

---

# ILLINOIS

---

## REGISTER

---



---

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

**TABLE OF CONTENTS**

**January 13, 2012 Volume 36, Issue 2**

**PROPOSED RULES**

ENVIRONMENTAL PROTECTION AGENCY

Alternate Fuels Program

35 Ill. Adm. Code 275.....441

SECRETARY OF STATE

Issuance of Licenses

92 Ill. Adm. Code 1030.....461

STUDENT ASSISTANCE COMMISSION, ILLINOIS

Illinois National Guard (ING) Grant Program

23 Ill. Adm. Code 2730.....505

Grant Program for Dependents of Correctional Officers

23 Ill. Adm. Code 2731.....511

Grant Program for Dependents of Police or Fire Officers

23 Ill. Adm. Code 2732.....517

Illinois Veteran Grant (IVG) Program

23 Ill. Adm. Code 2733.....523

Monetary Award Program (MAP)

23 Ill. Adm. Code 2735.....529

John R. Justice Student Loan Repayment Program

23 Ill. Adm. Code 2754.....541

College Planning Act

23 Ill. Adm. Code 2774.....543

Illinois Prepaid Tuition Program

23 Ill. Adm. Code 2775.....550

**EMERGENCY RULES**

STUDENT ASSISTANCE COMMISSION, ILLINOIS

John R. Justice Student Loan Repayment Program

23 Ill. Adm. Code 2754.....556

**PEREMPTORY RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 310.....564

**REGULATORY AGENDA**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Access to Information

2 Ill. Adm. Code 751.....582

COMMERCE COMMISSION, ILLINOIS

Procedures for Gas, Electric, Water and Sanitary Sewer

Utilities Governing Eligibility for Service Deposits, Payment

Practices, and Discontinuance of Service

83 Ill. Adm. Code 280.....593

EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
Public Information, Rulemaking and Organization	
2 Ill. Adm. Code 1800.....	595
EMPLOYMENT SECURITY, DEPARTMENT OF	
General Application	
56 Ill. Adm. Code 2712.....	618
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Corporate Applications for Banks and Corporate Fiduciaries	
38 Ill. Adm. Code 370.....	622
GAMING BOARD, ILLINOIS	
Riverboat Gambling	
86 Ill. Adm. Code 3000.....	643
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF	
Practice in Administrative Hearings	
89 Ill. Adm. Code 104.....	647
HUMAN SERVICES, DEPARTMENT OF	
Recipient Rights	
59 Ill. Adm. Code 111.....	650
INSURANCE, DEPARTMENT OF	
Acquisition of Control of a Domestic Company	
50 Ill. Adm. Code 851.....	664
OFFICE OF THE ATTORNEY GENERAL	
Compliance with Freedom of Information Act	
2 Ill. Adm. Code 576.....	681
TRANSPORTATION, DEPARTMENT OF	
Inspection Procedures for Type I and Type II School Buses	
92 Ill. Adm. Code 441.....	686
VETERANS' AFFAIRS, ILLINOIS DEPARTMENT OF	
Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes	
95 Ill. Adm. Code 108.....	691
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received.....	694
<b>NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES OBJECTION TO PROPOSED RULEMAKING</b>	
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF	
Cemetery Oversight Act	
68 Ill. Adm. Code 1249.....	695
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>	
PROCLAMATIONS	
Westinghouse-Nan Yang Sister School Day	
2011-409.....	697
Just Say No Month	
2011-410.....	698

Suicide Prevention Month	
2011-411.....	698
The Chicago Community Trust Day	
2011-412.....	700
Rainbow Push Coalition and Citizenship Education Fund Day	
2011-413.....	701
Cervical Cancer Awareness Month	
2011-414.....	702
Ice Safety Awareness Month	
2011-415.....	703
Constitution Week	
2011-416.....	704
Berwyn Holiday Dinner Day	
2011-417.....	705
Perianesthesia Nurse Awareness Week	
2011-418.....	706

## 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 13, 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

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Alternate Fuels Program
- 2) Code Citation: 35 Ill. Adm. Code 275
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
275.100	Amendment
275.120	Amendment
275.130	Amendment
275.300	New
275.310	New
275.320	New
275.330	New
275.340	New
275.350	New
275.360	New
275.370	New
275.380	New
275.390	New
275.400	New
275.410	New
275.420	New
275.430	New
- 4) Statutory Authority: Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 120/30]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency's (Illinois EPA) proposal would amend Part 275 to reflect amendments to Section 30 of the Alternate Fuels Act (Act) signed into law on July 11, 2011, as PA 97-90. Amendments to Section 30 of the Act establish an electric vehicle car sharing grant program. These amendments provide that, through fiscal year 2013, the Illinois EPA may award grants to car sharing organizations for the purchase of new electric vehicles from an Illinois car dealership to the extent that funds remain available from the alternate fuel vehicle rebate fund. Also, proposed amendments to Section 30 provide grant award criteria, eligibility requirements, application requirements, funding limitations and reporting requirements.

The Illinois EPA's proposed amendments to Part 275 establish procedures for the issuance of electric vehicle car sharing grants. Specifically, the proposed amendments

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

establish the availability and limitations of grants, grant application requirements and criteria and procedures relating to the Illinois EPA's award of grants and grant funding amounts. In addition, the proposed amendments establish requirements relating to grant agreements, access to grant projects, audits, maintenance of records, reporting and reimbursement. Also, the proposed amendments establish procedures for addressing noncompliance with grant requirements.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois EPA relied on PA 97-90 to compose this rulemaking. Copies are available for review with the Illinois EPA at 1021 N. Grand Avenue East, Springfield, Illinois 62794.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed 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: The Illinois EPA will accept written public comments on this proposal for a period of 45 days after the date of publication in the *Illinois Register*. Comments should reference the Alternate Fuels Program and be addressed to:

Kent E. Mohr Jr.  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

217/782-5544

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact small businesses, small municipalities, and not for profit corporations to the extent that if they apply for an electric vehicle car sharing grant, they will utilize this rule. The Illinois EPA anticipates that this rulemaking will generally benefit these entities by providing funds and a streamlined process for obtaining such funds for the purchase of new electric vehicles.
  - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires grant recipients to maintain records relating to their grants and to submit quarterly reports, if applicable, and final reports.
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because these rules were not contemplated until passage of PA 97-90.

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

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 275  
ALTERNATE FUELS PROGRAM

## SUBPART A: GENERAL PROVISIONS

## Section

275.100	Purpose <a href="#">and Introduction</a>
275.110	Other Definitions
275.120	Definitions
275.130	Abbreviations and Acronyms
275.140	Incorporations by Reference

SUBPART B: [ALTERNATE FUEL VEHICLE](#) REBATES

## Section

275.200	General Applicant and Vehicle Eligibility
275.210	Conversion Cost Rebate Eligibility
275.215	OEM Differential Cost Rebate Eligibility
275.220	Fuel Cost Differential Rebate Eligibility
275.230	Applications
275.240	Rebate Priorities and Rebate Amounts
275.250	Appeal of Agency Decision

[SUBPART C: ELECTRIC VEHICLE CAR SHARING GRANTS](#)[Section](#)

<a href="#">275.300</a>	<a href="#">Availability and Limitations of Grants</a>
<a href="#">275.310</a>	<a href="#">Grant Application Requirements</a>
<a href="#">275.320</a>	<a href="#">Agency Action on Grant Applications</a>
<a href="#">275.330</a>	<a href="#">Grant Agreement and Amendments</a>
<a href="#">275.340</a>	<a href="#">Access</a>
<a href="#">275.350</a>	<a href="#">Audit and Records</a>
<a href="#">275.360</a>	<a href="#">Grant Reporting Requirements</a>
<a href="#">275.370</a>	<a href="#">Final Inspection</a>
<a href="#">275.380</a>	<a href="#">Noncompliance</a>

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

<a href="#">275.390</a>	<a href="#">Project Suspension</a>
<a href="#">275.400</a>	<a href="#">Grant Termination by the Agency</a>
<a href="#">275.410</a>	<a href="#">Agency Recovery and Reimbursement of Grant Funds</a>
<a href="#">275.420</a>	<a href="#">Indemnification</a>
<a href="#">275.430</a>	<a href="#">Disputes</a>

275.APPENDIX A Annual Fuel Cost Differential For LDVs (Repealed)

AUTHORITY: Implementing and authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 30].

SOURCE: Adopted at 21 Ill. Reg. 7150, effective May 29, 1997; amended at 23 Ill. Reg. 11916, effective September 13, 1999; amended at 25 Ill. Reg. 6877, effective May 18, 2001; amended at 34 Ill. Reg. 16841, effective October 18, 2010; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 275.100 Purpose and Introduction**

- a) This Part establishes procedures for applying for alternate fuel vehicle rebates and electric vehicle car sharing grants as authorized by the Alternate Fuels Act [415 ILCS 120]. Alternate fuel vehicle rebates include an original equipment manufacturer (OEM) differential cost rebate, conversion cost rebate, or fuel cost differential rebate ~~as authorized by the Alternate Fuels Act [415 ILCS 120].~~
- b) This Part is divided into Subparts that are grouped as follows:
- 1) Subpart A: General Provisions;
  - 2) Subpart B: Alternate Fuel Vehicle Rebates; and
  - 3) Subpart C: Electric Vehicle Car Sharing Grants.

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

**Section 275.120 Definitions**

"Act" means the Alternate Fuels Act [415 ILCS 120].

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"Agency" means the Illinois Environmental Protection Agency.

"Alternate fuel" means liquefied petroleum gas (propane), natural gas, E85 blend fuel, hydrogen fuel, electricity when used as the primary external fuel source to power the vehicle excluding on-board electric generation, fuel composed of a minimum 80% ethanol or 80% bio-based methanol, or fuels that are at least 80% derived from biomass.

"Alternate fuel vehicle" means any motor vehicle or engine that is capable of using an alternate fuel and is operated in the State of Illinois.

"Base retail price" means the manufacturer's suggested retail price [\(MSRP\)](#) excluding options, upgrades, and applicable taxes, title, license, document fee, destination charge, and other add-ons or dealer-related charges.

"Biodiesel fuel" means a renewable fuel conforming to the industry standard ASTM D 6751, incorporated by reference in Section 275.140 of this Subpart.

*"Car sharing organization" means an organization whose primary business is a membership-based service that allows members to drive cars by the hour in order to extend the public transit system, reduce personal car ownership, save consumers money, increase the use of alternative transportation, and improve environmental sustainability. [415 ILCS 120/10]*

*"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels. [415 ILCS 120/10]*

"Conversion Cost Rebate" means a rebate issued to offset, in part, the cost of converting a conventional vehicle to alternate fuel capability.

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and those portions of Grundy County and Kendall County that are included in the following zip code areas, as designated by the U.S. Postal Service on August 7, 1998: 60416, 60444, 60447, 60450, 60481, 60538, and 60543.

"Domestic renewable fuel" means a fuel, produced in the United States or its territories, composed of a minimum 80% ethanol or 80% bio-based methanol, minimum 20% biodiesel fuel, or other fuels derived from at least 80% biomass.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"E85 blend fuel" means fuel that contains 85% ethanol and 15% gasoline [415 ILCS 120/10] or any wintertime blend of at least 70% ethanol.

"Electric vehicle" means a vehicle that is licensed to drive on public roadways, is predominantly powered by, and primarily fueled with, electricity, and does not have restrictions confining it to operate on only certain types of streets or roads. [415 ILCS 120/10]

"Fuel cost differential rebate" means a rebate issued to offset, in part, the increased cost of using an alternate fuel or domestic renewable fuel compared to conventional fuel.

"Gross Vehicle Weight Rating" or "GVWR" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle" or "HDV" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Location" means:

*a parcel of real property; or*

*multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under common control of one party. [415 ILCS 120/10]*

"Motor vehicle" means a car, truck, van, bus, motorcycle, or other similar on-road vehicle that can be legally driven on all public roadways and all highways in Illinois for the purpose of transporting passengers or cargo. Types of vehicles that are designed to be used primarily as off-road vehicles or equipment, including, but not limited to, vehicles and equipment used for agriculture, construction, recreation or landscaping, and golf carts that are designed and manufactured for operation on a golf course or similar vehicles that resemble golf carts, are not motor vehicles for the purposes of this Part.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"OEM differential cost rebate" means a rebate issued to offset, in part, the increased cost of purchasing an OEM alternate fuel vehicle.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, business, corporation, organization, partnership, firm, association, trust, estate, public or private institution, group, municipality, political subdivision of a state, any agency, department, or instrumentality of the United States, and any officer, agent or employee of any of the above. A car dealer, ~~or~~ car dealership or lessee of a motor vehicle is not a person for the purposes of this Part.

"Private fueling operation" means any activity in which alternate fuel or domestic renewable fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where the fuel is not available to the public.

"Project expenditures" means the purchase costs of electric vehicles and costs of supporting infrastructure for an electric vehicle car sharing grant.

"Proof of payment" means a copy of a cancelled check, an invoice or bill showing that the applicable amount has been paid or that no remaining balance exists, or other appropriate proof, acceptable to the Agency, that payment has been made for the related purchase.

"Public fueling operation" means any site where alternate fuel or domestic renewable fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Purchase costs" means the base MSRP of an electric vehicle.

"Retail" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"Supporting infrastructure" means equipment and installation of equipment for the recharging of electric vehicles purchased under a grant project.

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

**Section 275.130 Abbreviations and Acronyms**

Agency	Illinois Environmental Protection Agency
ASTM	ASTM International
CARB	California Air Resources Board
FEIN	Federal Employer Identification Number
GVWR	gross vehicle weight rating
HDV	heavy-duty vehicle
<u>MSRP</u>	<u>Manufacturer's suggested retail price</u>
OEM	original equipment manufacturer
USEPA	United States Environmental Protection Agency
VIN	vehicle identification number

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

SUBPART C: ELECTRIC VEHICLE CAR SHARING GRANTS**Section 275.300 Availability and Limitations of Grants**

- a) Once in each of fiscal years 2012 and 2013, in accordance with the Act and this Subpart, a car sharing organization may submit a grant proposal to the Agency for the purchase of new electric vehicles from an Illinois car dealership.
- b) Grant funds may only be used for purchasing electric vehicles [415 ILCS 120/30(c)(4)]. Grant funding may not exceed 25 percent of the actual project expenditures.
- c) The availability of grants in any fiscal year is limited to the Agency's estimate of the amount of the annual appropriation and funding remaining after all alternate fuel rebates, as authorized by the Act and Subpart B of this Part, for the applicable fiscal year, have been accounted for.
- d) Grants shall be awarded on a competitive basis.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- e) The Agency may elect to partially fund a grant project.
- f) Grant projects must be performed within one year after the date of the grant award.
- g) An electric vehicle purchased using grant funding is not eligible for any rebate authorized by the Act and Subpart B of this Part.
- h) A grant recipient, if determined to be in noncompliance with this Subpart or the grant agreement, may not be eligible to receive an additional grant until compliance has been achieved and the grant recipient provides sufficient assurances to the Agency that it has addressed or will timely address the previous noncompliance.

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

**Section 275.310 Grant Application Requirements**

- a) To be considered for a grant under this Subpart, eligible grant applicants must submit to the Agency a grant proposal that includes complete application forms and any other required information. Grant applicants must use application forms furnished by the Agency.
- b) Grant proposals must include the following:
  - 1) Name, principal address, chief officers, and locations of the car sharing organization and its operations within Illinois;
  - 2) Description of the car sharing organization, including the number and types of vehicles currently in the fleet and how the vehicles are strategically located to maximize their usage, along with a summary of the demographic populations being served [415 ILCS 120/30(c)(1)(B)];
  - 3) Summary of average miles per year driven by the vehicles currently in the fleet [415 ILCS 120/30(c)(1)(C)];
  - 4) Narrative description of the project, including the overall plans of the organization in acquiring electric vehicles, the makes and models and the number of electric vehicles that will be acquired by the funding, estimated

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

*purchase costs for each vehicle, how the vehicles will be refueled, and whether the refueling locations are available to the public or other entities, are private facilities solely used by the organization, or a combination of both [415 ILCS 120/30(c)(1)(D)]; and*

- 5) Detailed project budget, including purchase costs of the electric vehicles and costs of the supporting infrastructure.
- c) Grant proposals must be submitted by hard copy and postmarked by May 1 of the applicable fiscal year, unless otherwise specified by the Agency.

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

**Section 275.320 Agency Action on Grant Applications**

- a) Subject to the availability and limitations of grants as specified in Section 275.300, the Agency may award grants and set initial and final grant funding amounts.
- b) In awarding a grant, the Agency shall consider the following:
  - 1) The overall level of environmental benefits to be realized by the proposed grant project, including, but not limited to, the following:
    - A) Whether the car sharing organization's current and proposed vehicles are or will be located in an ozone nonattainment area;
    - B) The geographic distribution of the car sharing organization's current and proposed vehicles;
    - C) The number of proposed vehicles, including the make and model;
    - D) The demographic populations being served by the car sharing organization;
    - E) The average miles driven per year by the car sharing organization's current vehicles;
    - F) The type of equipment to be used for refueling the vehicles; and

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- G) Whether the refueling locations are available to the public or other entities, are private facilities solely used by the car sharing organization, or a combination of both;
- 2) Whether a greater portion of the estimated total project expenditures will fund the purchase of new electric vehicles; and
- 3) Other relevant information provided by the grant applicant or identified by the Agency.
- c) Grant Funding Amounts
- 1) Initial and final grant funding amounts shall be based only on the base MSRP of the electric vehicle and its electric motors and drivetrain system as depicted on the window sticker or similar documents and not on add-on options such as cabin-related product or component upgrades and extended warranties.
- 2) Initial grant funding amounts shall not exceed 25 percent of the estimated project expenditures. Final grant funding amounts shall not exceed 25 percent of the actual project expenditures. In the event there is a difference between initial and final grant funding amounts such that initial grant funding exceeds 25 percent of the actual project expenditures, the grant recipient shall reimburse the State of Illinois that excess portion of the initial grant funding amount in accordance with Section 275.410(a).
- d) The Agency may request that the grant applicant revise its grant proposal.
- e) Grant applicants are not eligible to obtain grant funding by default due to failure by the Agency to act upon a grant proposal.

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

**Section 275.330 Grant Agreement and Amendments**

- a) If selected for a grant, the Agency shall send the grant applicant a grant agreement. The grant applicant shall sign and return the grant agreement within the time period specified by the Agency. If the grant applicant fails to submit the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

signed grant agreement to the Agency within the time period specified, the grant award may be considered null and void.

- b) The grant agreement, any grant amendments, and this Subpart shall govern the grant.
- c) Following acceptance of the grant agreement by the State of Illinois, the Agency shall award the grant by issuing a grant project confirmation letter, including a signed copy of the grant agreement, to the grant recipient that authorizes the grant recipient to begin the grant project.
- d) The grant recipient may propose changes to the grant project, and the Agency and grant recipient may mutually agree to amend the grant. Any changes to the grant project must be made in writing, signed by the Agency and grant recipient, as an amendment.

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

**Section 275.340 Access**

- a) Any entity with grant oversight authority, and any representative of that entity, shall have access, during normal business hours and at any other time during which the grant project is being performed, to the premises where any grant project is being performed or where any electric vehicles are located. After completion of the grant project, any entity with grant oversight authority, and any representative of that entity, shall have access to the resulting grant project, including electric vehicles, for five years, during normal business hours. During any access under this subsection, interviews of persons may be conducted.
- b) Failure by the grant recipient to provide access as required by this Section after 3 business days written notice from the Agency may result in the Agency taking any of the actions specified by Section 275.380(a)(1)-(a)(4) (Noncompliance).

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

**Section 275.350 Audit and Records**

- a) The grant recipient shall maintain books, records, documents, reports, papers, agreements, and other evidentiary material and accounting procedures and

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

practices ("records") as required by the grant agreement and any applicable law or regulation, and consistent with generally accepted accounting standards.

- b) For purposes of this Section, "records" shall include, but not be limited to, the following:
- 1) Documentation of the receipt and disposition by the grant recipient of all grant funds received for the grant project; and
  - 2) Documentation of the project expenditures for the grant project, including all direct and indirect costs of whatever nature incurred for the performance of the grant project.
- c) The grant recipient's facilities, or any facilities engaged in the performance of the grant project, and the grant recipient's records shall be subject to inspection and audit by any entity with grant oversight authority, and any representative of that entity, at the times specified in Section 275.340 (Access).
- d) The grant recipient shall preserve and make its records available to any entity with grant oversight authority, and any representative of that entity, for the following record retention periods:
- 1) Five years after submission of the final report;
  - 2) If the grant is completely or partially terminated, 5 years after any resulting final termination settlement; or
  - 3) If any dispute, litigation, claim, negotiation, audit or other action involving the records has been started before expiration of the record retention period specified in subsection (d)(1), until completion of the action and resolution of all issues that arise from it.
- e) Failure of the grant recipient to make records available as required by this Section after 3 business days written notice from the Agency may result in the Agency taking any of the actions specified by Section 275.380(a)(1)-(a)(4) (Noncompliance).
- f) The rights of access under this Section are not limited to the applicable record retention period, but shall last as long as the records are retained.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- g) The grant recipient shall comply with any investigations and interviews relating to the grant project and related records.

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

**Section 275.360 Grant Reporting Requirements**

- a) Within one year after the date of the grant award, the grant recipient shall submit a final report to the Agency. Final reports shall be submitted by hard copy and postmarked within one year after the date of the grant award.
- b) Final reports shall include, at a minimum, the following information:
- 1) The make, model and model year of each electric vehicle purchased;
  - 2) The purchase date of each electric vehicle;
  - 3) The VIN of each electric vehicle purchased;
  - 4) The license plate number and the state of registration of each electric vehicle purchased;
  - 5) A copy of the window sticker or similar document showing the base MSRP and all options for each electric vehicle purchased;
  - 6) A copy of the purchase invoice for each electric vehicle, showing proof of payment and identifying the Illinois car dealership where the vehicle was purchased; and
  - 7) A complete accounting of any and all costs attributable to the supporting infrastructure.
- c) For grants in excess of \$25,000, the grant recipient shall submit quarterly reports to the Agency. Quarterly reports shall describe the progress of the grant project and expenditure of grant funds. Quarterly reports shall be submitted to the Agency by hard copy within 30 days after October 1, January 1, April 1, and July 1, as applicable.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- d) Failure by the grant recipient to submit any report when due, as required by this Section, may result in the Agency taking any of the actions specified by Section 275.380(a)(1)-(a)(4) (Noncompliance).

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

**Section 275.370 Final Inspection**

The Agency shall conduct a final inspection of the grant project within 60 calendar days after receipt of the final report required by Section 275.360 of this Subpart or within 60 days after the grant award expires, whichever comes first. If the Agency concludes at final inspection that performance of the grant project is deficient, the Agency shall notify the grant recipient in writing within 30 calendar days after final inspection. Within 30 calendar days after receipt of the Agency's written notice of deficiency, the grant recipient shall satisfy the deficiency and notify the Agency in writing of completion. The Agency shall schedule a follow-up inspection, or other appropriate review, within 30 calendar days after receipt of the notice.

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

**Section 275.380 Noncompliance**

- a) In the event of noncompliance with any provision of the grant agreement or this Part, the Director may take any necessary action as provided by law or by the grant agreement against the grant recipient, including, but not limited to, one or more of the following actions:
- 1) Commence legal action in a court of competent jurisdiction;
  - 2) Declare all grant funds revoked immediately and recover all grant funds;
  - 3) Terminate the grant pursuant to Section 275.400 (Grant Termination by the Agency);
  - 4) Suspend all or part of the grant project pursuant to Section 275.390 (Project Suspension); or
  - 5) Reduce the amount of the grant by the amount of misused funds.

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- b) In determining whether to take action, the Agency shall, at a minimum, consider mitigating or aggravating factors, including, but not limited to, the severity and number of the violations, whether the violation is a continuing one, whether the grant recipient can remedy or has remedied the violation, and whether the grant recipient remains capable of performing the grant project.

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

**Section 275.390 Project Suspension**

- a) In the event of any violation of this Subpart or noncompliance with any provision of the grant agreement, the Agency may, by written notice and order, require the grant recipient to suspend all or any part of the grant project for a period of not more than 30 calendar days after the date of the order, and for any further period to which the parties may agree. Any such order shall include a list of the grant project activities to which it applies. Upon receipt of a project suspension order, the grant recipient shall immediately comply with its terms and shall minimize the incurrence of costs allocable to the grant project activities covered by the order during the period of suspension. Within 30 days after the date of the project suspension order, or within the period of any extension to which the parties have agreed, the Agency may:
- 1) Cancel the project suspension order upon resolution of the violation or cause leading to that project suspension order; or
  - 2) Terminate the work covered by the project suspension order, as provided in Section 275.400 (Grant Termination by the Agency).
- b) If a project suspension order is cancelled or the period of the order or any extension of the order expires, the grant recipient shall resume the grant project activities. An adjustment may be made in the grant period, the grant funding, or any combination of these, and the grant may be amended accordingly, if the grant recipient submits a written claim for an adjustment to the Agency within 30 calendar days after the end of the project suspension. Any such adjustment is at the discretion of the Agency.
- c) All costs that are incurred by the grant recipient after the receipt of a project suspension order, or during any extension of the project suspension order period

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

to which the Agency and the grant recipient have agreed, shall be deemed unallowable costs unless otherwise authorized by the Agency in writing.

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

**Section 275.400 Grant Termination by the Agency**

The Agency may terminate the grant for any of the following reasons:

- a) Availability of Appropriation. The Agency, by written notice to the grant recipient, may immediately terminate a grant, in whole or in part, without penalty or further payment being required, if the Illinois General Assembly fails to make an appropriation sufficient to pay the grant obligation, or if funds needed are insufficient for any reason.
- b) Cause. The Agency, by written notice to the grant recipient, may immediately terminate a grant, in whole or in part, if it is determined that the actions, or failure to act, of the grant recipient, its agents, employees or contractors have caused, or reasonably could cause, jeopardy to health, safety or property. If the grant recipient fails to perform to the Agency's satisfaction any material requirement of a grant or is in violation of a material provision of a grant or this Subpart, the Agency shall provide written notice to the grant recipient requesting that the breach or noncompliance be remedied within the period of time specified in the Agency's written notice. If the breach or noncompliance is not remedied by that date, the Agency may either immediately terminate the grant without additional written notice or enforce the terms and conditions of the grant, and, in either event, may seek any available legal or equitable remedies and damages.
- c) Convenience. Following 30 days written notice, the Agency may terminate a grant in whole or in part without the payment of any penalty or incurring any further obligation to the grant recipient. Following any termination for convenience, the grant recipient shall be entitled to compensation upon submission of invoices and proof of claim for grant project work performed under the grant agreement up to and including the date of termination.

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

**Section 275.410 Agency Recovery and Reimbursement of Grant Funds**

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- a) If there are grant funds remaining at the time of submitting the final report, the remaining grant funds shall be returned to the State of Illinois within 45 days after submitting the final report.
- b) The State of Illinois shall be reimbursed for any grant funds that have not been spent in accordance with this Part or the grant agreement.
- c) If the Agency determines that any grant funds are being misspent or improperly held by the grant recipient, the Agency or the Attorney General shall have the authority to recover those funds and take any action authorized by the Illinois Grant Funds Recovery Act [30 ILCS 705].
- d) Electric vehicles purchased with grant funds must remain registered and in service with the grant recipient in Illinois for a minimum of 5 years after purchase. If an electric vehicle is sold or otherwise taken out of service in Illinois earlier than that time, the grant recipient shall refund to the State of Illinois a prorated amount of the grant funds used to purchase that vehicle based on MSRP within 45 days after being sold or taken out of service, except if the vehicle is replaced with a comparable vehicle or can no longer be safely operated due to an accident or other damage.

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

**Section 275.420 Indemnification**

The grant recipient agrees to defend, indemnify and hold harmless the State of Illinois, its agencies, officers, employees, agents and volunteers from any and all costs, demands, expenses, losses, claims, suits, causes of action, fines, damages, liabilities, settlements and judgments, including in-house and contracted attorneys' fees and expenses, relating to bodily injuries to persons, including death, and for loss of, damage to, or destruction of real or tangible personal property, including property of the State of Illinois, resulting from the negligence or misconduct of the grant recipient, its employees, agents or contractors in the performance of the grant project or related to performances of the grant project. The grant recipient shall require any contractor engaged by the grant recipient to agree in writing to look solely to the grant recipient for performance of its sub-agreement with the grant recipient and for satisfaction of any and all claims arising under the sub-agreement.

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

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

**Section 275.430 Disputes**

- a) Any dispute arising under a grant that is not disposed of by agreement shall be decided by the Director, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the grant recipient by mail, electronic mail, facsimile, personal service or similar means. The decision of the Director shall be in accordance with this Subpart and shall be final and conclusive.
- b) Subsection (a) shall not preclude the Director from considering questions of law or equity in any decision.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.1	Amendment
1030.22	New Section
1030.92	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: Effective January 30, 2012, the Federal Motor Carrier Administration requires that every holder of a commercial driver's license (CDL) furnish a medical examiner's certificate to the Secretary of State. The Secretary of State will load a notation to the driving record and will notify the Commercial Driver's License Information System that a medical examiner's certificate has been received and recorded to the driving record. Obtaining a medical examiner's certificate is not a new requirement for CDL holders; the only new requirement is to submit that certificate to the Secretary of State.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.63	Repeal	35 Ill. Reg. 18575; November 14, 2011
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

website, [www.sos.il.us/departments/index/home](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

- 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: CDL holders must submit a medical examiner's certificate to the Secretary of State.
  - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
<u>1030.22</u>	<u>Medical Examiner's Certificate – CDL Holders</u>
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Disabled Person Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Instruction Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11,

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19,

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1030.1 Definitions**

Unless otherwise noted, the following definitions shall apply to this Part.

"Acceptable Medical Certificate" – a current medical examiner's certificate that has been completed in its entirety and does not require additional information.

"Adjudication of Disability" – an order by a court of competent jurisdiction declaring a person, unable to fully manage his/her person and/or estate because of mental deterioration or physical incapacity, or mental illness or developmental disability, pursuant to Sections 11a-1, 11a-2 and 11a-3 of the Probate Act of 1975 [755 ILCS 5/11a-1, 11a-2 and 11a-3].

"Agri-Chemical Business" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural pesticides and/or fertilizers or providing the service of application of these substances in this State.

"Applicant" – a person applying for an Illinois driver's license, permit or identification card.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*"Approved Driver Education Course" –*

*a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8]; or*

*a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education; or*

*any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer; or*

*a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state [625 ILCS 5/1-103].*

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps or Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USC 106) shall also be considered service in the Armed Forces of the United States.

"Authorized Secretary of State Employee" – a Secretary of State employee with a supervisory position.

"Authorized Source" –

competent medical specialist

law enforcement official

member of the judiciary

Member of the Board

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

National Driver Register

authorized Secretary of State employee

employee of the U.S. Department of Transportation, Office of Motor Carriers

motor vehicle departments of foreign states

driver rehabilitation specialist

problem driver pointer system

"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Branch Facility" – a separate training/testing facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" – any day on which the Office of the Secretary of State is open; generally, Monday through Saturday, excluding State holidays.

"CDL Skills Test" – a test given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

*"CDLIS Driver Record" – the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 USC 31309. [625 ILCS 5/6-500(5.3)]*

*"CDLIS Motor Vehicle Record" or "CDLIS MVR" – a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 CFR 384.225(e)(3) and (4), subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(5.5)]*

*"Commercial Driver's License Downgrade" – a state:*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

allows the driver to change his or her self certification to interstate, but operating exclusively in transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2, 391.68 or 398.3;

allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only;

allows the driver to change his or her self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; [or](#)

removes the CDL privilege from the driver's license. [625 ILCS 5/6-500(5.7)]

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to such license or permit, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license or permit is without prejudice and application for a new license or permit may be made at any time after such cancellation [625 ILCS 5/1-110 and 5/6-206(c)(3) and 6-201].

"Central Issuance" – the process of printing and mailing a driver's license to an applicant from a secure central production facility.

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in IVC Chapter 6, Art. IV and 92 Ill. Adm. Code 1060.

"Charter Bus Driver Endorsement" – an indicator on the driver's license that the driver is qualified to transport a group of persons with a common purpose, under a single contract at a fixed rate for their exclusive use of that motor vehicle.

"Cheating on Written Tests" – the receipt or use of unauthorized assistance in the taking of any portion of a written test. This includes, but is not limited to, the use of any notes, books or written information.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Cited Driver" – a driver who has been requested by the Secretary of State to appear for re-test.

"Classification" – a designation as to the kind and type of vehicle a driver is entitled to operate, as outlined in Sections 1030.30 and 1030.40.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code [105 ILCS 5/27-23].

"Cleared Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction, or unsatisfied judgment.

"Commercial Driver's License" or "CDL" – *a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a certain class of commercial motor vehicle* [625 ILCS 5/1-111.6].

"Commercial Driver's License Information System" or "CDLIS" – the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Driver Instruction Permit" or "CIP" – a permit issued pursuant to IVC Section 6-508.

"Commercial Motor Vehicle" or "CMV" – *a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle –*

*has a gross combination weight rating of 11,794 kilograms (26,000 pounds) or more inclusive of towed units with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*has a gross vehicle weight rating of 11,794 kilograms (26,001 pounds) or more; or*

*is designed to transport 16 or more passengers, including the driver; or*

*is of any size and is used in the transportation of hazardous materials as defined in the Federal Motor Carrier Safety Regulations (49 CFR 383.5).  
[625 ILCS 5/6-500(6)]*

*"Commuter Van" – a motor vehicle designed for the transportation of not less than seven or more than 16 passengers, that is used in a ridesharing arrangement [625 ILCS 5/1-111.9].*

*"Competent Medical Specialist" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, to practice medicine in all of its branches.*

*"Confirmed Medical Emergency" – documented medical emergency from a licensed physician specifying the cited driver is unable to appear during the 30 day re-testing period. This includes, but is not necessarily limited to, the following conditions: hospitalization, serious illness, broken limbs.*

*"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].*

*"Conviction-CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated [625 ILCS 5/6-500(8)].*

*"Cooperative Driver Testing Program" – a program offered by the Department to local school boards with accredited driver education courses, allowing students*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

who receive a grade of A or B in the driver education course and who pass a road test administered by a Department certified high school driver education instructor to be exempted from a road test administered by the Department.

"Court Documents" – the items issued by a court, such as reports, notices, summonses, subpoenas, orders and transcripts.

"Criminal Justice Agencies" – the federal and state courts, a governmental agency or sub-unit that performs the duties of the detection, apprehension or detention of accused persons or criminal offenders pursuant to a statute.

"Current Medical Report" – any medical report completed within 90 days after receipt by the Department that is signed and dated by a competent medical specialist.

"Current Telescopic Lens Vision Specialist Report" – any vision specialist report completed for a telescopic lens user that has been completed within six months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Current Vision Specialist Report" – any vision specialist report completed for a driver that has been completed within six months prior to receipt by the Department and is signed and dated by a vision specialist.

"Custom Harvester" – any individual, partnership, corporation or association engaged in a business operation for the purpose of harvesting agricultural commodities other than their own on a contract basis.

"Dangerous Action" – an act by the applicant that could endanger a person or property.

"Day" – a calendar day.

"Denial" – any entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license or privileges until the conditions set forth by the Department are met (see IVC Section 6-103).

"Denial of Driver's License" – the act of prohibiting or disallowing the privilege to obtain a driver's license while allowing the privilege to obtain an instructional

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued (see IVC Section 6-107(c) and (d)).

"Denial of Driving Privilege" – the act of prohibiting or disallowing the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle (see IVC Sections 6-103, 6-107(c), 6-108.1).

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – the Department of Administrative Hearings of the Office of the Secretary of State.

"Determination of No Security Threat" – an administrative determination by TSA that an individual does not pose a security threat warranting denial of a Hazardous Material Endorsement.

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled (see IVC Section 1-159.1).

*"Disability" – an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment, or when the individual is regarded as having such impairment [625 ILCS 5/6-117.2(f)].*

*"Disqualification" – a disqualification means any of the following three actions:*

*the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance;*

*any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations);*

*a determination by FMCSA that a person is not qualified to operate a commercial motor vehicle under 49 CFR 391. [625 ILCS 5/1-115.3]*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Disseminating Agency" – an agency authorized by the Secretary of State to distribute or share an image received from the Secretary of State for purposes of secondary dissemination.

*"Drive"* – operate or be in physical control of a motor vehicle [625 ILCS 5/4-115.8].

*"Driver"* – every person who drives or is in actual physical control of a vehicle [625 ILCS 5/1-116].

"Driver Applicant" – a person applying to obtain, transfer, upgrade or renew a CDL.

"Driver's License Test" – a test administered by the Secretary of State that consists of a vision test, written test and/or road test.

"Driver's License Issuance Error" – any act or omission by a Secretary of State employee that results in the driver being not qualified to hold the license as it is classified, restricted and/or endorsed.

"Driver's License Record" – a file maintained by the Secretary of State on each driver in Illinois pursuant to IVC Section 6-117.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or related profession (or equivalent of eight years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 hours must be gained from attending ADED approved courses or workshops).

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Driver Services Facility" – the offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Driver Services Facility Representative" – an employee of the Department of Driver Services of the Office of Secretary of State.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required under IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driving Evaluation" – an assessment by a driver education specialist at a rehabilitation institution of an applicant's ability to safely operate a motor vehicle.

"Driving Skills" – the ability of an applicant to perform maneuvers to be demonstrated during a road test.

"Employer" – any individual, corporation, partnership or association that employs charter bus drivers licensed under IVC Section 6-508.

"Employer Certification" – a form submitted by the employer, as prescribed by the Secretary of State, certifying an applicant has met all conditions for application, or that a driver who is no longer eligible for a charter bus driver endorsement has been removed from service.

"Endorsement" – an indication on a driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Enrolled in a Driver Education Course" – active participation in, and the 30 days immediately preceding, the start of regularly scheduled classroom instruction of an approved driver education course.

"Examiner" – an employee of the Secretary of State who is qualified to administer all driver's license tests.

*"Excepted Interstate" or "EI" – a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*excepted under 49 CFR 390.3(f), 391.2, 391.69 or 398.3 from all or part of the qualification requirements of 49 CFR 391 and is not required to obtain a medical examiner's certificate by 49 CFR 391.45. [625 ILCS 5/6-500(15.3)]*

*"Excepted Intrastate" or "EA" – a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements. [625 ILCS 5/6-500 (15.5)]*

"Facility-Administered Road Test" – an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle administered by a Driver Services Facility employee.

"Farm" – structures and lands used primarily for the raising of agricultural or horticultural commodities, including livestock, poultry, fur-bearing animals, fruit, vegetables, flowers and other plants; "farm" includes ranches, nurseries, greenhouses, orchards, etc.

"Farm Retail Outlet and/or Supplier" – any individual, partnership, corporation or association engaged in a business operation for the purpose of selling or distributing agricultural commodities.

"Favorable Medical Report" – a current medical report that has been completed in its entirety and does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically/mentally fit to safely operate a motor vehicle.

"Favorable Vision Specialist Report" – a current vision specialist report that has been completed in its entirety that does not require additional information and/or clarification.

"Federal Motor Carrier Safety Administration" or "FMCSA" – a separate administration within the U. S. Department of Transportation dedicated to improving the safety of commercial motor vehicles and saving lives.

"Felony" – an offense under state or federal law that is punishable by death or imprisonment for a term of one year or more.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Final Determination of Threat Assessment" – a final administrative determination by TSA, including the resolution of related appeals, that an individual poses a security threat warranting denial of a Hazardous Material Endorsement.

"Fingerprint Process" – a method by which an applicant's fingerprints are taken for the purpose of a criminal background investigation for a charter bus driver endorsement and submitted to the Illinois Department of State Police (ISP) and the Federal Bureau of Investigation (FBI).

*"First Division Vehicle" – any motor vehicle designed to carry not more than 10 persons [625 ILCS 5/1-217].*

*"Foreign Jurisdiction" – a sovereign jurisdiction that does not fall within the definition of "state" [625 ILCS 5/6-500(B)(17)].*

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Foreign Speaking Applicant" – any applicant unable to understand oral directions given by the examiner.

*"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ride Sharing Arrangements Act [625 ILCS 30/6]. [625 ILCS 5/1-122.7]*

"Fraud" – includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Functional Ability" – the degree of cognitive, mental or emotional sensor motor, and sensory capability in performing activities of daily living, including safely performing driving tasks.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Good Cause" – examples of dangerous driving or of a physical or mental condition that interferes with safe driving or a situation in which a Secretary of State Driver Services Facility supervisor fails to give a required test or section of a test.

*"Gross Combination Weight Rating" or "GCWR" – the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon as specified in 49 CFR 383.5. [625 ILCS 5/1-124.5]*

*"Gross Vehicle Weight Rating" or "GVWR" – the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or "GCWR") is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit [625 ILCS 5/1-124.5].*

"Hazardous Material Endorsement" or "HME" – an indicator on the driver's license that the driver is qualified to transport hazardous materials that require placarding.

"Hazardous Materials" – any material that has been designated as hazardous under 49 USC 5103 and is required to be placarded under subpart F of 49 CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

"High School Student" – a student who attends a public or private secondary school accredited by the Illinois State Board of Education.

*"Illinois Medical Advisory Board" or "Board" – a panel consisting of at least nine physicians appointed by the Secretary [625 ILCS 5/6-902].*

"Illinois Vehicle Code" or "Vehicle Code" or "IVC" – 625 ILCS 5.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Image" - the digital photo and signature captured in the process of issuing an Illinois driver's license or identification card and retrieved from the Secretary of State database.

"Immediate Family Member" – a parent, child, sibling, grandparent, step-parent, step-child, step-sibling or step-grandparent.

"Immediate Farm Family Member" – a member of the farmer's family is a natural or in-law, spouse, child, parent or sibling as provided in IVC Section 6-507(c).

"Incomplete Medical Report" – a medical report that has not been completed in its entirety, or a medical agreement that has not been signed and dated by the driver.

"Incomplete Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report that has not been completed in its entirety. Examples of an incomplete report include, but are not limited to, omission of name, address, signature or professional license number of the vision specialist or date or one that contains illegible information or fails to answer any of the questions contained within the report.

"Initial Determination of Threat Assessment" – an initial administrative determination by TSA that an individual poses or may pose a security threat warranting denial of a Hazardous Material Endorsement.

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties and authority.

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or holder's failure to complete a driver remedial education course of the validation, of a person's license, permit and/or driving privilege under IVC Chapter 6.

"Judicial Driving Permit" – a permit issued granting a driver limited driving privileges as provided in IVC Section 6-206.1.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Law Enforcement Official" – a federal, state or local police officer, sheriff, coroner, municipal prosecutor, state's attorney or U.S. attorney.

"LEADS" – the Illinois Law Enforcement Agencies Data System.

"Livestock" – any animals such as cattle, sheep, swine, buffalo, cafero, cattalo, domestic deer, domestic elk, domestic antelope, domestic reindeer, water buffalo and goats.

"Livestock Feeder" – any individual, partnership, corporation or association engaged in a business operation for the purpose of producing livestock.

"Mandatory Insurance" – The insurance requirements under IVC Chapter 7, Article VI.

"Mandatory Liability Insurance Policy" – a liability insurance policy issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property (see IVC Section 7-203), and issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code [215 ILCS 5/143a and 143a-2]. This definition does not include vehicles subject to the provisions of IVC Chapter 18 or 18a, Article III or IVC Section 7-609, 12-607 or 12-707.01; vehicles required to file proof of liability insurance with the Illinois Commerce Commission; vehicles covered by a certificate of self-insurance (see IVC Section 7-502); vehicles owned by the United States Government, State of Illinois or any political subdivision, municipality or local mass transit district; implements of husbandry (see IVC Section 1-130), other vehicles complying with laws that require insurance in amounts meeting or exceeding the minimum amounts required under the IVC; and inoperable or stored vehicles that are not operated.

"Mandatory Law Enforcement Report" – an unsigned message directed to the Department electronically from law enforcement containing the same information as the form designed by the Department.

"Mechanical Aid" – a device added to a motor vehicle that would enhance the operator's ability to safely operate the vehicle.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Medical Agreement" – an agreement signed and dated by the driver, maintained as part of the medical report, and including the following conditions and/or information:

a condition that the driver remain under the care of his/her competent medical specialist;

a condition that the driver adhere to the treatment and/or medication;

authorization by the driver to the competent medical specialist to report any change in the driver's condition that would impair the driver's ability to operate a motor vehicle;

possible consequences for failing to abide by any or all of the conditions contained in the medical agreement.

*"Medical Examiner" – a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. [625 ILCS 5/6-500(21.1)]*

*"Medical Examiner's Certificate" – a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive. [625 ILCS 5/6-500(21.2)]*

*"Medical Exemption" – temporary regulatory relief for up to two years from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.300.*

"Medical Professional" – a person licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, a physician assistant who has been delegated the authority to make the required determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make the determination.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Medical Report" – a confidential medical questionnaire directed to the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department.

"Medical Restriction Card" – a card designed and issued by the Department that describes and explains the limitations and/or conditions noted in the restriction area of a person's driver's license.

"Medical Waiver" – temporary regulatory relief for up to three months from one or more Federal Motor Carrier Safety Regulations given to a person, by FMCSA, subject to the regulations, or a person who intends to engage in an activity that would be subject to the regulations in accordance with 49 CFR 381.200.

"Medical Variance" – a driver has received one of the following from FMCSA, which allows the driver to be issued a medical certificate:

an exemption letter permitting operation of a CMV pursuant to 49 CFR 381, subpart C or 49 CFR 391.64; or

a skilled performance evaluation (SPE) certificate permitting operation of a CMV pursuant to 49 CFR 391.49. [625 ILCS 5/6-500(21.5)]

"Mental or Physical Disorder or Disability" – a scientifically recognized condition that may medically impair a person's mental and/or physical health to the extent of being unable to safely operate a motor vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military, of the license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.

"Minor" – a person under 18 years of age.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, nighttime driving restriction or unsatisfied judgement.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing each individual eye.

*"Moped" – a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 m.p.h. but not greater than 30 m.p.h., and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. [625 ILCS 5/1-148.2]*

*"Motorcycle" – every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor [625 ILCS 5/1-147].*

"Motorcycle Rider Safety Training Course" – a course of instruction in the use and operation of motorcycles and/or motor-driven cycles, including instruction in the safe on-road operation of motorcycles and/or motor-driven cycles, the rules of the road and the laws of this State relating to motor vehicles, which course must meet the requirements set out in 92 Ill. Adm. Code 455.101.

*"Motor-Driven Cycle" – every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles [625 ILCS 5/1-145.001].*

*"Motor Vehicle" – every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two divisions:*

*First Division: Those motor vehicles that are designed for the carrying of not more than 10 persons.*

*Second Division: Those motor vehicles that are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles that are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division. [625 ILCS 5/1-146]*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Motor Vehicle Departments of Foreign States" – the departments in other states that issue driver's licenses.

*"Motor Vehicle Record" – a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act (18 USC 2721-2725). [625 ILCS 5/6-500(22.2)]*

"Nasal Vision Reading" – a field of vision 35° from the straight ahead.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night" – the hours during the period from sunset to sunrise.

"Nighttime Drive" – a road test administered during the hours of sunset to sunrise.

"Nighttime Driving Privilege" – a privilege granted to a licensed driver to operate a motor vehicle during nighttime hours while wearing a telescopic lens arrangement.

"Non-CDL Skills Test" – any drive test given to an applicant who is attempting to obtain a driver's license except for a Class D, a CDL or a CDL endorsement.

*"Non-Excepted Interstate" or "NI" – a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 CFR 391, and is required to obtain a medical examiner's certificate by 49 CFR 391.45. [625 ILCS 5/6-500(22.7)]*

*"Non-Excepted Intrastate" or "NA" – a person who operates only in intrastate commerce and is subject to State driver qualification requirements. [625 ILCS 5/6-500(22.8)]*

"Official Investigation" – the act of examining and inquiring into an occurrence or circumstance with care and accuracy by a duly authorized member of a local, state or federal agency while acting in his/her professional capacity.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Operator's License" – any driver's license to operate a motor vehicle issued under the laws of any state.

"Organized Religion" – a group of people with the same or similar beliefs brought together to exercise those beliefs.

"P" Endorsement" – a notation on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Peripheral Vision" – vision from the outside line of direct sight toward the temporal area.

"Preliminary Favorable Medical Report" – a current medical report or a current written statement on official letterhead that is signed and dated by a competent medical specialist indicating in his/her professional opinion the driver is medically fit to safely operate a motor vehicle; however, additional information and/or clarification or consultation is needed.

"Probationary License" – a special license granting full driving privileges during a period of suspension and is issued upon successful completion of a driver remedial education course.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Proof of Insurance" – acceptable forms of proof of insurance include, but are not limited to, the following:

Illinois insurance card that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year and make and a minimum of the last six characters of the Vehicle Identification Number (VIN);

*Combination of proof of purchase of the motor vehicle within 60 days and a current insurance card [625 ILCS 5/7-602(b)];*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*Current declaration page of a liability policy* [625 ILCS 5/7-602(c)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle description and liability limits of the policy;

*Liability insurance binder* [625 ILCS 5/7-602(d)];

*Certificate of Insurance* [625 ILCS 5/7-602(d)];

*Payment receipt for a liability insurance premium* [625 ILCS 5/7-602(d)] that contains the company name, policy number, effective and expiration dates, name of the insured, vehicle year, make and a minimum of the last six characters of the VIN, date of premium payment and signature of company representative;

*Current rental agreement* [625 ILCS 5/7-602(e)];

*Registration plates, registration sticker or other evidence of registration issued by the Secretary of State's Office only upon submission of proof of liability insurance* [625 ILCS 5/7-602(f)];

*Certificate, decal or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability* [625 ILCS 5/7-602(g)] (or has qualified for an exemption to the liability insurance law).

"Prosthesis" – an artificial limb such as arm or leg.

"Public Safety Worker" – a person employed by this State or a political subdivision thereof that provides firefighting, medical or other emergency services [625 ILCS 5/6-117.2(f)].

"Questionable Medical Report" – a medical report that contains medical information raising some reasonable doubt regarding the driver's medical ability to safely operate a motor vehicle, including the following:

A medical report that indicates the driver has experienced an attack of unconsciousness within the past six months;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

The medical report lacks a professional opinion indicating whether the driver is medically fit to safely operate a motor vehicle;

The medical report was signed and/or completed by someone other than a competent medical specialist;

The competent medical specialist recommends the driver has driving privileges, however, expresses reservations about the driver's ability to safely operate a motor vehicle.

*"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].*

"Registration Sticker" – a device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in IVC Section 3-414(1).

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e., quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus as defined by IVC Section 1-182 that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of that organization.

"Religious Organization Vehicle Restriction" – the authority to operate a religious organization bus (see IVC Section 6-106.2).

"Representative Vehicle" – a motor vehicle that represents the type an applicant operates or expects to operate.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Local License" – a special restricted driver's license issued under IVC Section 6-113 and intended to enable a person to drive a specific route.

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Department to assure safe operation of a motor vehicle.

"Review of Driving Habits" – a review of the applicant's driving record maintained by the Office of the Secretary of State, or documentation from another licensing entity, that has been certified within 30 days prior to the date of application, to insure that the requirements are met (see IVC Sections 6-104, 6-508).

"Road Test" – an actual demonstration of the applicant's ability to operate a motor vehicle (see IVC Section 6-109).

"S" Endorsement – an endorsement for CDL holders who operate as a school bus driver to transport pre-primary, primary or secondary school students to and from home, from school to home, or to and from school-sponsored events.

"Safety Course" – an explanation provided by a rental agency to an individual during the rental transaction concerning the controls and features of the vehicle and its proper operation.

"Safety Officer" – any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to determine for certification purposes that an applicant has been tested and meets the same qualifications required by the Secretary of State.

"SAVE" – the Systematic Alien Verification for Entitlements Program that allows electronic inquiries to U.S. Citizenship and Immigration Services (USCIS) by state motor vehicle agencies in the determination of the immigration status of an applicant for a Temporary Visitor's Driver's License.

*"School Bus" – every motor vehicle, except as provided in this definition, owned or operated by or for any of the following entities for the transportation of*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:*

*Any public or private primary or secondary school;*

*Any primary or secondary school operated by a religious institution; or*

*Any public, private or religious nursery school.*

*This definition shall not include the following:*

*A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:*

*On a regularly scheduled route for the transportation of other fare paying passengers;*

*Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or*

*Being used for shuttle service between attendance centers or other education facilities.*

*A motor vehicle of the first division.*

*A motor vehicle designed for the transportation of not less than seven nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. [625 ILCS 5/1-182]*

"School Bus Commercial Instruction Permit " or "School Bus CIP" – an instruction permit that allows an applicant for a school bus permit to operate a school bus, but only when accompanied by a properly classified driver with a school bus permit.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"School Bus CDL Restriction" – a "J48" restriction placed on a commercial driver's license or school bus commercial instruction permit, which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"School Bus Driver Permit" – a permit issued to an applicant who has met all the requirements that authorize the individual to drive a school bus (see IVC Section 6-106.1).

"Seasonal Restricted Commercial Driver's License" or "Restricted CDL" – a limited waiver for employees of certain farm-related services to operate specific commercial motor vehicles without a commercial driver's license for a limited period.

*"Second Division Vehicle" – any vehicle designed to carry more than 10 persons, those designed or used for living quarters and those vehicles designed to pull or carry property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses [625 ILCS 5/1-217].*

"Secondary Dissemination" – the distributing or sharing of an image by a source other than the primary source (Secretary of State) that has direct access to the image.

*"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].*

"Self-Admission" – a statement or indication from the driver that he/she has a mental disorder/disability and/or physical condition or disability that may impair the ability to safely operate a motor vehicle or that is likely to cause a loss of consciousness.

"Self-Certification" – a driver's signed and dated declaration of the type of driving (NI, EI, NA, EA) in which he or she engages or expects to engage while operating a CMV.

"Senior Citizen Transportation Vehicle" – a vehicle, other than a vehicle of the first division or a school bus, exclusively owned and operated by a senior citizen organization and used primarily in conducting the official activities of the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

organization.

"Serious Traffic Violation" – a conviction when operating a commercial motor vehicle, or when operating a non-CMV, while holding a CDL of: a violation relating to excessive speeding involving a single speeding charge of 15 miles per hour or more above the legal speed limit; a violation relating to reckless driving; a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; a violation, relating to having multiple driver's licenses (see IVC Section 6-501); a violation relating to the requirement to have a valid CDL (see IVC Section 6-507(a)); a violation relating to improper or erratic lane changes; a violation relating to following another vehicle too closely; any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines to be relevant pursuant to 92 Ill. Adm. Code 1040.20.

"Skills Performance Evaluation" or "SPE" – a certificate issued by FMCSA to a driver with a missing limb, in accordance with 49 CFR 391.49, which allows the driver to operate a CMV.

*"Special Needs Individuals" – those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required be individuals generally [625 ILCS 5/6-117.2(f).*

"SSOLV" – the Social Security Online Verification system that allows electronic inquiries to the Social Security Administration by state motor vehicle agencies to verify names and social security numbers of applicants for driver's licenses or identification cards.

*"State" – a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada [625 ILCS 5/1-195].*

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].*

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

*"Tank Vehicle" – any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Those vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR 171. [625 ILCS 5/1-204.4] However, a tanker-type vehicle does not include any vehicle in which the tank, that is either permanently or temporarily attached, has a rated capacity of less than 1,000 gallons.*

"Telescopic Lens Arrangement" – a non-standard adaptive device that aids in improving vision deficits.

"Telescopic Lens Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Temporal Vision Reading" – a field of vision 70° from the straight ahead.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

"Temporary Visitor's Driver's License" or "TVDL" – a license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

"Termination of an Adjudication of Disability Order" – an order by a court of competent jurisdiction terminating an adjudication of disability of the driver pursuant to Section 11a-20 of the Probate Act of 1975 [755 ILCS 5/11a-20].

"Third-Party Certification License" – a license issued by the Secretary of State to conduct a qualified third-party certification program (see IVC Section 6-508).

"Third-Party Certification Program" – a program designed by the Secretary of State allowing third-party entities to provide to employees or by membership in a qualified training program of classroom and/or behind-the-wheel testing for the purpose of certifying to the Secretary of State that an applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test (see IVC Section 6-508 and Section 1030.85).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Third-Party Certifying Entity" – a third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Transportation Security Administration" or "TSA" – a division of the Department of Homeland Security administering provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act; Public Law 107-56, 115 Stat. 272).

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant to 92 Ill. Adm. Code 1040.20.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries requiring the injured party to be carried from the scene.

"Traffic Environmental Screening" – a screening designed by the Department that shall consist of the driver demonstrating the ability to recognize actual traffic conditions using the telescopic lens arrangement while riding with and being evaluated by a Driver Services Facility representative.

"Unfavorable Medical Report" – a medical report signed and completed by a competent medical specialist containing a professional opinion that, due to a physical and/or mental disorder/disability, the driver is not medically fit to operate a motor vehicle.

"Unfavorable Telescopic Lens Vision Specialist Report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates a professional opinion that the driver is not capable of safely operating a motor vehicle, or the monocular or binocular acuity readings and/or peripheral readings do not meet Illinois standards, or the peripheral vision readings do not meet Illinois standards as set forth in Section 1030.70, or the power of the telescopic lenses does not meet Illinois standards as set forth in Section 1030.75.

"Unfavorable Vision Specialist Report" – a vision specialist report signed and completed by a vision specialist indicating the monocular or binocular acuity and/or peripheral vision readings do not meet Illinois standards as set forth in

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

Section 1030.70, the driver would not accept or has refused the recommended correction, and his/her vision readings without this correction are not favorable.

"Unfit to Stand Trial Order" – an order by a court of competent jurisdiction whereby a defendant, because of a mental or physical condition, is unable to understand the nature and purpose of the proceeding against him/her or to assist in his/her defense pursuant to Section 104-10 of the Code of Criminal Procedure [725 ILCS 5/Art. 104-10].

"USCIS" – U.S. Citizenship and Immigration Services is a bureau of the U.S. Department of Homeland Security (USDHS) that is in charge of processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as making adjudicative decisions performed at the services centers and managing all other immigration benefit functions.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not expired, been invalidated, denied, canceled, revoked, suspended or disqualified, or been used after a curfew or nighttime driving restriction.

"Vendor" – an authorized fingerprint company approved by the Illinois State Police (ISP) who will transmit fingerprint data to ISP to be forwarded to the FBI.

"Vision Screening" – the readings obtained by a physician, ophthalmologist, optometrist or Department representative of an applicant's visual acuity and peripheral fields of vision.

"Vision Specialist" – a doctor licensed to practice medicine in optometry under the Illinois Optometric Practice Act [225 ILCS 80] or a competent medical specialist.

"Vision Specialist Report" – an approved confidential vision questionnaire directed to the Department, or a statement on letterhead made by a vision specialist, containing the same information as the form designed by the Department.

"Visual Acuity Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

"Visual Peripheral Readings" – the minimum vision standards set forth in Sections 1030.70 and 1030.75.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

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

**Section 1030.22 Medical Examiner's Certificate – CDL Holders**

- a) Every person who holds a CDL on or after January 30, 2012 must meet the requirements set forth in 49 CFR 383.71(a)(2) through (a)(9) and (h) and self-certify with the Department prior to January 30, 2014 as one of the following:
- 1) Non-excepted interstate (NI) – Operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR 391, and is required to obtain a medical examiner's certificate by section 391.45;
  - 2) Excepted interstate (EI) – Operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3 from all or parts of the qualification requirements of 49 CFR 391, and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45;
  - 3) Non-excepted intrastate (NA) – Operates only in intrastate commerce and is subject to State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45; or
  - 4) Excepted intrastate (EA) – Operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements and is therefore not required to obtain a medical examiner's certificate by 49 CFR 391.45.
- b) Effective January 30, 2012, every applicant for a CDL or CDL permit, including a renewal, duplicate, corrected and upgraded permit, must self-certify as set forth in subsection (a).

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- c) Failure, by a current CDL holder, to self-certify with the Department by January 30, 2014 will result in the cancellation of the CDL privileges.
- d) Pursuant to 49 CFR 383.73(a)(5), the Department shall require a CDL holder to submit a medical examiner's certificate when the driver self-certifies to non-excepted interstate (NI) driving operations.
- e) The medical examiner's certificate must be submitted on a form approved by the Department and contain the following information:
  - 1) Signature of medical examiner;
  - 2) Medical examiner's telephone number;
  - 3) Date of issuance of the medical examiner's certificate;
  - 4) Medical examiner's full name;
  - 5) Medical examiner's specialty;
  - 6) Medical examiner's license/certificate number and issuing state;
  - 7) Driver's signature;
  - 8) Driver's license number and issuing state;
  - 9) Driver's residence address;
  - 10) Expiration date of the medical examiner's certificate;
  - 11) If the driver changes self-certification status after the original certification, the medical examiner's certificate must also contain the following information:
    - A) Self-certification of driver;
    - B) Driver's signature and date of self-certification;

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- f) The Department shall require a CDL holder to submit a medical variance when the medical examiner's certificate indicates a medical variance is required.
- g) Within 10 calendar days after the receipt of a medical examiner's certificate, medical variance or notification from FMCSA that a medical variance was removed or rescinded, the Department shall update the CDLIS driver record.
- h) If the Department receives notification that a CDL holder has been granted a medical variance and the most recent medical certificate on file with the Department does not contain a medical variance, the CDL holder shall be required to submit a current medical examiner's certificate reflecting the variance and to appear at a CDL facility to have a corrected CDL issued. If, within 20 days after notification by the Department, the CDL holder fails to submit an updated medical examiner's certificate or to have a corrected CDL issued, the driver's CDL privileges will be cancelled pursuant to IVC Section 6-201(a)(12).
- i) All CDL holders who have certified to non-excepted interstate (NI) driving must maintain on file with the Department a current medical examiner's certificate and, if applicable, a medical variance.
- 1) The Department shall notify the driver in writing at least 90 days prior to the expiration of his or her medical examiner's certificate and/or medical variance that a new certificate and/or variance must be filed with the Department. The notice may include a blank medical examiner's certificate.
- 2) The Department shall, within 10 days after the expiration of the driver's medical examiner's certificate and/or medical variance, update the medical certification status to "not certified".
- 3) Failure of the CDL holder to submit a new medical examiner's certificate and/or medical variance within 30 days after the expiration date of the most recent medical examiner's certificate and/or medical variance on file will result in the cancellation of the CDL privileges pursuant to IVC Section 6-201(a)(12).
- A) The cancellation shall take effect on the 31<sup>st</sup> day after the expiration of the medical examiner's certificate and/or medical variance.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- B) The cancellation order shall remain in effect until the driver:
  - i) Provides a current and completed medical examiner's certificate and, if applicable, a medical variance; or
  - ii) Appears at a CDL facility, downgrades to a non-CDL license and has a corrected driver's license issued; or
  - iii) Changes the self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- 4) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and/or medical variance is subsequently received, the cancellation shall be cleared.
- j) If the Department receives notification from FMCSA that it has removed or rescinded a medical variance, the Department shall change the medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.
  - 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
    - A) Provide a current and completed medical examiner's certificate that indicates a variance is no longer necessary; or
    - B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
    - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
  - 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and medical variance is subsequently received, the cancellation shall be cleared.
- k) If the Department receives notification from FMCSA that it has removed or rescinded a medical examiner's certificate, the Department shall change the

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

medical certification status to "not certified" on the CDLIS driving record and immediately cancel the CDL privileges.

- 1) The Department shall notify the driver that one of the following requirements must be met in order to clear the cancellation:
  - A) Provide a current and completed medical examiner's certificate; or
  - B) Appear at a CDL facility, downgrade to a non-CDL license and have a corrected driver's license issued; or
  - C) Change self-certification to excepted interstate, excepted intrastate or non-excepted intrastate.
- 2) If the commercial driving privileges are cancelled and a current and completed medical examiner's certificate and, if applicable, medical variance is subsequently received, the cancellation shall be cleared.
- l) The Department shall not accept an incomplete medical examiner's certificate. If a driver submits an incomplete medical examiner's certificate, the Department shall require the driver to provide a completed medical examiner's certificate.
- m) The Department shall require a CDL holder to obtain a corrected driver's license with a restriction if the CDL holder submits a medical examiner's certificate that indicates the driver is medically approved to operate a CMV conditioned upon a restriction.
  - 1) Failure to appear at a CDL Facility within 20 days to add the proper restriction to the CDL and pay the appropriate fee for a corrected driver's license will result in the cancellation of CDL privileges pursuant to IVC Section 6-201(a)(11).
  - 2) If the CDL privileges are canceled and the driver subsequently appears at a CDL facility, has the restriction added to the driver's license and has a corrected CDL issued, the cancellation shall be cleared.

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

**Section 1030.92 Restrictions**

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- a) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.
- b) If a change in a person's physical and/or visual condition is discovered by a facility representative, the representative has the authority to add, delete or change the restrictions.
- c) A Type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Section 1030.70. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75.
- d) A Type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, or foot operated steering wheel) to assist with the proper and safe operation of the vehicle.
- e) A Type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, or brace on each leg) while operating a motor vehicle.
- f) A Type E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.
- g) A Type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired, has a monocular visual acuity reading of 20/100 or worse in either eye, requires a right outside rearview mirror because of problems turning the head while backing, cannot meet the peripheral vision requirements of Section 1030.70(a), and/or takes the road test in a right hand-driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75.
- h) A Type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(a), but is not worse than 20/70. People who want to drive utilizing a non-standard lens arrangement

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

pursuant to Section 1030.75 are restricted to daylight driving only.

- i) A Type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These Type J restrictions and numerical indicators are as follows:
- 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois driver's license/permit.
  - 2) J02 Driver authorized to operate a religious organization bus within classification, as provided in IVC Section 6-106.2.
  - 3) J03 Driver authorized to operate a religious organization bus or van within Class D only. The driver took the religious organization bus test in a Class D vehicle, but may hold a Class A, B or C license.
  - 4) J04 Driver authorized to operate a religious organization bus or van within Class C or a lesser classification vehicle only. The driver took the religious organization bus test in a Class C vehicle, but may hold a Class A or B license.
  - 5) J05 Driver authorized to operate a senior citizen transportation vehicle within classification. The driver operates a vehicle that is utilized solely for the purpose of providing transportation for senior citizens, as provided in IVC Section 6-106.3.
  - 6) J06 Driver authorized to operate a senior citizen transportation vehicle within Class D only. The driver took the senior citizen transportation vehicle test in a Class D vehicle, but may hold a Class A, B or C license.
  - 7) J07 Driver authorized to operate a senior citizen transportation vehicle within written Class C vehicle, or a lesser classification vehicle only. The driver took the senior citizen transportation vehicle test in a Class C vehicle, but may hold a Class A or B license.
  - 8) J08 Driver authorized to operate a commuter van in a for-profit

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ridesharing arrangement within classification, as provided in IVC Section 6-106.4.

- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor-driven cycles or Class M motorcycles, as provided in IVC Section 6-103(2).
- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three-wheel motorcycle (Class M) or three-wheel motor-driven cycle (Class L) and is restricted to a three-wheel cycle of the proper class.
- 12) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 13) J15 Special Restrictions – An applicant may have special restrictions applied specifically to the vehicle the applicant is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.
- 14) J16 Moped Only – Authorizes an applicant holding a Class L license to operate a moped only.
- 15) J17 Authorizes a person holding a Class L or M license to operate a motorcycle or motor driven cycle with rear wheel extensions while maintaining a single front wheel.
- 16) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75, during nighttime hours.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 17) J50 Farm waived non-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.
- 18) J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- 19) J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- 20) J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.
- 21) J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse and dependent children who are living with the licensee while on active duty serving in the Armed Forces of the United States outside the State of Illinois.
- 22) J75 No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.
- 23) J88 Deaf/Hard of Hearing – requires alternative forms of communication.
- 24) J99 This restriction appears on the license if more than two J restrictions are placed on the driver.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- j) A Type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- k) A Type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.
- l) A Type M restriction indicates P endorsement only valid in a Class B or lesser classification vehicle.
- m) A Type N restriction indicates P endorsement only valid in a Class C or lesser classification vehicle.
- n) A type V restriction indicates FMCSA has granted a medical variance to operate CMV within the boundaries of the United States in accordance with 49 CFR 391.41.
- o)n) An applicant who wants to appeal a type of restriction that has been added to a driver's license, depending on the type of restriction, shall:
  - 1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to the driver's license pursuant to the restrictions contained in subsection (i), follow the manner prescribed by this Part.
  - 2) For any other types of restrictions that have been added to the driver's license pursuant to this Section, appeal to the Department of Administrative Hearings pursuant to IVC Section 2-118.
  - 3) Further review of all restrictions shall be conducted by the courts pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: 2730.40                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 2730.40(g) introduces changes to clarify and separate the requirements for the reconciliation of ING data and ING funds based on recommendations from staff.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed amendment replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed amendment contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

Telephone: 847- 948-8500

Email: lynn.hynes@isac.illinois.gov

Fax: 847-831-8549

- 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 following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730  
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

## Section

2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

**AUTHORITY:** Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

**SOURCE:** Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005; amended at 30 Ill. Reg. 11623, effective July 1, 2006; amended at 32 Ill. Reg. 10305, effective July 1, 2008; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2730.40 Institutional Procedures**

- a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- b) When submitting payment requests, the institution is certifying that the recipient meets the grade point average requirements of Section 2730.20(d).
- c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- d) Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year. To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.
- e) Claims will be paid as follows:
  - 1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
  - 2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
  - 3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full; and
  - 4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

prorated.

- 5) Timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection.
- f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)
- g) Institutions are required to reconcile payments, both payment data and actual funds, received through ING and, as applicable, submit all necessary corrections to student records on a timely basis. Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.
  - 1) Within 30 days after and including the date of receiving payment of any ING funds claimed pursuant to this Section, the institution shall credit the ING funds against the recipients' tuition and eligible fee charges for the appropriate term.
  - 2) Within 30 days after the end of an academic term during which ING funds are credited to recipients' tuition and eligible fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
    - A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
- C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.
- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
- 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the regular school year. If the payment of claims is made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
- 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Deerfield, IL 60015  
Telephone: 847/948-8500

Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)  
Fax: 847/831-8549

- 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 following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2731

## GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

## Section

2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

**AUTHORITY:** Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006; amended at 35 Ill. Reg. 12374, effective July 15, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2731.40 Institutional Procedures**

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
  - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; and if it does, the institution shall reduce one of the awards accordingly;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance for that institution. Any excess gift assistance is considered an overaward, and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and
  - 3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the grant for Dependents of Correctional Officers must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
- 1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2731.20(a)(3) and (4), Applicant Eligibility.
  - 2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.
  - 3) Institutions are required to reconcile payments, both payment data and actual funds, received through the Grant Program for Dependents of Correctional Officers and, as applicable, submit all necessary corrections to student records on a timely basis. ~~Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.~~
  - 4) Within 30 days after the end of an academic term during which the Grant Program for Dependents of Correctional Officers funds are credited to recipient's tuition and eligible fee charges, institutions must reconcile data

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

- A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
  - B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
  - C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.
- 5) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
- 6) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
- 74) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.
- 85) If the institution does not submit refunds as required, ISAC will deduct

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

outstanding refunds from subsequent payments to the institution.

- |        [96](#)) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

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



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Deerfield, Illinois 60015

Telephone: 847/948-8500

Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

Fax: 847/831-8549

- 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 following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2732

## GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

## Section

2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

**AUTHORITY:** Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006; amended at 35 Ill. Reg. 12378, effective July 15, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2732.40 Institutional Procedures**

- a) The institution shall certify the applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- b) Institutional Packaging of Assistance:
  - 1) If the recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred by the student; if it does, the institution shall reduce one of the awards accordingly;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 2) notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the student's cost of attendance at that institution. Any excess gift assistance is considered an overaward and the institution is required to notify ISAC to reduce this grant and/or other gift assistance to prevent such an overaward; and
  - 3) if the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full MAP grant because the police or fire officer grant must be factored into the financial aid package prior to receiving MAP gift assistance. The institution, however, may request a MAP grant to finance tuition and mandatory fee expenses not paid by this program.
- c) Institutional Processing of Payments:
- 1) When submitting payment requests, the institution shall verify that the recipient meets the requirements of Section 2732.20(a)(3) and (4), Applicant Eligibility.
  - 2) Within 30 days after and including the date of receiving payment, the institution shall credit the award toward the recipient's tuition and mandatory fee charges for the appropriate term.
  - 3) Institutions are required to reconcile payments, both payment data and actual funds, received through the Grant Program for Dependents of Police or Fire Officers and, as applicable, submit all necessary corrections to student records on a timely basis. ~~Institutions are required to reconcile payments received through this program. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Should the payment arrive after the end of the term, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.~~
  - 4) Within 30 days after the end of an academic term during which the Grant for Dependents of Police or Fire Officers funds are credited to recipient's tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.

5) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.

6) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.

74) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper recipient.

85) If the institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- |            [96](#))    To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

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



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Telephone: 847/948-8500  
Email: lynn.hynes@isac.illinois.gov  
Fax: 847-831-8549

- 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 following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733  
ILLINOIS VETERAN GRANT (IVG) PROGRAM

## Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

**AUTHORITY:** Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

**SOURCE:** Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005; amended at 30 Ill. Reg. 11646, effective July 1, 2006; amended at 32 Ill. Reg. 10313, effective July 1, 2008; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2733.40 Institutional Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.
- b) A notice of eligibility from ISAC must be used by the institution to establish a qualified applicant's initial eligibility.
- c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution is certifying that the qualified applicant meets the grade point requirements of Section 2733.20(d).
- d) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be received by ISAC no later than July 1.
- f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:
  - 1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;
  - 2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
  - 3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
  - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

paid or prorated; and

- 5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (f).

- g) Institutions are required to reconcile payments, both payment data and actual funds, received through IVG and, as applicable, submit all necessary corrections to student records on a timely basis.
  - 1) Within 30 days after and including the date of receiving payment of any IVG funds claimed pursuant to this Section, the institution shall credit the IVG funds against the recipient's tuition and mandatory fee charges for the appropriate term.
  - 2) Within 30 days after the end of an academic term during which IVG funds are credited to recipient's tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
    - A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
    - B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
    - C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
- 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
- 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2735.30	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: Section 2735.30(p) is amended to introduce changes to restrict MAP payment for graduate-level coursework based on school practices found during program reviews. Section 2735.30(q) introduces changes to limit the number of times MAP benefits can be used for repeat courses based, in part, on changes to federal regulations (34 CFR 668.2). Section 2735.40(m) is amended to introduce changes to clarify and separate the requirements for the reconciliation of MAP data and MAP funds based on recommendations from staff.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

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

Telephone: 847/948-8500  
Email: lynn.hynes@isac.illinois.gov  
Fax: 847-831-8549

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

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2735  
MONETARY AWARD PROGRAM (MAP)

## Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**Section 2735.30 Program Procedures**

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).
- c) **Priority Consideration Dates**  
In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.
- d) **Priority Processing Guidelines**
  - 1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:
    - A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
    - B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

second semester or second and third quarter awards only;

- C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- 3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.
- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
  - 1) maximum award specified at 110 ILCS 947/35(c); or
  - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.
- l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward his or her maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to  $\frac{1}{15}$  of the student's calculated term award amount, with a minimum of three hours and a maximum of 15 hours paid per term.
- m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid. Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term.
- n) A recipient may use no more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level. Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term. Upon progressing to the junior level or above, the recipient may use the remaining balance of MAP paid credit hours, up to the 135 credit hour maximum.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, [graduate-level courses leading to a degree above the baccalaureate level](#), or noncredit course offerings (except qualifying remedial courses). Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours). ~~Repeat courses shall be eligible for MAP payment.~~
- q) [Repeat courses shall be eligible for MAP payment unless the student has previously reenrolled in a course for which a MAP payment is to be made. The MAP grant shall not pay for tuition or mandatory fees assessed as a result of a student's enrollment in any course for which the student has previously earned a credit toward completion of an academic degree or certification and in which the student has previously reenrolled.](#)
- ~~r~~q) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- ~~s~~r) MAP paid credit hours are assessed to a recipient whenever MAP funds are disbursed on behalf of the recipient.
- ~~t~~s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- ~~u~~t) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- vii) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and the following provisions:
- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
  - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
  - 3) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or four semesters/six quarters of MAP for an applicant-enrolled on a half-time basis.

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

**Section 2735.40 Institutional Procedures**

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, ~~College~~ Illinois (23 Ill. Adm. Code 2775), or through a payment to the institution of

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:

- 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
  - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her institution of record on the MAP application.
  - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

one institution.

- 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
  - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
  - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
  - j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.
  - k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
  - l) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
    - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
    - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
    - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
  - m) Institutional Processing of Payments

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
- 2) Within 30 days after the end of an academic term during which MAP funds were credited to recipients' tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
  - A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
  - B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
  - C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive. Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

~~process and return any refunds due.~~

- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
- 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the institutions regular school year unless the payment is received after the end of the regular school year. If the payment of claims are made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
- 53) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
- 64) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.
- 75) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: John R. Justice Student Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2754
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2754.10	New Section
2754.15	New Section
2754.20	New Section
2754.30	New Section
- 4) Statutory Authority: Implementing the John R. Justice Prosecutors and Defenders Incentive Act of 2008 (Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21)) and Section 20(b) of the Illinois Higher Education Student Assistance Act and authorized by Section 20(f) of that Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: Section 952 of the Higher Education Opportunity Act of 2008 (42 USC 3797cc-21) created the John R. Justice Student Loan Repayment Program, a federal program that provides States with funds for loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of a State's most vulnerable citizens or provide quality enforcement of State law. ISAC was designated by the Office of the Governor as the State administrative agency responsible for oversight of the program and distribution of funds in Illinois. Proposed rulemaking for the program will set forth the applicant eligibility requirements and program procedures.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: John R. Justice Prosecutors and Defenders Incentive Act of 2008 (42 USC 3797cc-21).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)]

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

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

Telephone: 847- 948-8500  
Email: lynn.hynes@isac.illinois.gov  
Fax: 847-831-8549

- 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 Rulemaking is identical to the Emergency Rulemaking for this Part and can be found in this issue of the *Illinois Register* on page 556

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: College Planning Act
- 2) Code Citation: 23 Ill. Adm. Code 2774
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2774.10	New Section
2774.15	New Section
2774.20	New Section
2774.30	New Section
2774.40	New Section
- 4) Statutory Authority: Implementing the College Planning Act [110 ILCS 17] and authorized by Section 15(c) therein
- 5) A Complete Description of the Subjects and Issues Involved: PA 97-289 created the College Planning Act, a program that provides low-income and first-generation students in Illinois with targeted services administered by ISAC to promote college awareness and planning, including without limitation postsecondary and career counseling programs, college admission, scholarship, and financial aid applications, simplified admission or financial assistance application programs. Proposed rulemaking for the program will set forth the participant eligibility requirements, program procedures and participant agreements.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: PA 97-289, effective August 10, 2011
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

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

Telephone: 847/948-8500  
Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)  
Fax: 847-831-8549

- 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 Rules begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2774  
COLLEGE PLANNING ACT

## Section

2774.10	Summary and Purpose
2774.15	Definitions
2774.20	Participant Eligibility
2774.30	Program Procedures
2774.40	Participant Agreements

AUTHORITY: Implementing the College Planning Act [110 ILCS 17] and authorized by Section 15(c) of that Act.

Source: Adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2774.10 Summary and Purpose**

- a) The College Planning Program provides low-income and first-generation students in Illinois with targeted services administered by ISAC to promote college awareness and planning, including, without limitation, postsecondary and career counseling programs, college preparation programs to assist students with the completion of college admission, scholarship, and financial aid applications, simplified admission or financial assistance application programs, and other supporting activities as described in this Part.
- b) This Part establishes rules that govern the College Planning Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2774.15 Definitions**

"College Illinois Corps!" – For purposes of implementing the College Planning Act [110 ILCS 17], the College Illinois Corps! shall be referred to as the ISACorps.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

"College Planning Program" or "Program" – Services or assistance administered by ISAC as described in the College Planning Program Agreement and in Section 25 of the College Planning Act.

"College Planning Program Agreement" or "Agreement" – An agreement, in writing, involving ISAC, participating students and the student's custodial parent or guardian stating that, to remain qualified to receive benefits of the Program, the student must:

Be enrolled in a secondary public school or nonpublic school in Illinois by the time the student completes 8<sup>th</sup> grade;

Complete the course requirements specified in Section 27-22 of the School Code and graduate from a secondary school located in Illinois;

Not be convicted of a felony offense that would disqualify the student from receiving federal student aid;

Timely apply, during enrollment in the 12<sup>th</sup> grade, for admission to a postsecondary institution in Illinois approved to participate in the Monetary Award Program under Section 35 of the Higher Education Student Assistance Act and for any federal and State student financial assistance available to the student as the result of attending a postsecondary institution in Illinois;

Upon completing high school, achieve a cumulative grade point average for courses taken during 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grades of at least a 2.5 on a 4.0 grading scale or its equivalent if another grading scale is used;

Update demographic and contact information required within the initial Program participation application and Program agreement at the start of the student's academic year;

Take a recognized standardized college entrance examination no later than the end of the 11<sup>th</sup> grade;

Participate in college planning and preparation activities required by ISAC as part of the administration of the Program;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

Share academic and financial data with ISAC from enrollment in the program until the attainment of a bachelor's degree; and

Certify that the student and custodial parent or guardian will notify ISAC if the student no longer qualifies to receive the benefits of the Program at any time during the student's participation as a result of his or her failure to comply with the terms of the agreement.

"College Planning Counselor" – A staff member of ISAC's College Access and Outreach Division with primary responsibility for providing services to students within designated community college districts.

"Custodial guardian" – An individual, other than a natural or adoptive parent, that has been awarded or exercises custody over a student in the following ways:

Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

Custody exercised under a statutory short-term guardianship, provided that, within 60 days after the pupil's enrollment, a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs through ISAC.

"Nonpublic school" – For the purposes of this Part, an educational institution other than a public school that is recognized by the Illinois State Board of Education and provides enrollment to middle school or secondary school students.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

"Postsecondary degree" – A degree awarded as the result of a program of study at any postsecondary institution that is equivalent to a baccalaureate degree or higher and is awarded by a four-year university or college upon completion of a program of study of at least eight semesters of qualifying postsecondary coursework.

**Section 2774.20 Participant Eligibility**

- a) A student receiving benefits from the College Planning Program must:
  - 1) be a resident of Illinois;
  - 2) be enrolled in the 8<sup>th</sup> grade at a public school or a nonpublic school in Illinois at the time of application;
  - 3) not be in the custodial care at the time of application of a parent or guardian who has received a postsecondary degree or must qualify to participate in the free and reduced-price lunch program under the School Breakfast and Lunch Program Act at the time of application;
  - 4) together with his or her custodial parent or guardian, must enter into a written College Planning Program Agreement.
- b) At any time during a student's participation in the Program, should ISAC discover that the student fails to meet the requirements for participant eligibility, ISAC will notify the student and his/her custodial parent or guardian of the failure to comply with the terms of the Program Agreement. The student shall be afforded the opportunity to cure any failures to comply with the Program Agreement within 30 days. If the student thereafter fails to meet the requirements described in the Program Agreement, the student shall be disqualified from further participation in the Program. A student that has been disqualified from participation in the program is disqualified from all future receipt of Program services and benefits that are not available to all students in Illinois.
- c) ISAC may require students and their custodial parent or guardian to submit an annual certification of eligibility.

**Section 2774.30 Program Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED RULES

- a) Eligible students shall submit the College Planning Program Application to ISAC no later than the last day of the student's enrollment in the 8<sup>th</sup> grade in a public or nonpublic school in the Illinois. The Program Application and the Program Agreement are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
- b) The Program Application will include:
  - 1) Basic information concerning the student and his or her custodial parents or guardians, including but not limited to name, address, school of attendance, and highest level of education achieved by the custodial parents or guardians;
  - 2) A certification that the student is eligible to participate in the free and reduced-price lunch program under the School Breakfast and Lunch Program Act [105 ILCS 125] or that the student is in the care of a custodial parent or guardian who has not earned a postsecondary degree;
  - 3) Information concerning the student's academic performance, including but not limited to grade point average, courses completed, and class rank; and
  - 4) The student's postsecondary goals.
- c) Should availability of program benefits be limited as a result of funding, priority shall be given to eligible students based on the student's date of application and timely execution of the College Planning Program Agreement.

**Section 2774.40 Participant Agreements**

The College Planning Program Agreement and any application materials required by ISAC must be submitted to ISAC's Deerfield office prior to the student's completion of 8<sup>th</sup> grade at an Illinois public or an Illinois nonpublic school.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Number: 2775.50                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Prepaid Tuition Program is being amended to include the taxpayer identification number as authorized in Public Act 97-233. Other revisions which clarify time limits and restrictions for usage of program benefits are being made.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Public Act 97-233, effective August 1, 2011
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No.
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1755 Lake Cook Road  
Deerfield IL 60015

Telephone: 847- 948-8500  
Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)  
Fax: 847-831-8549

- 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 following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2775  
ILLINOIS PREPAID TUITION PROGRAM

## Section

2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure

**AUTHORITY:** Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. 9954, effective July 1, 2005; amended at 32 Ill. Reg. 10349, effective July 1, 2008; amended at 35 Ill. Reg. 3538, effective February 16, 2011; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2775.50 Contract Terms and Conditions**

- a) **Contract Types**

The program shall offer purchasers at least two different types of contracts: a public university plan and a community college plan. Additional contract plans may be offered. All contract types shall cover registration fees.

  - 1) The public university plan specifies that no more than 9 terms, or 135 credit hours, at an Illinois public university may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 2) The community college plan specifies that no more than 4 terms, or 60 credit hours, at an Illinois community college may be purchased for the benefit of a qualified beneficiary. Applicants may choose to purchase as little as one term, or 15 credit hours, at a time.
  - 3) No more than an aggregate of 135 credit hours of benefits may be purchased on behalf of any qualified beneficiary.
- b) Contract Benefits
- 1) The registration fees contracted for by the purchaser shall be paid directly to the institution at the time of enrollment of the qualified beneficiary. The credit hours purchased may be used during any term of postsecondary undergraduate enrollment. A ~~bona fide~~ social security number or taxpayer identification number must be on file prior to payment of benefits.
  - 2) No contract benefits may be received by a qualified beneficiary of an Illinois prepaid tuition contract earlier than three years from the due date of the first contract payment.
  - 3) No interest in all or any portion of a contract may be used as security for a loan.
- c) Contract Requirements
- 1) Purchasers must name a qualified beneficiary in the application, except as provided in the Master Agreement and Disclosure Statement. Only one qualified beneficiary is allowed per contract. A separate accounting will be provided for each designated beneficiary.
  - 2) In the event duplicate applications for the same qualified beneficiary are processed, the application processed first shall be deemed valid and the remaining application or applications shall be deemed valid, if and only if, they provide for registration fees not already covered by previous applications.
  - 3) The purchaser does not have to designate the postsecondary institution that the qualified beneficiary is expected to attend.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

- 4) The benefits of a contract may be used in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing the matriculation date.
- 5) The qualified beneficiary must enroll in an eligible institution and request disbursement of any benefits within ten years after the projected enrollment date. ~~Benefits may be received for up to a 10-year period after the qualified beneficiary's first enrollment date.~~ This ~~ten~~10-year limitation may be extended at the Commission's sole discretion upon purchaser's application for extension to the Commission ~~and the payment of a renewal fee assessed at that time~~. Any time spent by the qualified beneficiary in active military service shall not count as part of the time period for receiving contract benefits under all contract plans.
- 6) The purchaser and qualified beneficiary are prohibited from directing the investment of any contributions to the program.

~~d)~~ Contract Exclusions

- ~~1)~~ Prepaid tuition contract plans do not cover payment of registration fees for graduate programs, adult basic programs, adult secondary programs, or postsecondary adult vocational programs.
- ~~2)~~ Purchasers may request approval to apply unexpended prepaid tuition credits toward payment of graduate school registration fees, in cases in which other prepaid tuition contract benefits already have been utilized for undergraduate education and an undergraduate degree has been conferred.

~~d)~~e) Change of Purchaser and Change of Qualified Beneficiary

- 1) The purchaser of a contract may be changed upon written request of the original purchaser and the new purchaser. The new purchaser must meet the requirements of a qualified purchaser contained in the master agreement other than the residency requirement. (See Section 2775.30(a).)
- 2) Upon written request, contract benefits may be transferred by the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT

purchaser to a new qualified beneficiary prior to actual use. The new qualified beneficiary must be a member of the family of the original qualified beneficiary but need not meet the residency requirement. (See Section 2775.30(a).)

~~e)†~~ Benefit Portability and Conversion Between Illinois Public Universities and Illinois Community Colleges

- 1) Public university plan benefits may be converted for usage at community colleges and community college plan benefits may be converted for usage at public universities.
- 2) Benefits shall be converted by referencing the relative current average mean-weighted credit hour value of registration fees purchased under the contract. The benefit conversions shall be authorized on a term-by-term basis and no fee shall be assessed for conversion of benefits among in-State public institutions.

~~f)g~~ Benefit Portability and Conversion to Nonpublic Institutions of Higher Education

- 1) Public university plan and community college plan contract benefits may be converted for payment of registration fees at nonpublic institutions of higher education.
- 2) Benefits shall be converted by referencing the current average mean-weighted credit hour value of registration fees purchased under the contract. Each term, the Commission shall transfer this amount to the nonpublic institution of higher education on behalf of the qualified beneficiary.

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: John R. Justice Student Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2754
- 3) 

<u>Section Numbers</u> :	<u>Emergency Action</u> :
2754.10	New Section
2754.15	New Section
2754.20	New Section
2754.30	New Section
- 4) Statutory Authority: Implementing the John R. Justice Prosecutors and Defenders Incentive Act of 2008 (Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21)) and Section 20(b) of the Illinois Higher Education Student Assistance Act and authorized by Section 20(f) of that Act [110 ILCS 947/20(f)]
- 5) Effective Date of Rules: January 9, 2012
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules will expire when the proposed rules are adopted.
- 7) Date Filed with the Index Department: December 30, 2011
- 8) A copy of these emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking implements the John R. Justice Prosecutors and Defenders Incentive Act of 2008 (42 USC 3797cc-21), which created the John R. Justice Student Loan Repayment Program. Emergency action is needed in order to permit the timely disbursement of federal funds to selected recipients during the 2012-13 academic year.
- 10) A Complete Description of the Subjects and Issues Involved: These emergency rules govern the administration of the new John R. Justice Student Loan Repayment Program. The rulemaking sets forth the applicant eligibility requirements and program procedures. ISAC intends to adopt permanent rules through the regular rulemaking process prior to the expiration of these emergency rules.
- 11) Are there any proposed rulemakings to the Part pending? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding these emergency rules shall be directed to:

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

Telephone: 847- 948-8500  
Email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)  
Fax: 847-831-8549

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2754

## JOHN R. JUSTICE STUDENT LOAN REPAYMENT PROGRAM

## Section

2754.10 Summary and Purpose

EMERGENCY

2754.15 Definitions

EMERGENCY

2754.20 Applicant Eligibility

EMERGENCY

2754.30 Program Procedures

EMERGENCY

AUTHORITY: Implementing Section 952 of the Higher Education Opportunity Act (42 USC 3797cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act [110 ILCS 947] and authorized by Section 20(f) of that Act.

SOURCE: Emergency rules adopted at 36 Ill. Reg. 556, effective January 9, 2012, for a maximum of 150 days.

**Section 2754.10 Summary and Purpose****EMERGENCY**

- a) The John R. Justice Student Loan Repayment Program provides loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of this State's most vulnerable citizens or provide quality enforcement of State law.
- b) This Part governs the John R. Justice Student Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2754.15 Definitions****EMERGENCY**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

"Eligible educational loans" – Federal student loans originated under the following programs:

Federal Stafford Loans;

Federal Graduate PLUS Loans;

Federal consolidation loan programs, including Federal Direct Consolidation Loans; and

Federal Perkins Loans.

"Non-eligible loans" – All private or nonfederal student loans and any loans originated under the following programs or conditions:

Federal Parent PLUS Loans;

Federal Direct PLUS Loans made to the parents of a dependent student; and

Any federal consolidation loan to the extent that such loan was used to repay a loan described in subsections (1) or (2) above.

"Prosecutor" – A full-time employee of the State of Illinois or unit of local government within the State who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

"Public Defender" – An attorney who is continually licensed to practice law and is employed as any of the following:

a full-time employee of the State of Illinois or unit of local government in Illinois who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

a full-time employee of a nonprofit organization operating under a contract with the State of Illinois or unit of local government in Illinois,

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

who devotes substantially all of the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation; or

employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of Title 18 and located in Illinois that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

**Section 2754.20 Applicant Eligibility**  
**EMERGENCY**

A qualified applicant for loan repayment shall be:

- a) a United States citizen or eligible noncitizen;
- b) a licensed attorney in good standing with the Illinois bar;
- c) a borrower who is not in default on a federal guaranteed educational loan;
- d) a borrower with an outstanding balance due on an eligible educational loan;
- e) employed as a public defender or prosecutor; and
- f) required to enter into term of service of three years pursuant to John R. Justice Student Loan Repayment Program Service Agreement ("Service Agreement"), which is prepared by the United States Department of Justice and must be entered into by each applicant prior to the commencement of any such term.

**Section 2754.30 Program Procedures**  
**EMERGENCY**

- a) Any qualified applicant not eligible to receive benefits under this Part as a result of entering into a Service Agreement with the Department of Justice must submit a program application prepared by ISAC and a Service Agreement in order to receive benefits.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) The program application and the Service Agreement are available at ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.
- 2) If the application or the Service Agreement is incomplete, the applicant will be provided an opportunity to furnish any missing information. Applications will be considered for processing only as of the date a complete application and Service Agreement are received by ISAC in its Deerfield office. No applications will be considered for processing if received after the published date unless funds remain available for disbursement. ISAC reserves the right to request documentation to verify data reported on the application.
- 3) The application will require the applicant's employer (or future employer in the case of recruited attorneys) to certify the following:
  - A) The employer is an eligible employing entity under the John R. Justice Prosecutors and Defenders Incentive Act;
  - B) The applicant seeking benefits meets the definition of "prosecutor" or "public defender" under the Act; and
  - C) The employer employs or, in the case of a recruited attorney, has extended an offer of employment that has been accepted by the applicant.
- b) Each year, ISAC shall select individuals to receive repayment benefits from among individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service described therein and all new applicants who have submitted a completed application and Service Agreement.
- c) Individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service described therein shall be selected once all information necessary to compute the amount of an award under this Part has been received by ISAC.
- d) Priority consideration in selecting individuals to receive benefits from among new applicants will be given to those applicants who have the least ability to repay their loans. Individuals not receiving benefits under another program that provides

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

loan repayment assistance for eligible educational loans will be considered before those who are receiving such benefits.

- e) Any award of funds under this Part shall be made in accordance with the following:
- 1) Individuals selected to receive benefits shall be assigned to one of the five districts of the Illinois Appellate Court on the basis of the zip code of the individual's employer or, for those individuals that are employed in a statewide capacity as a prosecutor, as a statewide prosecutor. Available benefits will be allocated to each district or to statewide prosecutors based on the relative number of statewide prosecutors or prosecutors or public defenders within a district to the total population of prosecutors and public defenders in the state.
  - 2) The amount of the benefit awarded will be calculated based on each individual's ability to repay their qualifying loan debt. ISAC shall determine an individual's ability to repay their qualifying loan debt using the individual's Adjusted Gross Income (AGI) from the IRS Form 1040 during the previous calendar year, calculated exemptions to federal income tax claimed by the individual during the previous calendar year, the amount of qualifying student loan debt owed by the individual, and the cost of living in the appellate district in which the individual's employer is located, as determined by the Cost of Living Index published annually by the Illinois Appellate Court.
  - 3) Priority consideration in awarding benefits will be given to individuals who have previously executed a Service Agreement with the Department of Justice but have not yet completed the required term of service except that priority under this section shall be limited to individuals who have not previously completed a term of service under a Service Agreement with the Department of Justice. Awards shall then be made in accordance with this Section to new applicants.
  - 4) Once all the money allocated for a particular district or to individuals qualifying as statewide prosecutors has been exhausted, the awarding for that district will cease.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 5) In the event that an insufficient number of individuals from a particular district apply for the program, then the remaining dollars in that district's allocation would be awarded to the highest-ranked applicants who have not received an award, regardless of which district they are from.
- 6) The total amount of funds allocated to prosecutors, regardless of the district to which they are assigned or their status as a statewide prosecutor, must equal the total amount of funds allocated to defenders, regardless of the district to which they are assigned.
- f) The amount of an award shall not exceed \$10,000 per year, up to a maximum of \$60,000 during an individual's career. The annual amount may be reduced in order to make more loan repayment assistance awards when funding is insufficient to provide benefits to all selected individuals.
- g) The loan proceeds shall be remitted to the holder of the loans to be repaid.
- h) While receiving benefits, an individual must notify ISAC of changes to his or her address, employment status or loan status (default) within 10 days after a change.
- i) While receiving benefits, the individual must remain a licensed attorney in good standing with the Illinois bar.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE L      Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table L. The Agreement between CMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers was signed June 12, 2009. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On November 29, 2011, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective July 1, 2011 in the northern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 6, 15 and 21].
- 6) Effective Date: December 29, 2011
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Apendix A Table L, the northern region rate effective July 1, 2011 is added and the rate effective July 1, 2009 is removed.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: December 29, 2011
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?  
Yes

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

12) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.47	Amendment	35 Ill. Reg. 2841, February 18, 2011
310.APPENDIX A TABLE AA	Amendment	35 Ill. Reg. 2841, February 18, 2011
310.47	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705, April 8, 2011

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705, April 8, 2011
310.410	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix A Table O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix A Table W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table N	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table O	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table S	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table W	Amendment	35 Ill. Reg. 19885, December 23, 2011
310.Appendix B Table X	Amendment	35 Ill. Reg. 19885, December 23, 2011

- 13) Statement of Statewide Policy Objectives: The amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding this preemptory amendment shall be directed to:

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

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

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

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

## SUBPART B: SCHEDULE OF RATES

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalent
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY  
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

Section	
310.600	Jurisdiction

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

310.610	Pay Schedules
310.620	In-Hiring Rate
310.630	Definitions
310.640	Increases in Pay
310.650	Other Pay Provisions
310.660	Effective Date
310.670	Negotiated Rate
310.680	Trainee Rate
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 36 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
Boiler Safety Specialist	04910	Northern	July 1, <del>2011</del> 2009	<del>7863.06</del> 7784.76
Boiler Safety Specialist	04910	Central	January 1, 2009	6183.96
Boiler Safety Specialist	04910	Southern	January 1, 2009	5700.24

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

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

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

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of

---

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 564, effective December 29, 2011)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Access to Information (2 Ill. Adm. Code 751)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking affecting the following:  
Amend to reflect the latest modifications to the Freedom of Information Act.
- B) Statutory Authority: 5 ILCS 140
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations:  
None
- F) Agency contact person for information:
- Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- b) Part(s) (Heading and Code Citation): Business Enterprise Program (44 Ill. Adm. Code 10)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking affecting the following:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

Amend Sections 10.05, 10.20, 10.50 & 10.64 to reflect changes based on amendments to the Business Enterprise for Minorities, Females, and Persons with Disabilities Act pursuant to P.A. 96-795; and

Amend Section 10.50 to change the certification period to 5 years.

- B) Statutory Authority: 30 ILCS 575
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: This will increase the sales limitations for applicants to the Business Enterprise Program and so that minority female applicants select whether their firm is certified as a Female Business Enterprise (FBE) or a Minority Business Enterprise (MBE). It will also streamline the certification process.
- F) Agency contact person for information:  

Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

c) Part(s) (Heading and Code Citations): Merit and Fitness (80 Ill. Adm. Code 302)

1) Rulemaking:

- A) Description: The Department anticipates rulemaking affecting the following sections:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

Amend Section 302.30 to clarify the process for determining eligibility of candidates for employment seeking veteran's preference;

Amend Section 302.90 to address the process for filling of multiple vacancies by simultaneous resort to more than a single method described in Rule 302.90;

Amend Sections 302.90 and 302.820 to address the process for appointing employees to term appointments, to address inconsistencies between these two sections, and to address the differences between the 4 year term appointments historically addressed by these sections and 5 year term appointments;

Amend Section 302.91 to more fully describe the procedures and requirements of the Alternative Employment Program;

Amend Section 302.150 to provide for temporary appointment of retired State employees to work no more than 75 days within a twelve-month period, and further amend Section 302.150 to provide for Provisional Appointment Pending Partial Exemption under Personnel Code Section 4d;

Amend Section 302.790 to clarify the prohibition on discrimination and retaliation; and

Add a new Section under Subpart L addressing the requirement that certain internal auditor and procurement positions be appointed to five year term appointments.

- B) Statutory Authority: 20 ILCS 4156/8, 8b.10, 8b.18, 8b.19, 8c.6, 8e and P.A. 96-0795.
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.d) Part(s) (Heading and Code Citations): Conditions of Employment (80 Ill. Adm. Code 303)1) Rulemaking:A) Description: The Department anticipates rulemaking affecting the following sections:

Amend the current Rules relating to Vacation Time and Personal Time, including at least Sections 303.125 and 303.290, to clarify limitations on use and prevent misuse of such time by employees pending their retirement from State employment;

Amend Section 303.145 to clarify the limitations on temporary disability leave and the process for agencies to require independent medical examinations of employees, and to address the relationship between temporary disability leave and the Alternative Employment Program;

Amend Section 303.170 to reflect changes to 5 ILCS 325 and to clarify the use of USERRA leave;

Amend Section 303.175 to clarify who may designate a disaster pursuant to P.A. 97-345;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

Amend Section 303.270 to clarify that employees on Military Leave shall not lose accrued vacation time, and will be afforded a reasonable amount of time upon their return to use it;

Add a new Section to provide for Family Military Leave pursuant to P.A. 96-1417;

Add a new Section to provide for Civil Air Patrol Leave pursuant to P.A. 95-763; and

Add a new Section to provide for Victims' Economic Security & Safety Act Leave pursuant to 820 ILCS 180/1.

- B) Statutory Authority: 20 ILCS 415/8, 8c, 8c.6, 8e and 9(14).
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

e) Part(s) (Heading and Code Citations): General Provisions (80 Ill. Adm. Code 304)

- 1) Rulemaking:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

- A) Description: The Department anticipates rulemaking affecting the following sections:

Amend Section 304.40 to make explicit the historic interpretation that all Rutan-related documentation is confidential and falls under the definition of examination materials.

- B) Statutory Authority: 20 ILCS 415/8, 8e, and 9(14).
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

- f) Part(s) (Heading and Code Citation): State Employees Group Insurance Program (80 Ill. Adm. Code 2105)

- 1) Rulemaking:

- A) Description: The Department anticipates rulemaking affecting the following:

Create rules outlining the functions and requirements of the State Employees Group Insurance Program.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

g) Part(s) (Heading and Code Citation): State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120)

1) Rulemaking:

- A) Description: The Department anticipates rulemaking affecting the following:
- Amend to reflect compliance with the Patient Protection and Affordable Care Act and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375/1
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- h) Part(s) (Heading and Code Citation): Local Government Health Plan (80 Ill. Adm. Code 2160)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking affecting the following:
- Amend to reflect compliance with the Patient Protection and Affordable Care Act, the Illinois Religious Freedom Protection and Civil Union Act and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: As municipalities and certain not-for-profits are eligible to participate in the Local Government Health Plan, any changes made could have an impact on those entities.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.i) Part(s) (Heading and Code Citation): Teachers' Retirement Insurance Plan (80 Ill. Adm. Code 2170)1) Rulemaking:A) Description: The Department anticipates rulemaking affecting the following:

Amend to reflect compliance with the Patient Protection and Affordable Care Act, the Illinois Religious Freedom Protection and Civil Union Act and other minor technical changes.

B) Statutory Authority: 5 ILCS 375/1C) Scheduled meeting/hearing dates: Not ApplicableD) Date agency anticipates First Notice: Not Yet ScheduledE) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Mary Matheny  
CMS Rules Coordinator

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- j) Part(s) (Heading and Code Citation): College Insurance Program (80 Ill. Adm. Code 2180)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking affecting the following:
- Amend to reflect compliance with the Patient Protection and Affordable Care Act, the Illinois Religious Freedom Protection and Civil Union Act and other minor technical changes.
- B) Statutory Authority: 5 ILCS 375/1
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.
- k) Part(s) (Heading and Code Citations): Solicitation For Charitable Payroll Deductions (80 Ill. Adm. Code 2650)
- 1) Rulemaking:
- A) Description: The Department anticipates rulemaking affecting the following sections:
- Amend Section 2650.10 to modify the length and number of Advisory Board terms that may be served by State employees.
- B) Statutory Authority: 5 ILCS 340
- C) Scheduled meeting/hearing dates: Not Applicable
- D) Date agency anticipates First Notice: Not Yet Scheduled
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mary Matheny  
CMS Rules Coordinator  
720 Stratton Office Building  
Springfield, IL 62706  
Telephone: 217-557-5404  
Email: [mary.matheny@illinois.gov](mailto:mary.matheny@illinois.gov)  
Fax: 217-558-2697
- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues.

## ILLINOIS COMMERCE COMMISSION

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service 83 Ill. Adm. Code 280
- 1) Rulemaking:
- A) Description: There had been four open dockets in which there had been proposed or in which the Commission had been considering amendments to Part 280 (Dockets 05-0237, 06-0112, 06-0202, and 06-0379). The Commission is of the opinion that administrative economy dictates that one coordinated proceeding be initiated to revise Part 280 instead of the potential piecemeal amendment of Part 280 occurring in four open dockets. It is the Commission's intention that it produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.
- B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].
- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0703.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject public utilities and any customers that are also small businesses.
- F) Agency contact person for information:

Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION

JANUARY 2012 REGULATORY AGENDA

527 East Capitol Avenue  
Springfield, IL 62701  
217-782-7434

- G) Related rulemakings and other pertinent information: None

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1800
- 1) Rulemaking: Proposed Amendment
  - A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.
  - B) Statutory Authority: Implementing the Illinois Administrative Procedure Act (5 ILCS 100).
  - C) Scheduled meeting/hearing dates: None Scheduled.
  - D) Date agency anticipates First Notice: Spring 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
  - F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
  - G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Public Information, Rulemaking and Organization 2 Ill. Adm. Code 1075
- 1) Rulemaking: Proposed Amendment
  - A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Implementing the Illinois Administrative Procedure Act (5 ILCS 100).
- C) Scheduled meeting/hearing dates: None Scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
- F) Agency contact person for information:  
  
Jennifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Freedom of Information Procedures, 2 Ill. Adm. Code 1076
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date agency anticipates First Notice: Spring 2012

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Political Subdivision Emergency Services and Disaster Agencies, 29 Ill. Adm. Code 301
- 1) Rulemaking: Proposed Amendment
- A) Description: This proposed rulemaking will include requirements for including provisions in emergency operations plans for functional needs populations and an amendment to satisfy P.A. 094-0733. In addition, language will be amended to reflect compliance with the National Incident Management System, changes to IEMA's grant program, and changes in EOP requirements.
- B) Statutory Authority: Implements the Illinois Emergency Management Agency Act [20 ILCS 3305].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking may affect small municipalities with special needs populations. Depending on the circumstances, small municipalities may have to adjust emergency

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

operation plans to comply with this Part and the National Incident Management System.

F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

G) Related rulemakings and other pertinent information: Nonee) Part (Heading and Code Citation): Radiological Protection, 29 Ill. Adm. Code 3201) Rulemaking: Proposed Repealer

A) Description: The Agency is proposing this rulemaking to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. This Part is outdated and is no longer needed as its requirements are covered by other Agency regulations.

B) Statutory Authority: Implementing the Illinois Emergency Management Agency Act [20 ILCS 3305]

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Standards for Protection against Laser Radiation, 32 Ill. Adm. Code 315

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking could affect small businesses, small municipalities, and not for profit corporations that use or have lasers registered with the Agency.

F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

G) Related rulemakings and other pertinent information: None

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- g) Part (Heading and Code Citation): Registration and Operator Requirements for Radiation Installations, 32 Ill. Adm. Code 320
- 1) Rulemaking: Proposed Amendment
- A) Description: This rulemaking will implement recent changes to Section 25 of the Radiation Protection Act of 1990 and will increase the registration fees for radiation machines which are paid by operators of radiation installations. The increase in fees is necessary for the Agency to recover program costs and maintain its oversight of radiation installations.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will have a fiscal impact on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Fees for Calibration Services, 32 Ill. Adm. Code 333
- 1) Rulemaking: Proposed Amendment

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency". In addition, this proposed amendment will include a provision for the calibration of personal radiation detectors.
- B) Statutory Authority: Implementing and authorized by Section 25(g) of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-25(g)) [420 ILCS 40/25(g)].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency does not usually get outside or commercial business, so there should be little to no impact on small businesses. Municipalities do not typically own radiation detection instruments except for the Personal Radiation Detectors issued to fire departments and law enforcement agencies under the Illinois Terrorism Task Force/Preventive Radiological and Nuclear Detection program, the cost of calibration (on a 3 year cycle) for those will likely be covered by an Illinois Terrorism Task Force grant. Therefore, there should be little or no impact, other than shipping costs, for small municipalities.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Fees for By-Product Material, 32 Ill. Adm. Code 334

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking: Proposed Amendment
  - A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
  - B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).
  - C) Scheduled meeting/hearing dates: None scheduled
  - D) Date Agency anticipates First Notice: Spring 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
  - F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
  - G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine, 32 Ill. Adm. Code 360
  - 1) Rulemaking: Proposed Amendment
    - A) Description: This proposed rulemaking adds additional requirements in four major areas: quality assurance for digital imaging, computed tomography, radiation therapy misadministration and electronic brachytherapy. As digital imaging technology has become more common,

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

the Agency needs to add rules for quality assurance for such systems. Imaging with computed tomography is becoming increasingly common and additional requirements are necessary to maintain proper oversight by the Agency. Errors occurring in radiation therapy were not previously reported to the Agency, so new regulations will require facilities to investigate such incidents and report to the Agency. Electronic brachytherapy is a new technology and regulations are required for proper oversight by the Agency.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will have an undetermined effect on some small businesses or not for profit corporations due to increased requirements and recordkeeping. Small municipalities will not be affected.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Quality Standards and Certification Requirements for Facilities Performing Mammography, 32 Ill. Adm. Code 370

- 1) Rulemaking: Proposed Amendment

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- A) Description: This rulemaking increases the annual mammography certification fee to cover increased program costs, ensuring continued compatibility with the U.S. Food and Drug Administration's Mammography Quality Standards Act, 21 CFR Part 900.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will have a fiscal impact on small businesses or not for profit corporations. Small municipalities should not be affected.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- l) Part (Heading and Code Citation): Certification of Individuals to Perform Industrial Radiography, 32 Ill. Adm. Code 405
- 1) Rulemaking: Proposed Amendment
- A) Description: This rulemaking will increase the certification fees paid by industrial radiographers. The increase in fees is necessary for the Agency to recover program costs and maintain its oversight of industrial radiography operations.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40]
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will have a fiscal impact on some small businesses. Small municipalities or not for profit corporations should not be affected.
- F) Agency contact person for information:  
  
Jennifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Certification and Operation of Radiochemistry Laboratories, 32 Ill. Adm. Code 406
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
- B) Statutory Authority: Implementing the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)].
- C) Scheduled meeting/hearing dates: None scheduled

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- n) Part (Heading and Code Citation): Standards for Selection of Contractors, 32 Ill. Adm. Code 605
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
- B) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/5].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- F) Agency contact person for information:
- Jennifer Johnson, Chief Legal Counsel  
    Illinois Emergency Management Agency  
    1035 Outer Park Drive  
    Springfield, IL 62704  
    Telephone: (217) 524-0770  
    Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citation): Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste, 32 Ill. Adm. Code 609
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
- B) Statutory Authority: Implementing and authorized by Sections 8 and 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/8 and 9], the Radioactive Waste Tracking and Permitting Act [420 ILCS 37], the Central Midwest Low-Level Radioactive Waste Compact Act [45 ILCS 140], the Radioactive Waste Compact Enforcement Act [45 ILCS 141] and the federal Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240).
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
- F) Agency contact person for information:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".
- B) Statutory Authority: Implementing and authorized by Sections 3 and 4 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3 and 20/4].
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.
- F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Campus Security Grants, 29 Ill. Adm. Code 310

1) Rulemaking: Proposed New Rule

A) Description: This Part establishes the procedures and criteria for approval of applications submitted to the Illinois Emergency Management Agency by eligible higher education institutions for grants related to safety and security improvements.

B) Statutory Authority: Authorized by Section 5(g) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(g)].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small municipalities and not for profit corporations, in the sense that the Agency is providing grant funds to assist higher education institutions with campus security.

F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Fees for Radioactive Material Licensees, 32 Ill. Adm. Code 331

1) Rulemaking: Proposed Amendment

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- A) Description: This rulemaking will clarify the fee structure for persons who possess registered generally licensed devices or prepackaged units for in vitro clinical or laboratory testing pursuant to the general license [32 Ill. Adm. Code 330.220(f)(1)].
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- s) Part (Heading and Code Citation): Regulations for Radon Service Providers, 32 Ill. Adm. Code 422
- 1) Rulemaking: Proposed Amendment
- A) Description: The proposed amendment will revise closed house conditions to allow a licensed home inspector to momentarily open and close windows to verify proper operation; revise the requirement to discharge above the highest eave and as close to the roof ridgeline to be consistent with proposed requirements in the International Code for construction of new homes; revise the conditions of license section to

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

mandate licensees attend an audit of their records at IEMA offices at least once each license period; and other minor clarifications and updates.

- B) Statutory Authority: Radon Industry Licensing Act [420 ILCS 44].
- C) Scheduled meeting/hearing dates: None Scheduled.
- D) Date agency anticipates First Notice: Summer 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses that provide radon services. The amendment will require the approximately 200 professional licensees to travel to Springfield at least once every five years for the audit of their records. The audits take less than 2 hours and their schedule will be coordinated at convenient times both for the licensee and the Agency.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): Financial Assurance Requirements, 32 Ill. Adm. Code 326

1) Rulemaking: Proposed Amendment

- A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety; remove the option of Certificate of Deposit; updating dollar values of parent company and self guarantees from 1980's to present day; establishing the trust requirements.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Radiation Protection Act of 1990 [420 ILCS 40]
- C) Scheduled meeting/hearing dates: None Scheduled.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Removing the CD option will affect 6 licenses. It is anticipated these licensees will be able to obtain a Letter of Credit from the same banking institution by using the CD as collateral. Requiring a trust account to be established, in the case of bankruptcy, will put funds in a specific account to be used only for decommissioning.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- u) Part (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200
- 1) Rulemaking: Proposed Amendment
- A) Description: The Agency will propose this rulemaking to clarify notice requirements in regard to address changes by licensees.
- B) Statutory Authority: Implementing the Illinois Administrative Procedure Act (5 ILCS 100).
- C) Scheduled meeting/hearing dates: None Scheduled.
- D) Date agency anticipates First Notice: Spring 2012

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking may affect small businesses and not for profit corporations that are not in compliance with Agency regulations.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- v) Part (Heading and Code Citation): Accrediting Persons in the Practice of Medical Radiation Technology, 32 Ill. Adm. Code 401
- 1) Rulemaking: Proposed Amendment
- A) Description: This proposed amendment creates a new accreditation category for the nuclear medicine advanced associate; adds an exemption (from the radiography requirement) for: physician assistants and advanced practice nurses to perform interventional fluoroscopic procedures, an accredited nuclear medicine technologist to perform CT exams as part of a PET/CT or SPECT/CT combination study, and an accredited nuclear medicine technologist or radiation therapist with CT certification by the ARRT to perform diagnostic CT exams; prohibits an accredited limited medical radiographer from performing radiographic exams for any portable x-ray service provider; and eliminates the civil penalty assessment on individuals for violations of the Agency's accreditation requirement.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None Scheduled.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking could have an affect on businesses and not-for-profit corporations that perform x-ray services and employ medical radiographers.
- F) Agency contact person for information:  
  
Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- w) Part (Heading and Code Citation): Registration Requirements for Diagnostic Imaging Specialists and Therapeutic Radiological Physicists, 32 Ill. Adm. Code 410
- 1) Rulemaking: Proposed Amendment
- A) Description: This proposed rulemaking removes two criteria for an individual to become approved as a diagnostic imaging specialist. This change is being proposed due to the increasing complexity of medical imaging equipment thus requiring increased knowledge and experience of the individuals who perform complex evaluations of such equipment. The criteria being removed are easier to obtain and require less experience thus removing them will result in higher qualified individuals. All individuals currently approved as diagnostic imaging specialists will continue to be approved.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None Scheduled.
- D) Date agency anticipates First Notice: Spring 2012

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: There may be increased costs for some small businesses that are required to obtain the services of an individual registered pursuant to this Part, as the services of more highly qualified individuals may come at a higher price. No effect is anticipated for small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
Telephone: (217) 524-0770  
Fax: (217) 524-3698
- G) Related rulemakings and other pertinent information: None
- x) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330
- 1) Rulemaking: Proposed Amendment
- A) Description: This proposed rulemaking will add 32 Ill. Adm. Code 330.40(c)(1)(F) for compatibility with USNRC regulations in exemptions for smoke detectors. It will not change the intent of the current rule as this language was previously in Section 330.40(c)(3)(A). In addition, Section 330.40(c)(3)(A) will be amended to expand an exemption to all approved gas and aerosol detectors not just smoke detectors.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: Summer 2012

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: The Agency does not believe this rulemaking will affect these entities as the amendment does not change current operations only language to meet NRC compatibility.
- F) Agency contact person for information:
- Jennifer Johnson, Chief Legal Counsel  
    Illinois Emergency Management Agency  
    1035 Outer Park Drive  
    Springfield, IL 62704  
    (217) 524-0770
- G) Related rulemakings and other pertinent information: None
- y) Part (Heading and Code Citation): Use of Radionuclides in the Healing Arts, 32 Ill. Adm. Code 335
- 1) Rulemaking: Proposed Amendment
- A) Description: This proposed amendment will add definitions in Section 335.20 for General, Direct and Personal supervision for medical uses similar to Public Health rules in 42 CFR 410.32. In addition, Section 335.5010(b) will be amended to include a pregnancy test before administering greater than 30 uCi of I-131 to females of childbearing age. Incidents have occurred in Illinois where newborn development was impaired as a result of not implementing this precaution. Other minor clarifications and updates will also be included.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None scheduled at this time.
- D) Date agency anticipates First Notice: Summer 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect hospitals and clinics that administer I-131 to patients.

---

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Jenifer Johnson, Chief Legal Counsel  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 524-0770

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF EMPLOYMENT SECURITY

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): General Application, 56 Ill. Adm. Code 2712
- 1) Rulemaking:
- A) Description: The Department is considering rulemaking which would allow it to update a claimant's or an employer's mailing address based on information received from the U.S. Postal Service.
- The Department is considering rulemaking to allow certain notices to be provided electronically.
- B) Statutory Authority: Sections 802, 804, 1510, 1700, 1701 and 1900 of the Unemployment Insurance Act [820 ILCS 405/802, 804, 1510, 1700, 1701 and 1900].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposals could save all businesses time by not making them wait for mail deliveries. The rulemaking to allow the Department to update an employer's mailing address based on information from the U.S. Postal Service would potentially affect all businesses.
- F) Agency contact person for information:
- Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street - 9th Floor  
Chicago, IL 60603  
312-793-4240  
[Gregory.Ramel@illinois.gov](mailto:Gregory.Ramel@illinois.gov)
- G) Related rulemaking and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Claims, Adjudication, Appeals And Hearings, 56 Ill. Adm. Code 2720

## DEPARTMENT OF EMPLOYMENT SECURITY

## JANUARY 2012 REGULATORY AGENDA

1) Rulemaking:

- A) Description: The Department is considering requiring that claimants seeking a dependent child allowance provide the social security number of their youngest child.

The Department is considering rulemaking to elaborate on the means by which individuals can claim benefits.

The Department is considering revising the rule regarding the documentation required of a claimant who files his/her claim in person.

The Department is considering rulemaking which would allow it to update a claimant's or an employer's mailing address based on information received from the U.S. Postal Service.

The Department is considering rulemaking to allow certain notices to be provided electronically.

Pursuant to the authority granted to it by a recent amendment to Section 702 of the Act, the Department is considering rulemaking to require certain larger employers and some employer representatives to file their benefit claim protests electronically.

- B) Statutory Authority: Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposals would have no direct effect on businesses.
- F) Agency contact person for information:

## DEPARTMENT OF EMPLOYMENT SECURITY

## JANUARY 2012 REGULATORY AGENDA

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street - 9th Floor  
Chicago, IL 60603  
312-793-4240  
[Gregory.Ramel@illinois.gov](mailto:Gregory.Ramel@illinois.gov)

- G) Related rulemaking and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Determination of Unemployment Contributions, 56 Ill. Adm. Code 2770
- 1) Rulemaking:
- A) Description: Effective for years subsequent to 2012, the Department will revise Section 2770.101(a)(2) to reflect the new version of the North American Industry Classification System Manual it will use to calculate average contribution rates by industrial classifications.
- B) Statutory Authority: Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking would not be expected to have any impact on employers.
- F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street - 9th Floor  
Chicago, IL 60603  
312-793-4240

## DEPARTMENT OF EMPLOYMENT SECURITY

## JANUARY 2012 REGULATORY AGENDA

[Gregory.Ramel@illinois.gov](mailto:Gregory.Ramel@illinois.gov)

G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Payment of Benefits, 56 Ill. Adm. Code 2830

1) Rulemaking:

A) Description: The Department is considering revising the rules regarding the mailing of benefits checks given the advent of electronic payments.

B) Statutory Authority: Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2012

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed rulemaking should have no impact on employers.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
33 South State Street - 9th Floor  
Chicago, IL 60603  
312-793-4240  
[Gregory.Ramel@illinois.gov](mailto:Gregory.Ramel@illinois.gov)

G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

**I. DIVISION OF BANKING**

a) Part(s) (Heading and Code Citation): Corporate Applications for Banks and Corporate Fiduciaries (38 Ill. Adm. Code 370)

1) Rulemaking:

A) Description: This Part needs to be expanded to include applications for savings banks under the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.

B) Statutory Authority: Illinois Banking Act [205 ILCS 5] and Savings Bank Act [205 ILCS 205]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: March 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-chartered banks and savings banks may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: There will also be expansions for Parts (38 Ill. Adm. Codes) 380, 385, and 392 under the statutory authority of the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.

b) Part(s) (Heading and Code Citation): Eligible State Bank (38 Ill. Adm. Code 380)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: This Part needs to be expanded to include alternating examinations of savings banks under the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.
  - B) Statutory Authority: Illinois Banking Act [205 ILCS 5] and Savings Bank Act [205 ILCS 205]
  - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: March 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-chartered banks and savings banks may be affected.
  - F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: There will also be expansions for Parts (38 Ill. Adm. Codes) 370, 385, and 392 under the statutory authority of the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.
- c) Part(s) (Heading and Code Citation): Rules Governing Request for Reconsideration of Examination Findings (38 Ill. Adm. Code 385)
  - 1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- A) Description: This Part needs to be expanded to include requests for consideration from savings banks under the Savings Bank Act now that savings banks and commercial banks are now supervised by the same bureau of the IDFPR Division of Banks.
- B) Statutory Authority: Illinois Banking Act [205 ILCS 5] and Savings Bank Act [205 ILCS 205]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-chartered banks and savings banks may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: There will also be expansions for Parts (38 Ill. Adm. Codes) 370, 380, and 392 under the statutory authority of the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.

d) Part(s) (Heading and Code Citation): Hearings Before the Agency (38 Ill. Adm. Code 392)

1) Rulemaking:

- A) Description: This Part needs to be expanded to include hearings under the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Illinois Banking Act [205 ILCS 5] and Savings Bank Act [205 ILCS 205]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-chartered banks and savings banks may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: There will also be expansions for Parts (38 Ill. Adm. Codes) 370, 380, and 385 under the statutory authority of the Savings Bank Act now that savings banks and commercial banks are supervised by the same bureau of the IDFPR Division of Banks.
- e) Part(s) (Heading and Code Citation): Corporate Fiduciary Receivership Account (38 Ill. Adm. Code 398)
- 1) Rulemaking:
    - A) Description: The passage of PA 97-492 increased the required pledge amount from \$1 million to \$2 million for Illinois trust companies so this Part will be amended to reflect that statutory change.
    - B) Statutory Authority: Illinois Banking Act [205 ILCS 5] and Savings Bank Act [205 ILCS 205]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: March 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: Illinois trust companies may be affected.
  - F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Board of Savings Institutions (38 Ill. Adm. Code 500)
- 1) Rulemaking:
    - A) Description: PA 96-1365 and PA 97-492 removed the Board of Savings Institutions' authority to conduct hearings therefore this Part needs to be amended to reflect that statutory change.
    - B) Statutory Authority: Savings Bank Act [205 ILCS 205]
    - C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
    - D) Date agency anticipates First Notice: Unknown
    - E) Effect on small businesses, small municipalities or not for profit corporations: Illinois state-chartered savings banks may be affected.
    - F) Agency contact person for information:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Savings Bank Act (38 Ill. Adm. Code 1075)

1) Rulemaking:

A) Description: Several revisions to this part will need to be made to reflect changes to the Act related to application fees and filing requirements and conditions, manner of payment of supervisory and exam fees, proration of supervisory fees, record retention, investments, service corporations, relocation/branching, hearing procedures, among other necessary revisions.

B) Statutory Authority: Savings Bank Act [205 ILCS 205]

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Illinois state-chartered savings banks may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

**II. DIVISION OF FINANCIAL INSTITUTIONS**

- h) Part(s) (Heading and Code Citation): Currency Exchange Act (38 Ill. Adm. Code 120)
- 1) Rulemaking:
- A) Description: Amendments to implement statutory revisions under PA 97-0319 will be forthcoming along with technical clean-up changes and updates.
- B) Statutory Authority: Currency Exchange Act [205 ILCS 405]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-regulated currency exchanges may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Payday Loan Reform Act (38 Ill. Adm. Code 210)
- 1) Rulemaking:
- A) Description: A Section will be added to this part regarding lending to service/military members to note that those entities who lend to military personnel need to comply with the requirements of the John Warner National Defense Authorization Act.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Payday Loan Reform Act [205 ILCS 405]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Illinois State-regulated short-term lenders may be affected.
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

**III. DIVISION OF PROFESSIONAL REGULATION**

- j) Part(s) (Heading and Code Citation): (New Part) Appraisal Management Company Registration Act (68 Ill. Adm. Code 1452)
  - 1) Rulemaking:
    - A) Description: The Department will be promulgating a new rule to implement the provisions of PA 97-0602 which created the Appraisal Management Company Registration Act. This new regulation will include definitions; processes for application, registration, renewal and reinstatement; bonding and record keeping requirements as well as other business practice standards.
    - B) Statutory Authority: Appraisal Management Company Registration Act [225 ILCS 459]
    - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Appraisal management companies soon-to-be licensed will be affected.
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: Various sections will be amended to the Real Estate Appraiser Licensing Act of 2002 (PA 96-1000) to address changes as a result of the sunset reauthorization of the Act.
- k) Part(s) (Heading and Code Citation): Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)
- 1) Rulemaking:
- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: Illinois Athletic Trainers Practice Act [225 ILCS 5]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed athletic trainers may be affected.
- F) Agency contact person for information:  
  
Department of Financial and Professional Regulation

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)

1) Rulemaking:

A) Description: Revisions may be made to training, instructor qualifications and examination requirements.

B) Statutory Authority: Detection of Deception Examiners Act [225 ILCS 430]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: February 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed examiners within the scope of this act may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: Technical clean-up changes may be made.
  - B) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37]
  - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not for profit corporations: Those licensees providing the services of environmental health practitioners may be affected.
  - F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)
  - 1) Rulemaking:
    - A) Description: Per Public Act 96-1327, the Department will promulgate rules for the establishment the criteria, and discipline guidelines for an internship process. Rules may also be necessary in order to address a particular addition to Section 20 ("Exemptions") of the Act per PA 96-666. Also technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will be needed.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]
  - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: April 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: Licensed geologists may be affected.
  - F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Humane Euthanasia in Animal Shelters Act (68 Ill. Adm. Code 1248)
- 1) Rulemaking:
    - A) Description: Public Act 96-780 requires the Department to adopt rules defining "recognized methods for the humane euthanasia of companion animals".
    - B) Statutory Authority: Humane Euthanasia in Animal Shelters Act [510 ILCS 72]
    - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
    - D) Date agency anticipates First Notice: March 2012

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Those licensed entities that operate within the scope of the Humane Euthanasia in Animal Shelters Act may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Interior Design Title Act (68 Ill. Adm. Code 1255)
- 1) Rulemaking:
- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: Interior Design Title Act [225 ILCS 310]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed interior design professionals may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Mail Order Contact Lens Act (68 Ill. Adm. Code 1215)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: Mail Order Contact Lens Act [225 ILCS 83]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed mail order ophthalmic providers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Massage Licensing Act (68 Ill Adm. Code 1284)

1) Rulemaking:

A) Description: Updates/changes may be made to program-approved requirements. Also, various sections may be amended to address changes as a result of the sunset reauthorization of the Act.

B) Statutory Authority: Massage Licensing Act [225 ILCS 57]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: March 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: Licensed massage therapists may be affected.
  - F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1255)
- 1) Rulemaking:
    - A) Description: In Section 1285.60, NBCE (National Board of Chiropractic Examiners) Part IV will be added to the current three chiropractic exam requirements. Various technical clean up changes may also be made.
    - B) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]
    - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
    - D) Date agency anticipates First Notice: Unknown
    - E) Effect on small businesses, small municipalities or not for profit corporations: Those licensed to practice medicine as well as entities conducting business within the medical field may be affected.
    - F) Agency contact person for information:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Perfusionist Practice Act (68 Ill. Adm. Code 1335)
- 1) Rulemaking:
- A) Description: Various changes and additions, including a Continuing Education (CE) requirement as a condition of renewal will need to be made as a result of the sunset reauthorization of the Act (PA 96-682). Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be made.
- B) Statutory Authority: Illinois Perfusionist Practice Act [225 ILCS 125]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed perfusionists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- u) Part(s) (Heading and Code Citation): Physical Therapy Practice Act of 1987 (68 Ill. Adm. Code 1340)
- 1) Rulemaking:
- A) Description: Technical clean up including language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: Physical Therapy Practice Act of 1987 [225 ILCS 90]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists (PTs) may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- v) Part(s) (Heading and Code Citation): Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)
- 1) Rulemaking:
- A) Description: Various sections will be amended to address changes as a result of the sunset reauthorization of the Act (PA 96-1000) and passage of the Appraisal Management Company Registration Act (PA 97-602).

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: April 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed real estate appraisers may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: The Department will be promulgating a new rule to implement the provisions to accommodate the passage of the Appraisal Management Company Registration Act (PA 97-602). This new regulation will include definitions; processes for application, registration, renewal and reinstatement; bonding and record keeping requirements as well as other business practice standards.

w) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

- A) Description: Clarification may be added pertaining to scope of practice; technical clean-up changes may be made.
- B) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed respiratory care practitioners may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- x) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 Ill. Adm. Code 1485)
- 1) Rulemaking:
- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed surgical assistants and surgical technologists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None
- y) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 2004 (68 Ill. Adm. Code 1500)
- 1) Rulemaking:
- A) Description: Repeal of the Temporary permit Section and the possible requirement of additional continuing education hours for restoration of licensure. Also, the addition of the United States Department of Agriculture (USDA) (or any organization approved by the USDA) as an approved CE provider and technical clean-up changes will be made.
- B) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Certified Veterinary Technicians (68 Ill. Adm. Code 1505)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking:
- A) Description: Possible requirement of additional continuing education hours for restoration of licensure and the addition of the United States Department of Agriculture (USDA) (or any organization approved by the USDA) as an approved CE provider. Technical clean-up changes will also be made.
  - B) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
  - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: February 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: Licensed certified veterinary technicians may be affected.
  - F) Agency contact person for information:  
  
Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/557-4451
  - G) Related rulemakings and other pertinent information: None

## ILLINOIS GAMING BOARD

## JANUARY 2012 REGULATORY AGENDA

a) Part (Heading and Code Citation): Riverboat Gambling Act, 86 Ill. Adm. Code 3000

1) Rulemaking:

A) The purpose of the proposed rulemaking is to amend subparagraph 1) of paragraph a) of Section 3000.625, Chip Specifications, by requiring that each chip issued by the holder of an owners license must have permanently impressed, engraved, or imprinted upon it the location of the Riverboat Gaming Operation. This change will make the regulatory requirements for chips consistent with those for tokens. Tokens issued by, or utilized in, Riverboat Gaming Operations must clearly identify their location under subparagraph 1) of paragraph b) of Section 3000.635, Issuance and Use of Tokens and Vouchers for Gaming.

B) Statutory Authority: Section 5 (c) (2), (3), and (7) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (7) (West 2010)].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Within 6 months.

E) Effect on small business, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Lynn J. Carter  
General Counsel  
Illinois Gaming Board  
160 North LaSalle, Suite S-300  
Chicago, Illinois 60601-3274  
312/814-4700

G) Related rulemaking and other pertinent information: None

b) Part (Heading and Code Citation): Video Gaming Act (General), 11 Ill. Adm. Code 1800

1) Rulemaking:

## ILLINOIS GAMING BOARD

## JANUARY 2012 REGULATORY AGENDA

- A) The purpose of the proposed rulemaking is to add a new paragraph b) to Section 1800.540, Application Fees, providing that the application fee of an applicant shall be increased to the extent that the cost of the investigation relating to the applicant exceeds the applicant's application fee amount, as listed in the current rule. Current paragraphs a) through f) of Section 1800.540 will be relabeled as a) 1) through 6).
- B) Statutory Authority: Section 78 (a) (3) of the Video Gaming Act [230 ILCS 40/78 (a) (3) (West 2010)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:  
  
Lynn J. Carter  
General Counsel  
Illinois Gaming Board  
160 North LaSalle, Suite S-300  
Chicago, Illinois 60601-3274  
312/814-4700
- G) Related rulemaking and other pertinent information: None.
- c) Part (Heading and Code Citation): Video Gaming Act (General), 11 Ill. Adm. Code 1800
- 1) Rulemaking:
- A) The purpose of the proposed rulemaking is to require the Board to provide, on written request from any person, information furnished by an applicant or licensee concerning the applicant or licensee, its products, services or gambling or video gaming enterprises, and its business holdings. The specific information required to be provided under this rulemaking will be the same as that listed in Section 5.1 of the Riverboat Gambling Act [230 ILCS 10/5.1 (West 2010)].

## ILLINOIS GAMING BOARD

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Section 78 (a) (3) of the Video Gaming Act [230 ILCS 40/78 (a) (3) (West 2010)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None.
- F) Agency contact person for information:

Lynn J. Carter  
General Counsel  
Illinois Gaming Board  
160 North LaSalle, Suite S-300  
Chicago, Illinois 60601-3274  
312/814-4700

- G) Related rulemaking and other pertinent information: None

d) Part (Heading and Code Citation): Video Gaming Act (General), 11 Ill. Adm. Code 1800

1) Rulemaking:

- A) The purpose of the proposed rulemaking is to make Section 1800.270 r) [11 Ill. Adm. Code 1800.270 r)] consistent with Section 57 of the Video Gaming Act [230 ILCS 40/57 (West 2010)] by providing that a terminal operator which has entered into a location agreement with a licensed location is responsible for purchasing insurance coverage on any video gaming device placed in the location. Currently, Rule 1800.270 r) provides that the licensed location is responsible for purchasing the insurance coverage, in contradiction to Section 57 of the Video Gaming Act, which makes the terminal operator responsible for purchasing the coverage.

ILLINOIS GAMING BOARD

JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Section 78 (a) (3) of the Video Gaming Act [230 ILCS 40/78 (a) (3) (West 2010)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:  
  
Lynn J. Carter  
General Counsel  
Illinois Gaming Board  
160 North LaSalle, Suite S-300  
Chicago, Illinois 60601-3274  
312/814-4700
- G) Related rulemaking and other pertinent information: None

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JANUARY 2012 REGULATORY AGENDA

- a) Part: Practice in Administrative Hearings (89 Ill. Adm. Code 104)
- 1) Rulemaking:
- A) Description: Proposed amendments are anticipated to implement P.A. 97-0584 that allows ambulance providers of non-emergency medical transportation to appeal any decision by the Department or its agent, for which no denial was received prior to the time of transport.
- B) Statutory Authority: Authorized by 305 ILCS 5/5-4.2 of the Public Aid Code.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not for profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/782-1233
- G) Related rulemakings and other pertinent information: None
- b) Part: Medical Payment (89 Ill. Adm. Code 140)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JANUARY 2012 REGULATORY AGENDA

1) Rulemaking:

- A) Description: Proposed amendments are anticipated to require home health agencies and home nursing agencies to be licensed by the Illinois Department of Public Health in order to enroll as a provider under the Illinois Medical Assistance programs.
- B) Statutory Authority: Authorized by 210 ILCS 55/.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/782-1233

- G) Related rulemakings and other pertinent information: None

c) Part: Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)1) Rulemaking:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## JANUARY 2012 REGULATORY AGENDA

- A) Description: Proposed amendments are anticipated to implement a reimbursement process and methodology for facilities licensed under the Specialized Mental Health Rehabilitation Act.
- B) Statutory Authority: Authorized by P.A. 97-038.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.
- D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not for profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Jeanette Badrov  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
217/782-1233
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Recipient Rights, 59 Ill. Adm. Code 111
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to implement PA 95-564 with regard to the release of information under the Mental Health and Developmental Disabilities Confidentiality Act for persons applying under the Firearm Owners Identification Card Act.
- B) Statutory Authority: Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing the Americans With Disabilities Act (42 USC 12101 et seq.) Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide services for Developmental Disabilities and Mental Health programs.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

Springfield, Illinois 62762  
(217) 785-9772

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Treatment and Habilitation Services, 59 Ill. Adm. Code 112

1) Rulemaking:

- A) Description: This rulemaking is necessary to implement PA 95-282 that describes the practice to combat multi-drug resistant organisms at its facilities.
- B) Statutory Authority: Implementing Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June, 2012
- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Standards and Licensure Requirements for Community-Integrated Living Arrangements, 59 Ill. Adm. Code 115

1) Rulemaking:

- A) Description: This rulemaking is necessary to implement P.A. 97-0441 that will establish a process by which the determination to initiate a licensure review shall be made and specify criteria for determining the need for independent monitors and receiverships for community-integrated living arrangements wherein the Department has indentified systemic risks to individuals served.
- B) Statutory Authority: P.A. 97-0441.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: January, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide Community Integrated Living Arrangement services.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Individual Care Grants for Mentally Ill Children, 59 Ill. Adm. Code 135
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to clarify certain provisions that govern various services that are provided to mentally ill children.
- B) Statutory Authority: Implementing Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses or not for profit corporations that provide Medicaid Community Mental Health services.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- e) Part(s) (Heading and Code Citation): Sexually Violent Persons, 59 Ill. Adm. Code 299
- 1) Rulemaking:
- A) Description: This rulemaking will be revised to expand opportunities for the provision of services since the program has moved from Joliet to Rushville.
- B) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Mental Health Graduate Education Scholarship Act, New Rule under Title 59
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to implement PA 96-0672 that establishes a program to upgrade mental health care services by providing

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

scholarships to graduate students in mental health fields who agree to practice in areas of this State demonstrating the greatest need for more mental health services. The program shall encourage mental health practitioners to locate in areas where mental health manpower shortages exist in this State.

- B) Statutory Authority: Implementing PA 96-0672
  - C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
  - D) Date agency anticipates First Notice: June, 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
  - F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
  - G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Maternal and Child Health Services Code, 77 Ill. Adm. Code 630
- 1) Rulemaking:
    - A) Description: This rulemaking will bring the rule up to date and broaden the scope to include all programs in the Division of Community Health and Prevention.

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], and the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: June, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Community Services, 89 Ill. Adm. Code 313
- 1) Rulemaking:
- A) Description: This rulemaking will bring the rule up to date because many aspects of the rule are outdated or vague.
- B) Statutory Authority: Implementing and authorized by Section 80-30 of the Department of Human Services Act [20 ILCS 1305/80-30].

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: May, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not effect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50
- 1) Rulemaking:
- A) Description: This rulemaking will index the child care income eligibility guidelines so that the threshold for child care benefits is 185% of the current Federal Poverty Level for each family size.
- B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: March, 2012

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide child care services.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information:  
None
- j) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50
- 1) Rulemaking:
- A) Description: This rulemaking will change one of the eligibility guidelines for the Non-TANF Education and Training Program. This rulemaking will allow students whose current Grade Point Average (GPA) is 2.0, rather than whose cumulative GPA is 2.0, to participate in the Non-TANF Education and Training Program.
- B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: January, 2012

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide child care services.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information:  
None
- k) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112
- 1) Rulemaking:
- A) Description: This rulemaking will remove the reference to advance payments of the Earned Income Tax Credit. Federal Regulations H. R. 1586 repealed the advance payment option of the earned income tax credit, effective for tax years after December 31, 2010. As a result, workers will no longer be able to receive an advance payment of the Earned Income Tax Credit through their employers.
- B) Statutory Authority: Implementing Articles IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13] and Federal Regulations H. R. 1586.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: February, 2012

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information:  
89 Ill. Adm. Code 121
- l) Part(s) (Heading and Code Citation): Supplemental Nutrition Assistance Program, 89 Ill. Adm. Code 121
- 1) Rulemaking:
- A) Description: This rulemaking will remove the reference to advance payments of the Earned Income Tax Credit. Federal Regulations H. R. 1586 repealed the advance payment option of the earned income tax credit, effective for tax years after December 31, 2010. As a result, workers will no longer be able to receive an advance payment of the Earned Income Tax Credit through their employers.
- B) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and H. R. 1586.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: February, 2012

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information:  
89 Ill. Adm. Code 112
- m) Part(s) (Heading and Code Citation): Referral for VR Services, 89 Ill. Adm. Code 552
- 1) Rulemaking:
- A) Description: The Rehabilitation Services Administration (RSA) recommended that the Division of Rehabilitation Services (DRS) develop policy and Administrative Rules to assure the timely processing of referrals. As a result, this rulemaking states that a referral must be recorded on the date it is received and that an interview must be completed and the customer placed in application status no later than 30 days from the date of referral.
- B) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: January, 2012

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired, 89 Ill. Adm. Code 730
- 1) Rulemaking:
- A) Description: This rulemaking will reflect program changes and current program standards; outdated program information and language will be updated including but not limited to, daily activities and residential rules.
- B) Statutory Authority: Implementing and authorized by Sections 3(b), (f) and (k) and 12 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), (k) and 12].
- C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date agency anticipates First Notice: March, 2012
- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not for profit corporations.

## DEPARTMENT OF HUMAN SERVICES

## JANUARY 2012 REGULATORY AGENDA

- F) Agency contact person for information:  
Tracie Drew, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue, East  
Springfield, Illinois 62762  
(217) 785-9772
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Acquisition of Control of a Domestic Company, 50 Ill. Adm. Code 851
- 1) Rulemaking:
- A) Description: Changes to this rule will be needed when amendments to the Holding Company Act [215 ILCS 5/131.1 et seq.] are adopted. Significant changes include requiring Enterprise Risk Management reports and participation in supervisory colleges.
- B) Statutory Authority: Implementing Section 131.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/131.1 and 401].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:
- James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767-0001  
217-782-6284  
217-524-2271 (fax)  
jim.hanson@illinois.gov
- G) Related rulemakings and other pertinent information:
- 50 Ill. Adm. Code 852, 853, 854 and 855
- b) Part(s) (Heading and Code Citations): Registration of Insurers, 50 Ill. Adm. Code 852
- 1) Rulemaking:
- A) Description: Changes to this rule will be needed when amendments to the Holding Company Act [215 ILCS 5/131.1 et seq.] are adopted.

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

Significant changes include requiring Enterprise Risk Management reports and participation in supervisory colleges.

B) Statutory Authority: Implementing Article VIII<sup>1</sup>/<sub>2</sub> and authorized by Sections 131.13 and 401 of the Illinois Insurance Code [215 ILCS 5/131.13 and 401].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767-0001  
217-782-6284  
217-524-2271 (fax)  
jim.hanson@illinois.gov

G) Related rulemakings and other pertinent information:

50 Ill. Adm. Code 851, 853, 854, 855

c) Part(s) (Heading and Code Citations): Pre-Acquisition Notification, 50 Ill. Adm. Code 853

1) Rulemaking:

A) Description: Changes to this rule will be needed when amendments to the Holding Company Act [215 ILCS 5/131.1 et seq.] are adopted. Significant changes include requiring Enterprise Risk Management reports and participation in supervisory colleges.

B) Statutory Authority: Implementing Article VIII <sup>1</sup>/<sub>2</sub> and authorized by Sections 131.1 et seq., 131.12a and 401 of the Illinois Insurance Code [215 ILCS 5/131.1 et seq., 131.12a and 401].

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown
- F) Agency contact person for information:  
  
James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767-0001  
217-782-6284  
217-524-2271 (fax)  
jim.hanson@illinois.gov
- G) Related rulemakings and other pertinent information:  
50 Ill. Adm. Code 851, 852, 854 and 855
- d) Part(s) (Heading and Code Citations): Prior Notification of Transactions, 50 Ill. Adm. Code 854
- 1) Rulemaking:
- A) Description: Changes to this rule will be needed when amendments to the Holding Company Act [215 ILCS 5/131.1 et seq.] are adopted. Significant changes include requiring Enterprise Risk Management reports and participation in supervisory colleges.
- B) Statutory Authority: Implementing Article VIII 1/2 and authorized by Sections 131.1 et seq., 131.20a(1) and 401 of the Illinois Insurance Code [215 ILCS 5/131.1 et seq., 131.20a(1) and 401].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Unknown

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767-0001  
217-782-6284  
217-524-2271 (fax)  
jim.hanson@illinois.gov

G) Related rulemakings and other pertinent information:

50 Ill. Adm. Code 851, 852, 853 and 855

e) Part(s) (Heading and Code Citations): Prior Notification of Dividends on Common Stock and Other Distributions, 50 Ill. Adm. Code 8551) Rulemaking:

A) Description: Changes to this rule will be needed when amendments to the Holding Company Act [215 ILCS 5/131.1 et seq.] are adopted. Significant changes include requiring Enterprise Risk Management reports and participation in supervisory colleges.

B) Statutory Authority: Implementing Article VIII ½ and authorized by Sections 131.16, 131.20a(2), and 401 of the Illinois Insurance Code [215 ILCS 5/131.16, 131.20a(2), and 401].

C) Scheduled meeting/hearing dates: None.

D) Date agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767-0001  
217-782-6284

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

217-524-2271 (fax)  
jim.hanson@illinois.gov

- G) Related rulemakings and other pertinent information:  
50 Ill. Adm. Code 851, 852, 853, 854

- f) Part(s) (Heading and Code Citations): Internal Security Standard and Fidelity Bonds, 50 Ill. Adm. Code 904

- 1) Rulemaking:

A) Description: The signature requirements of checks (facsimile/electronic signatures) and thresholds for dual signature requirements are being simplified and being made more flexible. This increased flexibility reflects current regulatory and industry practices. Also touched upon by this rulemaking are sufficient policy and procedures, as well as internal control processes on the part of the company.

B) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington  
Springfield IL 62767  
217-782-6284  
217-524-2271(fax)  
jim.hanson@illinois.gov

G) Related rulemakings and other pertinent information: None.

- g) Part(s) (Heading and Code Citations):

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking: Improper Claims Practice, 50 Ill. Adm. Code 919
  - A) Description: Part 919 was last revised in 2004. The proposed revision will clarify certain issues that have arisen in connection with the interpretation of existing Part 919. The proposed revision will also address legislative enactments since Part 919 was last revised.
  - B) Statutory Authority: 215 ILCS 5/155
  - C) Scheduled meeting/hearing dates: None
  - D) Date agency anticipates First Notice: February 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
  
James J. Morris, Assistant Deputy Director  
Market Conduct & Analysis  
Illinois Department of Insurance  
320 West Washington St. 5<sup>th</sup> Floor  
Springfield, IL 62767-0001  
312-833-5582  
Jim.J.Morris@illinois.gov
  - G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citations): Credit for Reinsurance Ceded, 50 Ill. Adm. Code 1104
  - 1) Rulemaking:
    - A) Description: The NAIC adopted the Revised Credit for Reinsurance Model Law on November 6, 2011. The Illinois reinsurance statutes are currently being revised to bring in the changes from the Revised Model Law, and the Regulation will need to be changed to stay consistent with the new law and also to conform with NAIC accreditation standards.
    - B) Statutory Authority: 215 ILCS 5/173 and 173.1

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

James Hanson, Assistant Deputy Director  
Department of Insurance  
320 W. Washington, 4<sup>th</sup> Fl.  
Springfield IL 62767-0001  
217-782-6284  
217-524-2271 (fax)  
jim.hanson@illinois.gov

or

Eric Moser, Senior Financial Analyst  
Department of Insurance  
320 W. Washington, 4<sup>th</sup> Fl.  
Springfield, IL 62767-0001  
217-557-3759  
eric.moser@illinois.gov

- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citations): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 1405
    - 1) Rulemaking: Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 1405
      - A) Description: Interstate Insurance Compact Standard IIPRC-A-07-1-3, Additional Standards for Market Value Adjustment Feature Provided Through a Separate Account, provides for annuities with non-insulated separate accounts. If legislation is not passed, Illinois must opt-out of the standard by regulation in that 215 ILCS 5/245.21(5) expressly prohibits non-insulated separate accounts.

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: 45 ILCS 162/Article VII(4) or P.A. 96-1481
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Summer 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Susan Lamb, Acting Deputy Director  
Consumer Division  
Department of Insurance  
320 West Washington St. 4<sup>th</sup> Floor  
Springfield, IL 62676-0001  
217-782-1794  
Susan.lamb@illinois.gov
- G) Related rulemakings and other pertinent information: Amendments to Section 5/245.21(4) in HB 1870 will make the rulemaking unnecessary if such legislation is passed.
- j) Part(s) (Heading and Code Citations): Long-Term Care Insurance, 50 Ill. Adm. Code 2012
- 1) Rulemaking:
- A) Description: The Department of Health Care and Family Services has passed a rule which will allow the establishment of Long Term Care Partnership Policies to be sold in Illinois. In order to establish the program, the Department of Insurance will need to revise its rule to allow for policies to meet the requirements of the Partnership Program.
- B) Statutory Authority: 215 ILCS 5/351A and 215 ILCS 132
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2012

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:  
  
Yvonne Clearwater, Acting Assistant Deputy  
Health Products Compliance Section  
Illinois Department of Insurance  
320 West Washington St. 5<sup>th</sup> Floor  
Springfield, IL 62767-0001  
217-785-5987  
Yvonne.clearwater@illinois.gov
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citations): Preferred Provider Program Administrator, 50 Ill. Adm. Code 2051
- 1) Rulemaking:
- A) Description: Due to the passage of HB1698 and the addition of Preferred Provider Programs to the Illinois Workers' Compensation Act, this rule requires revision to specifically address those entities wanting to provide a Workers' Compensation Preferred Provider Program to injured workers. Per Section 8.1a of the Workers' Compensation Act, registration and regulation of these entities falls under the jurisdiction of the Department of Insurance.
- B) Statutory Authority: Article XX ½ of the Illinois Insurance Code [215 ILCS 5/Art. XX ½] and 820 ILCS 305
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Addition of this language will allow employers to attempt to direct the care of their injured workers through a contracted preferred provider plan that will ultimately result in savings to the employer through quality of care and effective return to work outcomes.

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

Kari Dennison  
Consumer Market - Managed Care Unit  
Department of Insurance  
320 West Washington St. 5<sup>th</sup> Floor  
Springfield, IL 62767-0001  
217-782-1771  
Kari.dennison@illinois.gov

G) Related rulemakings and other pertinent information: HB1698l) Part(s) (Heading and Code Citations): Licensing of Public Adjusters, 50 Ill. Adm. Code 31181) Rulemaking:

A) Description: P.A. 96-1332 repealed the previous Public Adjuster Law and enacted its replacement, requiring changes to many of the provisions of 50 Ill. Adm. Code 3118.

B) Statutory Authority: 215 ILCS 5/1501 et seq.

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Unknown

F) Agency contact person for information:

David W. Murphy  
Assistant Deputy Director, Continuing Education Unit  
Department of Insurance  
217-782-5415  
david.murphy@illinois.gov

or

John Gatlin, Supervisor, Property and Casualty Compliance Unit

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

Department of Insurance  
320 West Washington, 5th Floor  
Springfield, Illinois 62767-0001  
217-782-1786  
John.gatlin@illinois.gov

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citations): Summary Document and Disclaimer, 50 Ill. Adm. Code 3401

1) Rulemaking:

A) Description: 50 IAC 3401 requires all life, accident and health insurers to provide a Disclaimer and Summary Notice to be delivered to a policyholder or contract holder prior to, or at the time of, delivery of the policy or contract. The Disclaimer and Summary Notice was revised pursuant to P.A. 096-1450, effective August 20, 2010; Part 3401 must be amended to reflect this revision.

B) Statutory Authority: 215 ILCS 5/531.19

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

David Grant, Deputy Director, Health Insurance Products  
Department of Insurance  
320 West Washington, 5th Floor  
Springfield, Illinois 62767-0001  
(217) 782-6369  
Dave.grant@illinois.gov

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

n) Part(s) (Heading and Code Citation): Insurance Data Reporting Requirements, 50 Ill. Adm. Code 4203

1) Rulemaking:

- A) Description: On February 4, 2010, the Illinois Supreme Court held the limitation on non-economic damages in medical malpractice actions unconstitutional. Due to an inseverability provision in the Act in which the limitations (or “caps”) were enacted (Public Act 94-677), the Supreme Court also held invalid the medical malpractice regulatory reforms contained in the Act. However, in its decision, the Supreme Court emphasized that while other sections of Public Act 94-677 “are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate.”

As a result of the ruling, the Department is revising 50 Ill. Adm. Code 4023 to comply with the law currently in effect. The Department anticipates that the current rule on file with the Secretary of State will be the starting point for any proposed amendments submitted for First Notice.

Additionally, the rule will be amended to establish specific content, form and data reporting requirements to be reported to the Director pursuant to Section 1204 (A) through (D) of the Illinois Insurance Code [215 ILCS 5/1204]. Revisions will be made to Section 4203.APPENDIX A and Section 4203.APPENDIX B is being repealed to streamline the data reporting requirements for companies required to report medical malpractice data, in order to reduce errors in submissions and allow the Department to publish current company data to its website in a more timely manner.

- B) Statutory Authority: 215 ILCS 5/Art. XLII and 1204
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

Caryn Carmean  
Department of Insurance, 4<sup>th</sup> Floor  
320 West Washington St.  
Springfield, IL 62767-0001  
217-524-5420  
Caryn.carmean@illinois.gov

or

Robert Rapp, Market Analysis Division  
Property & Casualty Compliance Unit  
Department of Insurance  
320 West Washington, 4th Floor  
Springfield, Illinois 62767-0001  
217-785-1680  
Robert.rapp@illinois.gov

G) Related rulemakings and other pertinent information: None.

o) Part(s) (Heading and Code Citation): Health Maintenance Organization, 50 Ill. Adm. Code 5421

1) Rulemaking:

A) Description: Modifications are required due to updated requirements contained within the Managed Care Reform and Patient Rights Act, 50 Ill. Adm. Code 5420, and the federal Patient Protection and Affordable Care Act (PPACA), Pub. L. 111-148, and to amend responsibilities for determining the accessibility and adequacy of health care services and networks.

B) Statutory Authority: 215 ILCS 125/4-6.1, 4-17, 5-2 and 5-7

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

F) Agency contact person for information:

David Grant, Deputy Director, Health Insurance Products  
Department of Insurance  
320 West Washington, 5th Floor  
Springfield, Illinois 62767-0001  
217-782-6369  
Dave.grant@illinois.gov

G) Related rulemakings and other pertinent information: Nonep) Part(s) (Heading and Code Citations): Viatical Settlement Provider Reporting Requirements, 50 Ill. Adm. Code 57011) Rulemaking:

A) Description: The current 50 Ill. Adm. Code 5701 implemented provisions of the Viatical Settlements Act [215 ILCS 158/1]. This Act was repealed effective July 1, 2010. It is the Department's intention to repeal the existing rule and replace it with a new Part 5701 that will implement the Viatical Settlements Act of 2009 [215 ILCS 5/159].

B) Statutory Authority: The Viatical Settlements Act of 2009 [215 ILCS 5/159/1].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: February, 2011.

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Andrew Noyes  
Financial Corporate Regulatory Division  
Department of Insurance  
320 West Washington St., 4<sup>th</sup> Floor  
Springfield, IL 62767-0001  
217-785-3265

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

Andy.noyes@illinois.gov

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citations): Insurance Oversight, 50 Ill. Adm. Code 2907

1) Rulemaking:

A) Pursuant to 820 ILCS 305/29.2(b), the Director shall promulgate rules requiring each insurer licensed to write workers' compensation coverage in the State to record and report the information requested in this Section. This proposed rule intends to provide guidance and clarification to companies pertaining to the mandated information being submitted to the Department.

B) Statutory Authority: 820 ILCS 305.29.2(b)

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: January 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Robert Rapp, Market Analysis Division  
Property & Casualty Compliance Unit  
Department of Insurance  
320 West Washington, 4th Floor  
Springfield, Illinois 62767-0001  
217-785-1680  
Robert.rapp@illinois.gov

G) Related rulemakings and other pertinent information: The Department intends to publish an interim bulletin that will provide guidance to companies in order to assist with compliance. This is due to the time sensitive nature of this matter. 820 ILCS 305/29.2(b) requires that companies provide this information to the Department before March 1 of each year. It is not anticipated this proposed rule will be adopted by the

## DEPARTMENT OF INSURANCE

## JANUARY 2012 REGULATORY AGENDA

statutorily mandated timeframe, so the issuance of a bulletin will allow compliance with the March 1 deadline date.

- r) Part(s) (Heading and Code Citations): Dissolution and Reestablishment of an Inactive Article 3 or 4 Pension Fund, 50 Ill. Adm. Code 4439
- 1) Rulemaking:
- A) Description: P.A. 97-99, effective January 1, 2012, allows the dissolution of an Article 3 (Police) or Article 4 (Firefighter) Pension Fund that no longer has any remaining liabilities. In order to qualify, the fund would have to have no potential liability to actives, retirees, dependents or deferred members. The fund would have to be reestablished if the municipality hired new fire or police personnel at a future date or if an employee who previously withdrew time wished to re-establish that service time. P.A. 97-99 calls for the Department of Insurance to promulgate rules to govern this dissolution and reestablishment process.
- B) Statutory Authority: 40 ILCS 5/3-101, 3-144.6, 4-101 and 4-106.1
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This law is expected to have a positive impact on small municipalities that no longer have an active pension fund. Allowing the dissolution of the fund (assuming no remaining liabilities) will allow the municipality to utilize any remaining funds in the dissolved Article 3 or 4 pension fund to be used for municipal priorities. Also, they will no longer be faced with the costs involved in maintaining the fund, including annual filing and training requirements.
- F) Agency contact person for information:
- Scott Brandt, Public Service Administrator  
Department of Insurance  
320 West Washington, 4th Floor  
Springfield, Illinois 62767-0001  
217-785-7410  
Scott.brandt@illinois.gov

DEPARTMENT OF INSURANCE

JANUARY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

## OFFICE OF THE ATTORNEY GENERAL

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Compliance with Freedom of Information Act (2 Ill. Adm. Code 576)
- 1) Rulemaking:
- A) Description: The agency's rules were adopted in 1985 and need to be updated to address changes in the law and the agency's organizational structure.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and section 5-15 of the Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small businesses, small municipalities or not for profit corporations that file Freedom of Information Act requests for public records with the Office of the Attorney General.
- F) Agency contact person for information:
- Caitlin Knutte  
Freedom of Information Officer  
Office of the Illinois Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9090
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Franchise Disclosure Act (14 Ill. Adm. Code 200)
- 1) Rulemaking:

## OFFICE OF THE ATTORNEY GENERAL

## JANUARY 2012 REGULATORY AGENDA

- A) Description: The amendments will implement revisions to the Illinois Franchise Disclosure Act [815 ILCS 705] made by Public Act 96-648, effective October 1, 2009, including revised formats for franchise disclosure documents, revised exemption requirements, and other changes that make the Illinois regulatory framework more consistent with the Federal Trade Commission's Franchise Rule.
- B) Statutory Authority: Illinois Franchise Disclosure Act [815 ILCS 705/32]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking should not affect small municipalities or not for profit corporations. The rulemaking may impact small businesses that purchase a franchise and receive disclosures prepared under the new rules, but the primary impact will be made with respect to the filing requirements of franchisors.
- F) Agency contact person for information:
- Cassandra Karimi, Chief  
Franchise Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-4465
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citations): Statewide Automated Victim Notification System.  
20 Ill. Adm. Code 2100
- 1) Rulemaking:
- A) Description: The proposed rules will address the implementation of and participation in a state wide automated victim notification system to assist

## OFFICE OF THE ATTORNEY GENERAL

## JANUARY 2012 REGULATORY AGENDA

public officials in carrying out their statutory duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.

B) Statutory Authority: Rights of Crime Victims and Witness Act (725 ILCS 120/8.5)

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2012

E) Effect on small businesses, small municipalities or not for profit corporation: The rules should not affect small businesses or not for profit corporations. The rules will affect small municipalities that opt to participate in the Automated Victim Notification System.

F) Agency contact person for information:

Cynthia M. Hora, Chief  
Crime Victim Services Division  
Office of the Attorney General  
100 W. Randolph St., 13<sup>th</sup> Floor  
Chicago, IL 60601  
312/814-1427  
312/814-7105

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Illinois Estate and Generation-Skipping Transfer Tax Act (86 Ill. Adm. Code 2000)

1) Rulemaking:

A) Description: Section 6(f) of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f)] directs the Attorney General to prescribe by rule a return to be used in the administration of the transfer tax. This rulemaking will add a new section to the rules that will update the transfer tax return to conform the provisions of the Illinois Estate and

## OFFICE OF THE ATTORNEY GENERAL

## JANUARY 2012 REGULATORY AGENDA

Generation-Skipping Transfer Tax Act with the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75], where a party to a civil union is entitled to the same obligations, responsibilities, protections and benefits as are afforded or recognized by the law of Illinois to spouses, whether derived from statute, administrative rule, policy, common law, or any other source of civil or criminal law. The specific purpose of the rulemaking is to extend to either same or opposite sex parties of a civil union the ability to claim the Federal Marital Deduction, the Federal Q-TIP Election and Illinois Q-TIP Election as deductions for purposes of Illinois estate taxation normally restricted to opposite sex married couples.

- B) Statutory Authority: Implementing Section 6(f) and authorized by Section 16(a) of the Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f), 16(a)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

John A. Flores, Chief  
Chicago Revenue Litigation Bureau  
Office of the Attorney General  
100 West Randolph Street, 13<sup>th</sup> Floor  
Chicago, Illinois 60601  
312/814-6153

Rosalie H. Lowery, Chief  
Springfield Revenue Litigation Bureau  
Office of the Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9022

---

OFFICE OF THE ATTORNEY GENERAL

JANUARY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Inspection Procedures for Type I and Type II School Buses; 92 Ill. Adm. Code 441 and 443
- 1) Rulemaking:
- A) Description: The Department will be amending these Parts by adding and revising provisions pursuant to several Public Acts. PA 95-176, effective January 1, 2008, requires each school bus operated in Illinois to display the telephone number of the school bus owner on the rear of the bus for use in reporting erratic driving by the school bus driver. PA 95-260, effective August 17, 2007, requires each school district to have in place, by January 1, 2008, a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a route, work shift or work day. If a school district has a contract with a private sector school bus company, the school district shall require, in the contract, that the company have a post-trip inspection policy in place by January 1, 2008 that requires the school bus driver to activate the interior lights and walk to the rear of the bus to check for children still on board. If a mechanical or electronic post-trip inspection reminder system is used, that device must activate the interior lights when the ignition is shut off. PA 95-352, effective August 23, 2007, allows both visual and audio recordings to be made of the interior of a school bus while the school bus is being used to transport students to and from school and school-sponsored activities (notice of the recordings must be clearly posted on the entrance door and inside the school bus). PA 96-818, effective November 17, 2009, requires all school buses registered in Illinois to be equipped with an operating two-way radio or a cellular radio telecommunication device (i.e., cell phone) that has digital two-way radio service capability while the school bus driver is in possession of the school bus. The two-way radio must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request. PA 96-655, effective January 1, 2010, requires a sign to be displayed on the rear of a school bus that states: "TO COMMENT ON MY DRIVING, CALL (area code and telephone number of school bus owner)". However, a school bus owner who placed a sign conforming to previous requirements, i.e., "TO REPORT ERRATIC DRIVING" before the effective date of this Act, may continue to use that sign on the school bus. If the school bus owner replaces that sign, the replacement sign shall conform to the requirements of this Act. PA 96-1066, effective July 16,

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2012 REGULATORY AGENDA

2010, requires a school bus to contain an operating cellular radio telecommunication device (cell phone) or a two-way radio (rather than just a two-way radio or a cell phone that has two-way radio service capability, as required by PA 96-818).

- B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m) and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812].
  - C) Scheduled meeting/hearing date: None scheduled
  - D) Date agency anticipates First Notice: Within six months
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses and school districts within small municipalities that own or operate school buses in Illinois.
  - F) Agency contact person for information:  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838
  - G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses; 92 Ill. Adm. Code 454
- 1) Rulemaking:
    - A) Description: The Department will be adding a new schedule of rates or charges that Official Testing Stations (Stations) will be able to charge to perform a safety test for interstate vehicles.

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2012 REGULATORY AGENDA

- B) Statutory Authority: 625 ILCS 5/6-410, 13-106, 18b-102(d), 18b-105(a), 18b-106, and 18b-109; 20 ILCS 5/5-625 and 2705/2705-125; and 5 ILCS 10/5-25
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will impact small businesses and not-for-profits that own or operate commercial motor vehicles used in interstate commerce that are inspected at Illinois Official Testing Stations.
- F) Agency contact person for information:  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Tourism Attraction Signing Program; 92 Ill. Adm. Code 543
- 1) Rulemaking:
- A) Description: The Department will be revising this Part to require wineries that wish to participate in the Program to actually produce the wine on premise, rather than just bottling or distributing wine, thereby better meeting the expectations of the motoring public when they choose to visit an Illinois winery after viewing the identification and directional information provided by the tourism attraction logo signs.
- B) Statutory Authority: 225 ILCS 440/4.08 and 605 ILCS 5/4-201.1
- C) Scheduled meeting/hearing date: None scheduled

## DEPARTMENT OF TRANSPORTATION

## JANUARY 2012 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: Some small businesses currently considered wineries by the current definition in the rule may be impacted to the extent that such businesses wish to participate in the program.
- F) Agency contact person for information:  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Official Testing Stations, 92 Ill. Adm. Code 448
- 1) Rulemaking:
- A) Description: The Department will be changing the Part heading to "Inspection Procedures for Special Category Vehicles" and will be repealing the first 15 Sections of the rule and replacing them with one Section that addresses the applicability of the Part. The Sections being repealed are currently addressed in 92 Ill. Adm. Code 451 and are no longer necessary in Part 448.
- B) Statutory Authority: 625 ILCS 5/6-410, 12-503, 12-711 and Ch. 13
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profits.
- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2012 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838

- G) Related rulemakings and other pertinent information: None

## ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS

## JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes, 95 Ill. Admin. Code 108
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to implement Public Acts 96-95 and 96-100, which authorize the Department of Veterans' Affairs to establish standards to determine the eligibility of residents to pay maintenance charges and mandates that such standards be periodically recomputed to reflect changes to the cost of living and other pertinent factors.
- B) Statutory Authority: 20 ILCS 2805/2.03
- C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period.
- D) Date agency anticipates First Notice: January, 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:  
James A. Robideau, General Counsel  
Illinois Department of Veterans Affairs  
100 W. Randolph St.  
Suite 5-570  
Chicago, Illinois 60601  
312/814-5391
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Disabled Veterans Property Relief Fund, 95 Ill. Admin. Code 130
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to implement PA 96-1424, which establishes the Disabled Veterans Property Relief Fund and

## ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS

## JANUARY 2012 REGULATORY AGENDA

authorizes the Department of Veterans' Affairs to adopt rules to use monies in the fund for the purpose of providing property tax relief to disabled veterans.

- B) Statutory Authority: 30 ILCS 105/6z-83
  - C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period.
  - D) Date agency anticipates First Notice: February, 2012
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:  
James A. Robideau, General Counsel  
Illinois Department of Veterans Affairs  
100 W. Randolph St.  
Suite 5-570  
Chicago, Illinois 60601  
312/814-5391
  - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Veterans Service Organization Reimbursement Fund, 95 Ill. Admin. Code 124
- 1) Rulemaking:
    - A) Description: This rulemaking is necessary to implement Public Acts 96-699, 95-876, and 95-629, which establish the Veterans Service Organization Reimbursement Fund.
    - B) Statutory Authority: 20 ILCS 2805/25
    - C) Scheduled meeting/hearing dates: The public will have an opportunity to comment on these rules during the First Notice Period.
    - D) Date agency anticipates First Notice: July, 2012

## ILLINOIS DEPARTMENT OF VETERANS' AFFAIRS

## JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Yes, this will establish rules for payments from the Veterans Service Organization Reimbursement Fund to eligible Veteran Service Organizations who meet requirements established by statute.
- F) Agency contact person for information:  
James A. Robideau, General Counsel  
Illinois Department of Veterans Affairs  
100 W. Randolph St.  
Suite 5-570  
Chicago, Illinois 60601  
312/814-5391
- G) Related rulemakings and other pertinent information: None

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 December 27, 2011 through January 3, 2012 and have been scheduled for review by the Committee at its February 7, 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>
2/11/12	<u>Secretary of State</u> , Uniform Commercial Code (14 Ill. Adm. Code 180)	11/14/11 35 Ill. Reg. 18582	2/7/12
2/11/12	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	11/14/11 35 Ill. Reg. 18575	2/7/12

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE  
RULES OBJECTION TO PROPOSED RULEMAKING

1) Heading of the Part: Cemetery Oversight Act

2) Code Citation: 68 Ill. Adm. Code 1249

3) Section Number:                      Action:  
1249.10                                      Modify  
1249.20                                      Modify  
1249.30                                      Modify  
1249.40                                      Modify  
1249.50                                      Modify  
1249.60                                      Modify  
1249.70                                      Modify  
1249.100                                      Modify  
1249.110                                      Modify  
1249.120                                      Modify  
1249.130                                      Modify  
1249.140                                      Modify  
1249.150                                      Modify  
1249.160                                      Modify  
1249.170                                      Modify  
1249.180                                      Modify  
1249.200                                      Modify  
1249.210                                      Modify  
1249.220                                      Modify  
1249.230                                      Modify  
1249.300                                      Modify  
1249.310                                      Modify  
1249.320                                      Modify  
1249.330                                      Modify  
1249.400                                      Modify  
1249.410                                      Modify  
1249.420                                      Modify  
1249.430                                      Modify  
1249.440                                      Modify  
1249.450                                      Modify  
1249.460                                      Modify  
1249.470                                      Modify

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE  
RULES OBJECTION TO PROPOSED RULEMAKING

- 4) Date Notice of Proposed Rules Published in the Register: 7/15/11; 35 Ill. Reg. 11050
- 5) Date JCAR Statement of Objection Published in the Register: 10/28/11; 35 Ill. Reg. 17481
- 6) Agency Response to Specific Joint Committee Objections: At its meeting on 10/11/11, JCAR issued an objection to the above-cited rulemaking. Among other things, the objection stated that the Department is acting prematurely in urging the adoption of the rulemaking while legislation was still pending before the General Assembly that would amend the Cemetery Oversight Act.

In response to the objection, the Department has delayed the adoption of the rulemaking in anticipation of new legislation regarding the Cemetery Oversight Act. Since the date that the objection was issued, the General Assembly has now passed modifications to the Cemetery Oversight Act (Senate Bill 1830) and it is awaiting the Governor's signature. The Department intends to make the appropriate modifications to this rulemaking after these changes in the Act become law.

## PROCLAMATIONS

**2011-409****Westinghouse-Nan Yang Sister School Day**

WHEREAS, Sister Cities International is a non-profit citizen diplomacy network creating and strengthening partnerships between U.S. and international communities in an effort to increase global cooperation at the municipal level, to promote cultural understanding and to stimulate economic development; and,

WHEREAS, Sister City relationships strengthen partnerships between the State of Illinois and international communities by increasing global cooperation at the municipal level, promoting cultural understanding and stimulating economic development; and,

WHEREAS, since the first Sister City agreement was signed in the year nineteen-sixty, Chicago has established official relationships with a total of 28 cities in almost every region of the world; and,

WHEREAS, in the year two thousand and seven, the Mayor of the City of Chicago and the Mayor of the City of Shanghai signed an agreement establishing a sister city partnership in order to affirm their mutual desire to work together for the benefit of their home cities, and ultimately their nations; and,

WHEREAS, this Sister City partnership is supported by Chicago Sister Cities International; and,

WHEREAS, since the beginning of the current academic school year, students from George Westinghouse College Prep High School in Chicago and students from Nan Yang Model School in Shanghai have participated in a pen pal program to further the link of friendship between the two cities; and,

WHEREAS, a delegation of high school students from Nan Yang Model School in Shanghai will finally meet with their counterpart students and officials, and engage in a variety of sightseeing and cultural experiences; and,

WHEREAS, this visit will culminate with a joint concert, to be performed by the Nan Yang Model School and George Westinghouse College Prep High School orchestra members; and,

WHEREAS, this ceremony and performance will showcase the students' culture, talent and appreciation of one another's culture; and,

WHEREAS, each participant of the sister city partnership between Chicago and Shanghai has made a significant contribution to global understanding by developing a friendship on an international level; and,

## PROCLAMATIONS

WHEREAS, on Thursday, December 15, 2011, George Westinghouse College Prep High School and the Nan Yang Model School will enter a sister school agreement, furthering the bonds of international friendship in an increasingly interconnected global community; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 15, 2011 as **WESTINGHOUSE-NAN YANG SISTER SCHOOL DAY** in Illinois, in recognition of the partnership between the State of Illinois and Shanghai, China.

Issued by the Governor December 6, 2011

Filed by the Secretary of State December 28, 2011

**2011-410****Just Say No Month**

WHEREAS, "Just Say No" is a federal government substance abuse prevention initiative; and,

WHEREAS, across the country, young people and adults have joined together to launch "Just Say No" projects and clubs; and,

WHEREAS, former First lady Nancy Reagan spearheaded the campaign, which was based on the premise that learning how to say "no" to drugs and alcohol, as well as negative peer pressure to use chemicals, may be the most powerful weapon society has in dealing with substance abuse problem; and,

WHEREAS, communities across Illinois and the country have planned rallies, marches and other special events to bring public attention to our nation's number one teenage problem in conjunction with FEDERAL "Just Say No" activities; and,

WHEREAS, the National Institute on Drug Abuse estimates that five million children from every sector of our society will participate in various functions; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2012 as **JUST SAY NO MONTH** in Illinois.

Issued by the Governor December 6, 2011

Filed by the Secretary of State December 28, 2011

**2011-411****Suicide Prevention Month**

## PROCLAMATIONS

WHEREAS, suicide is one of the most disruptive and tragic events a family and community can experience; and,

WHEREAS, suicide is the 11<sup>th</sup> leading cause of death in the United States. Every 15 minutes, someone dies in this country by suicide; and,

WHEREAS, each year in Illinois more than 1,000 people die by suicide. It is estimated that there are between 21,000 and 35,000 suicide attempts in Illinois every year; and,

WHEREAS, suicide affects members of every race, socioeconomic class, age group and gender, and is most commonly linked with depression, mental illness and substance abuse; and,

WHEREAS, suicide prevention is recognized as a serious public health priority. Public awareness of this problem, along with education and treatment, are the keys to preventing further suffering and loss of life; and,

WHEREAS, the stigma associated with mental illness and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide, which includes both those who have attempted suicide and those who have lost a loved one to suicide; and,

WHEREAS, public education, training and increasing awareness related to suicide and its prevention, and campaigns to reduce the stigma of mental illness and substance abuse, will promote the seeking of professional treatment and reduce the risk of suicide; and,

WHEREAS, educating professionals of health and social services as well as communities in general about how to identify people at risk for suicide, encouraging those who need it to seek help, and providing them with needed and adequate help can reduce rates of suicide; and,

WHEREAS, every year, the International Association of Suicide Prevention (IASP) and the World Health Organization (WHO) host a World Wide Suicide Prevention Day on September 10 to raise awareness that suicide is a major preventable cause of premature death on a global level; and,

WHEREAS, the observation of Suicide Prevention Month provides an opportunity for all sectors of the community - the public, charitable organizations, communities, researchers, clinicians, practitioners, politicians and policy makers, volunteers, those bereaved by suicide, other interested groups and individuals - to join together to focus public attention on the unacceptable burden and costs of suicidal behaviors with diverse activities to promote understanding about suicide and highlight effective prevention activities; and,

## PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December, 2011 as **SUICIDE PREVENTION MONTH** in Illinois.

Issued by the Governor December 7, 2011

Filed by the Secretary of State December 28, 2011

**2011-412****The Chicago Community Trust Day**

WHEREAS, civic leadership and social responsibility are vehicles that help drive society's progress in the arts, economic development, innovation, cultural vitality and sustainability, thereby improving the quality of life for all people; and,

WHEREAS, the global city of Chicago is home to world renowned artists, musicians and chefs, international headquarters of business, and one of the most diverse populations in the world; and,

WHEREAS, The Chicago Community Trust is a nonprofit organization whose mission is to lead and inspire philanthropic efforts that measurably improve the quality of life and prosperity for the greater Chicago region by connecting the generosity of donors with community needs; and,

WHEREAS, The Chicago Community Trust is committed to maximizing their community and donor impact through strategic grant making and bold leadership, accelerating their asset growth by attracting new donors and creating a closer relationship with existing donors and delivering operational excellence to donors, grant recipients and staff members; and,

WHEREAS, in this difficult economic climate, The Chicago Community Trust has successfully continued to bring together Chicago's business, civic, nonprofit and social leaders in order to advance opportunities for human and economic development, secure conditions for healthy, safe, just and caring communities, promote civic and cultural vitality and transform the region through sustainable development; and;

WHEREAS, in 2011, The Chicago Community Trust together with their donors granted more than \$100 million to nonprofit organizations; and;

WHEREAS, The Chicago Community Trust's core values of integrity, stewardship and service, diversity and inclusion, collaboration and innovation are values that we should all strive to live by so that we may all enjoy a culturally vibrant and prosperous community for many years to come; and,

WHEREAS, Illinois has a strong tradition of leadership in the arts and an established record of accomplishment in musical achievement and performance; and,

## PROCLAMATIONS

WHEREAS, on December 13, 2011, The Chicago Community trust will celebrate their 96<sup>th</sup> anniversary with a special ceremony and musical concert at the Harris Theatre for Music and Dance, featuring a performance from Grammy-award winning cellist Yo-Yo Ma, as well as musical groups from around the region; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 13, 2011 as **THE CHICAGO COMMUNITY TRUST DAY** in Illinois, in recognition of this organizations' efforts in nurturing and supporting the contributions of their donors, the dedication of their volunteers, and the vision of the people of the City of Chicago.

Issued by the Governor December 7, 2011

Filed by the Secretary of State December 28, 2011

**2011-413****Rainbow Push Coalition and Citizenship Education Fund Day**

WHEREAS, it is the duty of all people to ensure that civil justice is achieved and maintained within their communities; and,

WHEREAS, Rev. Dr. Martin Luther King, Jr. understood that "no social advance rolls in on the wheels of inevitability. It comes through the tireless efforts and persistent work of dedicated individuals"; and,

WHEREAS, in 1966 Rev. Dr. Martin Luther King appointed Rev. Jesse Jackson to serve as the first director of Operation Breadbasket, a newly formed organization whose mission was to "effect progressive economic, educational, and social policy in America" by combing theology and social justice; and,

WHEREAS, through his experience with Operation Breadbasket, Rev. Jesse Jackson in 1971 organized People United to Save Humanity (PUSH) which was dedicated to improving the economic conditions of black communities across the United States; and,

WHEREAS, In 1984 Rev. Jesse Jackson started a second organization, the Rainbow Coalition, that was dedicated to achieving equal rights for all Americans. The two organizations later merged; and,

WHEREAS, Chicago-based Rainbow PUSH and the Citizenship Education Fund have worked to protect, defend, and gain civil rights by leveling the economic and educational playing fields, and promoting peace and justice around the world for the past forty years, including recent projects such as "Reduce the Rate" which works to make college affordable for all students, and

## PROCLAMATIONS

partnerships with companies like Wells Fargo and Citi, who present workshops on financial management people all over the country; and,

WHEREAS, the Rainbow PUSH Coalition and the Citizenship Education Fund is dedicated to developing young people through reading programs and the creation of PUSH Excel, a program that encourages inner city youth to stay in school while assisting them with scholarships and job placement; and,

WHEREAS, the Rainbow PUSH Coalition and the Citizenship Education Fund have also experienced success with major corporations who have a presence in black communities to adopt affirmative action programs and also encourage companies to include black suppliers, wholesalers, and distributors on their purchasing lists; and,

WHEREAS, in these difficult economic times, it is more important than ever to promote growth and development of minority-owned businesses as part of our state's economic recovery efforts; and,

WHEREAS, since 1971, the Rainbow PUSH Coalition and the Citizenship Education Fund have been instrumental in establishing justice for all; and,

WHEREAS, the rainbow PUSH Coalition and the Citizenship Education Fund will celebrate their 40<sup>th</sup> anniversary during the year twenty-eleven; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 17, 2011 as **RAINBOW PUSH COALITION AND CITIZENSHIP EDUCATION FUND DAY** in Illinois, and encourage all residents of the Land of Lincoln to identify ways in which they can continue the fight for civil justice in their own communities.

Issued by the Governor December 13, 2011

Filed by the Secretary of State December 28, 2011

**2011-414****Cervical Cancer Awareness Month**

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer causes, screenings and treatment; and

WHEREAS, in 2012, a projected 670 women in Illinois will be diagnosed with cervical cancer; and

WHEREAS, in 2011, a projected 180 women in Illinois will not survive the disease; and

## PROCLAMATIONS

WHEREAS, with routine screening and follow-up, cervical cancer is highly preventable; and

WHEREAS, early detection through routine screening can significantly increase chances of survival; and

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free mammograms, breast exams, pelvic exams, and Pap tests to uninsured women. The IBCCP has provided 17,947 cervical cancer screenings in the past fiscal year alone; and

WHEREAS, throughout January, public and private organizations and state and local governments all around the country will promote education about cervical cancer causes, screenings and treatment;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2012 as **CERVICAL CANCER AWARENESS MONTH** in Illinois to raise awareness about cervical cancer, encourage all women to get screened regularly for the disease, and invite all citizens to join me in the continued fight against cervical cancer.

Issued by the Governor December 13, 2011

Filed by the Secretary of State December 28, 2011

**2011-415****Ice Safety Awareness Month**

WHEREAS, the winter season brings with it the joy of winter sports and cold weather activities; and,

WHEREAS, while these activities are enjoyable, not taking the proper precautions when recreating around iced-covered bodies of water can cause injury, and even death; and,

WHEREAS, ice safety and education is vital to ensuring the protection of all people during the winter months; and,

WHEREAS, on February 19, 2010, Kadin Baxmeyer was celebrating his 7<sup>th</sup> birthday with his friend Austin at his home, when the two boys fell through a frozen pond near the family farm; and,

WHEREAS, in an attempt to save the boys, Kadin's mother, Kathy Kohler-Baxmeyer, jumped in to rescue them from the frigid water. All three lost their life that day; and,

## PROCLAMATIONS

WHEREAS, friends and family of Kadin, Kathy and Austin created a program out of their shared tragedy, Project SKiPeR, in order to teach schoolchildren in Illinois about the dangers of ice-covered bodies of water; and,

WHEREAS, Project SKiPeR's curriculum is based on an ice rescue and awareness program taught by the United States Navy SEALs to sportsmen so they recognize and survive an ice-related danger; and,

WHEREAS, because it is impossible to judge the strength of ice solely by its appearance, age, thickness, temperature, or whether or not it is covered by snow, it is important to understand that there is no such thing as safe ice; and,

WHEREAS, Project SKiPeR teaches individuals who may find themselves in an ice-related accident to Stay calm, Kick, Pull themselves onto the ice and Roll away; and,

WHEREAS, each year many people across the country fall through ice-covered bodies of water and drown, but education significantly helps minimize the risk of ice-related fatalities; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December as Ice Safety Awareness Month, and encourage all residents of the Land of Lincoln to "See Ice, Think Twice".

Issued by the Governor December 13, 2011

Filed by the Secretary of State December 28, 2011

**2011-416**  
**Constitution Week**

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776 and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and,

WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and,

WHEREAS, in 1791, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and,

## PROCLAMATIONS

WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted, and today, the Constitution is the oldest living government covenant in the world; and,

WHEREAS, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and,

WHEREAS, this year, we celebrate the 224<sup>th</sup> anniversary of the signing of the Constitution of the United States, under which Illinois became the 21<sup>st</sup> state in 1818; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 17-23, 2012 as **CONSTITUTION WEEK** in Illinois, in tribute to the enduring greatness of the United States Constitution, and encourage all citizens to read and study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Issued by the Governor December 17, 2011

Filed by the Secretary of State December 28, 2011

**2011-417****Berwyn Holiday Dinner Day**

WHEREAS, over our nation's history, millions of men and women have made countless personal sacrifices to defend our country; and,

WHEREAS, the American people are eternally grateful for the service and sacrifice of all members of the armed forces who bravely answer the call to serve and defend our freedom; and,

WHEREAS, during the holidays it is particularly important that all Americans remember those who put their lives on the line to protect our freedom and democracy and keep our servicemembers in their thoughts and prayers during this time and throughout the year; and,

WHEREAS, although many servicemembers are unable to spend the holidays with their families, veteran's groups and community organizations across the Land of Lincoln have made great efforts to ensure that no member of the United States Armed Forces in our state is deprived of the comfort and joy of the holiday season; and,

WHEREAS, for the past six years, The Berwyn Holiday Fund and The Combined Veterans of Berwyn have hosted an annual holiday dinner for servicemembers stationed at Great Lakes Naval Base; and,

## PROCLAMATIONS

WHEREAS, since the first dinner, participation has grown to more than 20 organizations this year; and,

WHEREAS, in its first year, the Christmas Day Sailors in Berwyn Holiday Dinner hosted 38 Sailors. This year, more than 200 will be served; and,

WHEREAS, over the last six years, more than 600 sailors have called Berwyn home for Christmas; and,

WHEREAS, this outstanding support of our nation's servicemembers is made possible by the efforts of nearly 180 volunteers in the community; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 25, 2011 as **BERWYN HOLIDAY DINNER DAY** and commend the Berwyn Holiday Fund, The Combined Veterans of Berwyn, as well as all of the other supporting organizations and volunteers, for their efforts to support servicemembers during the holidays, and offer my sincere and heartfelt thanks to all of the active duty servicemembers and veterans present today for your service to our country.

Issued by the Governor December 22, 2011

Filed by the Secretary of State December 28, 2011

**2011-418****Perianesthesia Nurse Awareness Week**

WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and,

WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and,

WHEREAS, the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life. Consequently, the role of these nurses is essential and vital in the quality of health care and safety of patients in hospital and ambulatory surgery settings; and,

WHEREAS, there are more than 57,000 perianesthesia registered nurses in the United States. The American Society of PeriAnesthesia Nurses represents this group and is one of our nation's premier specialty nursing organizations; and,

## PROCLAMATIONS

WHEREAS, The American Society of PeriAnesthesia Nurses' mission is to advance the field of nursing by providing education, conducting research and developing professional standards of practice for their field; and,

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, also represents perianesthesia nurses and promotes quality and cost-effective care for their patients; and,

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses, have designated February 6-12, 2012 as PeriAnesthesia Nurse Awareness Week, with the theme, "Perianesthesia Nurses: A Vital Role in Patient Care" in celebration of the efforts of perianesthesia nurses to advance nursing practices; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 6-12, 2012 as **PERIANESTHESIA NURSE AWARENESS WEEK** in Illinois, in recognition of perianesthesia nurses for their indispensable service to the medical profession, and for their commitment to providing quality care and treatment of patients.

Issued by the Governor December 22, 2011

Filed by the Secretary of State December 28, 2011

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 2 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

35 - 275	.....	441
92 - 1030	.....	461
23 - 2730	.....	505
23 - 2731	.....	511
23 - 2732	.....	517
23 - 2733	.....	523
23 - 2735	.....	529
23 - 2754	.....	541
23 - 2774	.....	543
23 - 2775	.....	550

### EMERGENCY RULES

23 - 2754	1/9/2012	.....	556
-----------	----------	-------	-----

### PEREMPTORY RULES

80 - 310	12/29/2011	.....	564
----------	------------	-------	-----

### EXECUTIVE ORDERS AND PROCLAMATIONS

11 - 409	12/6/2011	.....	697
11 - 410	12/6/2011	.....	698
11 - 411	12/7/2011	.....	698
11 - 412	12/7/2011	.....	700
11 - 413	12/13/2011	.....	701
11 - 414	12/13/2011	.....	702
11 - 415	12/13/2011	.....	703
11 - 416	12/17/2011	.....	704
11 - 417	12/22/2011	.....	705
11 - 418	12/22/2011	.....	706

### OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

68 - 1249	.....	695
-----------	-------	-----

### REGULATORY AGENDA

2 - 751	.....	582
83 - 280	.....	593
2 - 1800	.....	595
56 - 2712	.....	618
38 - 370	.....	622
86 - 3000	.....	643
89 - 104	.....	647

59 - 111	.....	650
50 - 851	.....	664
2 - 576	.....	681
92 - 441	.....	686
95 - 108	.....	691

## 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
<b>TOTAL AMOUNT OF ORDER</b>	\$ _____

--	--

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](http://www.cyberdriveillinois.com)