Internet Account, with no further action required by the Internet Player. Prizes in excess of \$600 will be submitted to the Department for verification and the Department may require the Internet Player to complete of a claim form. Validated prizes between \$600.01 and \$25,000 won by an Internet Player as a result of an internet lottery purchase will be posted to the Internet Player's Lottery Internet Account after the Department completes its verification procedures, unless the Internet

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

Player requests payment by check. All prizes in excess of \$25,000 will be paid by the State Comptroller.

- g) Internet Players may access funds in their Lottery Internet Account by transferring funds to or from the Lottery Internet Account to a personal bank account or by utilizing the Lottery branded debit card.
- h) The Department shall market the internet pilot program to infrequent lottery players through its private manager. [20 ILCS 1605/7.12]
- i) The voluntary self-exclusion program described in Section 1770.240 shall also apply to purchases of Illinois Lottery game tickets via the internet.
- j) The terms and conditions of use for the Internet Lottery Player Account shall include a statement to the effect that access to and use of the Internet Lottery Player Account is limited to the Registered Internet Lottery Player and that user names and passwords should not be shared. Internet Players shall certify that they are the registered and authorized user of the applicable Internet Lottery Player Account, are 18 years of age or older, and are completing a purchase from a location within the geographical boundaries of the State of Illinois. In the event a purchase is determined to have been placed by an individual under the age of 18, by someone other than the Registered Internet Lottery Player, from a location outside the State of Illinois, or through any fraudulent or unlawful means, the prize will be forfeited, the funds deposited into the Common School Fund, and the Internet Lottery Player Account may be canceled.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

Section 1770.150 Sales, Inspection, Compensation, and Ticket Purchases**EMERGENCY**

- a) Except as provided in ~~Sections~~Section 1770.140 and 1770.145 of this Part, tickets shall be sold only to purchasers physically present on the premises at the specific location named in the license.
- b) All ticket sales shall be final, and no agent is authorized to accept ticket returns except as otherwise provided in this Part or with the specific approval of the Superintendent.

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

- c) Authorized inspectors of the Department may inspect the business premises of any agent at any time during normal business hours. Such inspections may be made without prior notice to the agent.
- d) An agent is entitled to a commission for tickets sold by the agent at such rate or rates as are established by the Superintendent. Each licensed agent shall be entitled to such bonus or bonuses to be awarded with respect to a winning ticket sold by the agent as may be established by the Superintendent with respect to each particular Lottery game.
- e) The Superintendent may award additional cash bonuses or other incentives from time to time to sales agents. Agents shall be notified of any such bonuses or incentives by means of an agent newsletter or such other similar agent circular as may be distributed by the Department.
- f) Each agent shall deposit to a Lottery Trust Fund Account in a bank, or otherwise return to the Department in the manner prescribed by directive, all monies received by the agent from the sale of tickets less the amount of commission and such sums of money paid out by the agent to winners of prizes (Lottery proceeds) which must be separate and apart from other business or personal funds and must be segregated as a trust fund on behalf of the Lottery. The agent shall file with the Department, or its designated representatives, reports of receipts, sales, payment to winners and related transactions in such form and containing such information as the Department may require by directive. Any discrepancies in such receipts and transactions are to be resolved as provided in the reporting directives.
- g) All game tickets accepted by an agent remain the property of the Department until the tickets are sold and the proceeds remitted to the Department. Any unsold tickets not returned to the Department upon demand shall be considered purchased by the agent and the purchase price of the tickets, less appropriate deductions, shall be immediately due and payable to the Department. The agent is responsible for lost, stolen or missing tickets not returned, except as provided in Section 1770.120(a) of this Part.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

Section 1770.160 Lottery Tickets**EMERGENCY**

- a) The Superintendent is authorized to prepare for sale to the public such Lottery tickets as may be appropriate for implementation of the Lottery games offered, from time to time, by the Department, or to offer Lottery tickets at no charge to consumers 18 years of age or older as a promotional tool.
- b) Each Lottery ticket shall contain the price of the ticket, the drawing date if appropriate, and such unique identification numbers or symbols and such other information as the Superintendent may deem appropriate for security and marketing purposes. If a Lottery ticket is being offered at no charge in connection with promotional activities of the Department, the ticket will be stamped with the words "not for sale" or words of similar import.
- c) Any unsigned Lottery ticket issued by the Superintendent is a bearer instrument and shall be treated as such until a name is imprinted or placed upon the rear portion of the Lottery ticket in an area designated for "Name". Once a name is placed on the rear of the ticket in the place designated for that purpose, the person whose name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable to that ticket, subject to the provisions of subsection (d) of this Section.
- d) In the event an otherwise valid ticket is submitted as a claim for payment, and the Department is put on notice prior to payment of the claim that ownership of the ticket is disputed by an adverse claimant alleging fraud, theft, loss, conversion or any other misappropriation of the ticket by the claimant of record, the Department may withhold payment of the claim for a period of ten working days from and after the working days during which the adverse claim was first communicated by oral or written means to the Department. If a civil action is initiated on behalf of the claimant or adverse claimant in a circuit court of the State of Illinois, or equivalent court of any sister state within ten working days from and after the Department has received the notice of adverse claim, the Department shall continue to withhold payment of the prize, or any part of the prize, to the claimant or adverse claimant until an adjudication of the ownership has been rendered by the court, all statutory appeals have been exhausted and, in the case of a judgment entered by the courts of a sister state, the final order has been registered as a foreign judgment in an Illinois court, and all statutory appeals have been exhausted, whereupon the Department shall honor the claim of the prevailing

DEPARTMENT OF THE LOTTERY

NOTICE OF EMERGENCY AMENDMENTS

party. During the course of any such litigation conducted in the courts of the State of Illinois, the Department may interplead and pay into court the prize or, in the case of an installment prize, such installment or installments as may fall due during the course of litigation. In the event the Department is not notified by written confirmation received by the Department before close of business on the tenth working day from and after receipt of the initial adverse claim by the Department, that a civil lawsuit has been filed as provided in this Section, the Department shall honor the claim as filed by the claimant who has presented the winning ticket, and will proceed to process the claim for payment without further reference to the adverse claim. If a violation of Illinois criminal law is indicated, the matter shall be referred by the Superintendent to the appropriate law enforcement authorities, and nothing in this Section will be construed to require the Department to take any action or pay any claim pending final disposition of any criminal investigation or proceedings. No interest shall be payable with respect to prize payments made by the Department, its contractor or other agencies authorized to make such payments by direction of the Department.

- e) No claim shall be deemed complete, and no prize shall be awarded with respect to a claim, unless the claimant can and does produce a valid winning ticket to the game and prize claimed. Except as otherwise provided in subsection (d) of this Section or Section 1770.130 of this Part, or for tickets purchased through a Subscription or via the internet, claims not accompanied by a winning ticket will be rejected. Any claim received by an agent and unaccompanied by a ticket will be forwarded to the Department. Upon receipt of any such claim, the Department shall notify the claimant of the rejection, by certified mail, with notification to be deemed completed if returned undelivered, when mailed to the party's last known address, with proper postage prepaid. Notice of rejected claims will be mailed within ten working days after receipt of the claim by the Department, at its Lottery claims validation unit in the Department offices in Springfield, Illinois.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 5856, effective March 27, 2012, for a maximum of 150 days)

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO
JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED RULES

- 1) Heading of the Part: Hound Running Areas
- 2) Code Citation: 17 Ill. Adm. Code 970
- 3) Section Numbers: Proposed Action:
970.10 More timely rulemaking
970.20
970.30
970.40
970.50
970.60
970.70
970.80
970.90
- 4) Date Notice of Proposed Rulemaking Published in the Illinois Register: April 22, 2011;
35 Ill. Reg. 6742
- 5) Date JCAR Statement of Recommendation Published in the Illinois Register: March 23,
2012; 36 Ill. Reg. 4458
- 6) Summary of Action Taken by the Agency: 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 adopting rules
implementing statute.

In response to this Recommendation, the Department agrees to file future rulemakings implemented by Public Acts in a more timely manner.

SECRETARY OF STATE

NOTICE OF MODIFICATION
IN RESPONSE TO AN OBJECTION AND FILING PROHIBITION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3) Section Number: 1001.444 Action: Modify
- 4) Date Notice of Proposed Admendment was Published in the Register: September 9, 2011; 35 Ill. Reg. 14916
- 5) Date JCAR Statement of Objection was Published in the Register: January 27, 2012; 36 Ill. Reg. 1079
- 6) Summary of Action Taken by the Agency: Additional language for Section 1001.444 (j)(2), (3) and (4) was proposed earlier by the agency, adding an exemption from the requirement to have a breath alcohol ignition interlock device for monitoring device driving permit holders employed as police officers or firefighters who were assigned an emergency vehicle and required to have access when off duty. After review, such proposed changes to paragraphs (j)(3) and (4) were rejected by JCAR. The remaining change is the addition of a provision to paragraph (j)(2) that no person may drive the exempted vehicle for more than 12 hours per day, 6 days per week, pursuant to 625 ILCS 5/6-206.1(a-2).

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
APRIL 17, 2012
9:30 A.M.

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

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

*Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Auditor General

1. Code of Rules (74 Ill. Adm. Code 440)
 - First Notice Published: 36 Ill. Reg. 3 – 1/6/12
 - Expiration of Second Notice: 5/4/12

Comptroller

2. Accounting Principals and Procedures (74 Ill. Adm. Code 245)
 - First Notice Published: 35 Ill. Reg. 19755 - 12/16/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

-Expiration of Second Notice: 4/26/12

3. Contract Filing Requirements (74 Ill. Adm. Code 255)
 - First Notice Published: 35 Ill. Reg. 19759 - 12/16/11
 - Expiration of Second Notice: 4/26/12
4. State Comptroller Minority Contractor Opportunity Initiative (74 Ill. Adm. Code 340)
 - First Notice Published: 35 Ill. Reg. 19763 - 12/16/11
 - Expiration of Second Notice: 4/26/12

Commerce Commission

5. Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412)
 - First Notice Published: 35 Ill. Reg. 12996 - 8/12/11
 - Expiration of Second Notice: 5/2/12
6. Internet Enrollment Rules (83 Ill. Adm. Code 453)
 - First Notice Published: 35 Ill. Reg. 13017 - 8/12/11
 - Expiration of Second Notice: 5/5/12
7. Collateral Recovery (92 Ill. Adm. Code 1480)
 - First Notice Published: 35 Ill. Reg. 19995 - 12/23/11
 - Expiration of Second Notice: 5/12/12

Education

8. Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)
 - First Notice Published: 35 Ill. Reg. 21005 - 12/30/11
 - Expiration of Second Notice: 5/4/12
9. Evaluation of Certified Employees Under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50)
 - First Notice Published: 35 Ill. Reg. 19467 - 12/2/11
 - Expiration of Second Notice: 4/19/12
10. Early Childhood Block Grant (23 Ill. Adm. Code 235)
 - First Notice Published: 35 Ill. Reg. 17365 - 10/28/11
 - Expiration of Second Notice: 5/4/12

Elevator Safety Review Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

11. Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000)
-First Notice Published: 35 Ill. Reg. 15819 - 10/7/11
-Expiration of Second Notice: 4/25/12

Environmental Protection Agency

12. Procedures for Review of Petitions for Mercury Product Exemptions (35 Ill. Adm. Code 182)
-First Notice Published: 35 Ill. Reg. 15507 - 9/30/11
-Expiration of Second Notice: 4/18/12
13. Environmental Laboratory Certification Fee Rules (35 Ill. Adm. Code 185)
-First Notice Published: 35 Ill. Reg. 20983 - 12/30/11
-Expiration of Second Notice: 4/18/12

Financial and Professional Regulation

14. Bank Branches (38 Ill. Adm. Code 305)
-First Notice Published: 35 Ill. Reg. 15863 - 10/7/11
-Expiration of Second Notice: 4/27/12

Healthcare and Family Services

15. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-First Notice Published: 35 Ill. Reg. 19322 - 12/2/11
-Expiration of Second Notice: 4/20/12
16. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 35 Ill. Reg. 19368 - 12/2/11
-Expiration of Second Notice: 4/20/12
17. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 35 Ill. Reg. 12202 - 7/22/11
-Expiration of Second Notice: 4/12/12
18. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)
-First Notice Published: 35 Ill. Reg. 19015 - 11/18/11
-Expiration of Second Notice: 4/12/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

Housing Development Authority

19. Foreclosure Prevention Program (47 Ill. Adm. Code 385)
-First Notice Published: 35 Ill. Reg. 20988 - 12/30/11
-Expiration of Second Notice: 5/2/12

Human Services

20. Child Care (89 Ill. Adm. Code 50)
-First Notice Published: 35 Ill. Reg. 18475 - 11/14/11
-Expiration of Second Notice: 5/4/12
21. Closure of a Rehabilitation Case (89 Ill. Adm. Code 595)
-First Notice Published: 35 Ill. Reg. 18485 - 11/14/11
-Expiration of Second Notice: 4/29/12

Pollution Control Board

22. Standards and Limitations for Organic Material Emissions for Area Sources (35 Ill. Adm. Code 223)
-First Notice Published: 36 Ill. Reg. 727 - 1/20/12
-Expiration of Second Notice: 5/2/12

Public Health

23. HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
-First Notice Published: 36 Ill. Reg. 960 - 1/27/12
-Expiration of Second Notice: 5/2/12
24. Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)
-First Notice Published: 36 Ill. Reg. 84 - 1/6/12
-Expiration of Second Notice: 5/2/12
25. Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010)
-First Notice Published: 36 Ill. Reg. 1009 - 1/27/12
-Expiration of Second Notice: 5/12/12

Secretary of State

26. Public Use of the Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

-First Notice Published: 36 Ill. Reg. 814 - 1/20/12
-Expiration of Second Notice: 4/26/12

27. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
-First Notice Published: 36 Ill. Reg. 826 - 1/20/12
-Expiration of Second Notice: 4/27/12

28. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 36 Ill. Reg. 461 - 1/13/12
-Expiration of Second Notice: 5/4/12

Student Assistance Commission

29. Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)
-First Notice Published: 36 Ill. Reg. 505 - 1/13/12
-Expiration of Second Notice: 5/12/12
30. Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)
-First Notice Published: 36 Ill. Reg. 511 - 1/13/12
-Expiration of Second Notice: 5/12/12
31. Grant Program for Dependents of Police or Fire Officers (23 Ill. Adm. Code 2732)
-First Notice Published: 36 Ill. Reg. 517 - 1/13/12
-Expiration of Second Notice: 5/12/12
32. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)
-First Notice Published: 36 Ill. Reg. 523 - 1/13/12
-Expiration of Second Notice: 5/12/12
33. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
-First Notice Published: 36 Ill. Reg. 529 - 1/13/12
-Expiration of Second Notice: 5/12/12
34. John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754)
-First Notice Published: 36 Ill. Reg. 541 - 1/13/12
-Expiration of Second Notice: 5/12/12
35. College Planning Act (23 Ill. Adm. Code 2774)
-First Notice Published: 36 Ill. Reg. 543 - 1/13/12
-Expiration of Second Notice: 5/12/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

36. Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)
-First Notice Published: 36 Ill. Reg. 550 - 1/13/12
-Expiration of Second Notice: 5/12/12

Teachers' Retirement System

37. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 35 Ill. Reg. 21013 - 12/30/11
-Expiration of Second Notice: 4/22/12

Transportation

38. Tourism Attraction Signing Program (92 Ill. Adm. Code 543)
-First Notice Published: 36 Ill. Reg. 1049 – 1/27/12
-Expiration of Second Notice: 4/29/12

Veterans' Affairs

39. MIA/POW Scholarship (95 Ill. Adm. Code 116)
-First Notice Published: 35 Ill. Reg. 8413 – 6/3/11
-Expiration of Second Notice: 5/13/12

EMERGENCY RULEMAKINGS

Gaming Board

40. Video Gaming (General) (11 Ill. Adm. Code 1800)
-Notice Published: 36 Ill. Reg. 4150 - 3/16/12

Housing Development Authority

41. Homeownership Mortgage Loan Program (47 Ill. Adm. Code 300)
-Notice Published: 36 Ill. Reg. 1783 - 2/3/12

Natural Resources

42. Crossbow and Standing Vehicle Hunting Authorizations (17 Ill. Adm. Code 760)
-Notice Published: 36 Ill. Reg. 4428 - 3/23/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

Racing Board

43. Medication (11 Ill. Adm. Code 603) (Emergency)
-Notice Published: 36 Ill. Reg. 3290 - 3/2/12

PEREMPTORY RULEMAKINGS

Central Management Services

44. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 36 Ill. Reg. 3957 - 3/9/12
45. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 36 Ill. Reg. 4158 - 3/16/12
46. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 36 Ill. Reg. 4437 - 3/23/12

ADOPTED RULEMAKINGS

State Treasurer

47. Access to Information (Repealer) (2 Ill. Adm. Code 651)
-Adopted Date: 36 Ill. Reg. 3259 - 3/2/12
48. Access to Records of the Office of the Illinois State Treasurer (2 Ill. Adm. Code 651)
-Adopted Date: 36 Ill. Reg. 3261 - 3/2/12

AGENCY RESPONSES

Agriculture

49. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125; 35 Ill. Reg. 19553) (Peremptory)

Natural Resources

50. Hound Running Areas (17 Ill. Adm. Code 970; 35 Ill. Reg. 6742)

Secretary of State

JOINT COMMITTEE ON ADMINISTRATIVE RULES
APRIL AGENDA

- 51. Procedures and Standards (92 Ill. Adm. Code 1001; 35 Ill. Reg. 14916)
- 52. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070; 35 Ill. Reg. 21025)
Student Assistance Commission
- 53. John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754; 36 Ill. Reg. 556)

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 27, 2012 through April 2, 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>
5/12/12	<u>Illinois Student Assistance Commission</u> , Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775)	1/13/12 36 Ill. Reg. 550	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)	1/13/12 36 Ill. Reg. 505	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)	1/13/12 36 Ill. Reg. 511	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , Grant Program for Dependents of Police or Fire Officers (23 Ill. Adm. Code 2732)	1/13/12 36 Ill. Reg. 517	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	1/13/12 36 Ill. Reg. 523	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)	1/13/12 36 Ill. Reg. 529	4/17/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/12/12	<u>Illinois Student Assistance Commission</u> , John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754)	1/13/12 36 Ill. Reg. 541	4/17/12
5/12/12	<u>Illinois Student Assistance Commission</u> , College Planning Act (23 Ill. Adm. Code 2774)	1/13/12 36 Ill. Reg. 543	4/17/12
5/12/12	<u>Department of Public Health</u> , Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010)	1/27/12 36 Ill. Reg. 1009	4/17/12
5/12/12	<u>Illinois Commerce Commission</u> , Collateral Recovery (92 Ill. Adm. Code 1480)	12/23/11 35 Ill. Reg. 19995	4/17/12
5/13/12	<u>Department of Veterans' Affairs</u> , MIA/POW Scholarship (95 Ill. Adm. Code 116)	6/3/11 35 Ill. Reg. 8413	4/17/12

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 15 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.

PROPOSED RULES

80 - 305	.....	5652
89 - 363	.....	5656
89 - 406	.....	5663
89 - 408	.....	5678
86 - 3000	.....	5694
35 - 301	.....	5713
35 - 302	.....	5721
35 - 303	.....	5756
23 - 3025	.....	5761
23 - 3035	.....	5770

ADOPTED RULES

2 - 5375	4/1/2012	5840
2 - 5376	4/1/2012	5850

EMERGENCY RULES

11 - 1770	3/27/2012	5856
-----------	-----------------	------

**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

17 - 970	5876
----------	-------	------

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com