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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

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

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2012 to January 2, 2013.

Editor's Note 2: As a reminder, the Secretary of State's office will be closed on December 24th and 25th for the holidays. The filing deadline for that week will be on Wednesday, December

26th at noon for the *Illinois Register*. Do not wait until the last minute to file your rulemakings, as a courtesy.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Extensions of Jurisdiction

2) Code Citation: 80 Ill. Adm. Code 305

3) Section Number: 305.300 — Proposed Action: New Section

4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b]

5) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services is amending the Extensions of Jurisdiction (80 Ill. Adm. Code 305) by adding Section 305.300 to reflect two Memoranda of Understanding between the American Federation of State, County and Municipal Employees (MOU) and the State of Illinois. The first MOU pertains to the non-Personnel-Code Human Resources Coordinator at the Illinois Commerce Commission (ICC) and was signed May 10, 2011. The second MOU pertains to one non-Personnel-Code Manager (position number 81550-31-73-200-00-01 only) at the ICC and was signed September 28, 2011. This position number was found to be non-engineering and non-technical in nature and, therefore, subject to the Illinois Personnel Code. In contrast, the other Manager positions within the ICC were found to be serving in either the engineering or technical fields, and thus are exempt from jurisdictions A, B and C of the Illinois Personnel Code per 20 ILCS 415/4c(12).

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 amendments pending on this Part? No

11) Statement of Statewide Policy Objectives: This proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the two most recent regulatory agendas because the associated MOUs were not received until after the agendas were submitted for publication.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

PART 305
EXTENSIONS OF JURISDICTION

Section
305.50 Extends Jurisdiction A, B & C
305.60 Extends Jurisdiction A, B & C (July 1, 1970)
305.70 Extends Jurisdiction A, B & C (July 1, 1970)
305.80 Extends Jurisdiction A, B & C (August 1, 1970)
305.90 Extends Jurisdiction A, B & C (August 1, 1971)
305.100 Extends Jurisdiction A, B & C (November 16, 1971)
305.110 Extends Jurisdiction A, B & C (April 1, 1972)
305.120 Extends Jurisdiction A, B & C (May 1, 1972)
305.130 Extends Jurisdiction A & C (October 1, 1972)
305.140 Extends Jurisdiction A & C (October 1, 1972)
305.150 Extends Jurisdiction A, B and C (November 1, 1972)
305.160 Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170 Extension of Jurisdiction
305.180 Termination of Extension of Jurisdiction
305.190 Extension of Jurisdiction
305.200 Third Extension of Jurisdiction to Office of the Treasurer
305.210 Extends Jurisdiction A, B and C (December 1, 1998)
305.220 Extends Jurisdiction A, B and C (December 1, 1998)
305.230 Extends Jurisdiction A, B and C (July 16, 2002)
305.240 Extends Jurisdiction A, B and C (April 7, 2005)
305.250 Extends Jurisdiction A, B and C (January 16, 2006)
305.260 Extends Jurisdiction A, B and C (November 30, 2008)
305.270 Extends Jurisdiction A, B and C (December 30, 2009)
305.280 Extends Jurisdiction A, B and C (June 1, 2011)
305.290 Extends Jurisdiction A, B and C (July 25, 2012)
305.300 Extends Jurisdiction A, B and C (January 31, 2013)

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011; amended at 36 Ill. Reg. 12811, effective July 25, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 305.300 Extends Jurisdiction A, B and C (January 31, 2013)

a) Effective January 31, 2013, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions currently classified as Human Resources Coordinator and Manager (position number 81550-31-73-200-00-01 only).

b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examinations as those required for entrance examinations for comparable positions. All other appointments subsequent to January 31, 2013 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective January 31, 2013.

(Source: Added at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State of Illinois Dependent Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2110

3)

Section Numbers:	Proposed Action:
2110.520	Amendment
2110.540	Amendment

4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 USC 125 and 129(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

5) A Complete Description of the Subjects and Issues Involved: Generally, the proposed rulemaking modifies administrative functions of the State of Illinois Dependent Care Assistance Plan (Plan). Specifically, the proposed amendments clarify the reimbursement threshold and the administrative tasks of the Plan Administrator.

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: The proposed rulemaking neither create nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2110
STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section
2110.10 Summary and Purpose of Plan
2110.20 Plan Number
2110.30 Definitions

SUBPART B: ADMINISTRATION

Section
2110.110 Role of the Department/Plan Administrator
2110.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section
2110.210 Date of Participation
2110.220 Insufficient Salary
2110.230 Errors
2110.240 Reinstatement of Former Participant (Repealed)

SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section
2110.310 Election Procedure
2110.320 Irrevocability of Election
2110.330 Maximum Dependent Care Assistance
2110.340 Minimum Dependent Care Assistance

SUBPART E: DEPENDENT CARE ASSISTANCE ACCOUNTS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

2110.410 Establishment of Accounts
2110.420 Crediting of Accounts
2110.430 Debiting of Accounts
2110.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section
2110.510 Claims for Reimbursement
2110.520 Reimbursement of Participant
2110.530 Exclusions
2110.540 Statements

SUBPART G: TERMINATION OF PARTICIPATION

Section
2110.610 Termination or Death of Participant
2110.620 Fraud

SUBPART H: MISCELLANEOUS

Section
2110.710 Non-discrimination
2110.720 Illegality of a Particular Provision
2110.730 Applicable Law
2110.740 Rights Against the Employer
2110.750 Effect on Pension
2110.760 Effect on Social Security
2110.770 Benefits Solely From General Assets
2110.780 Nonassignability of Rights
2110.790 Tax Consequences
2110.800 Indemnification of State by Participants
2110.810 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 USC 125 and 129(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 10 Ill. Reg. 20248, effective December 1, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 9477, effective April 30, 1987; emergency amendments at 12 Ill. Reg. 11795, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17283, effective October 14, 1988; emergency amendments at 13 Ill. Reg. 214, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9259, effective May 31, 1989; amended at 16 Ill. Reg. 13801, effective August 28, 1992; amended at 19 Ill. Reg. 8590, effective June 14, 1995; amended at 21 Ill. Reg. 2950, effective February 21, 1997; amended at 31 Ill. Reg. 352, effective December 28, 2006; amended at 37 Ill. Reg. _____, effective _____.

SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section 2110.520 Reimbursement of Participant

a) The Plan Administrator shall reimburse the Participant from the Participant's dependent care assistance account for Dependent Care Expenses incurred during the Plan Year for which the Participant submits documentation in accordance with Section 2110.510~~ of this Part~~.

b) The Reimbursement schedule will be established by the Plan Administrator in a manner that allows the Participant to receive Reimbursement no less than once a month.

c) No Reimbursement under this Section shall at any time exceed the balance of the Participant's dependent care assistance account for the Plan Year at the time of the Reimbursement.

d) The Plan Administrator will reimburse Participants who have filed claims in the prescribed manner:

1) at least once a month if the claim equals or exceeds $5.00~~20~~, and if there is enough money in the account,

2) at least once the twelfth month (or the final month of participation) regardless of the amount.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2110.540 Statements

a) On or before January 31 of each year, the Department shall furnish to each Participant who was enrolled in the Plan during the prior calendar year a written statement showing the amount of contributions made by the Participant into his or her account.

b) The Plan Administrator shall also notify each Participant in writing, or electronically if the Participant has opted for communication, via a quarterly~~monthly~~ statement of the unused balance in his or her account.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State of Illinois Medical Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2120

3)

Section Numbers:	Proposed Action:
2120.30	Amendment
2120.330	Amendment
2120.525	Amendment
2120.540	Amendment
2120.610	Amendment

4) Statutory Authority: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

5) A Complete Description of the Subjects and Issues Involved: Generally, the proposed rulemaking modifies administrative functions of the State of Illinois Medical Care Assistance Plan (Plan). Specifically, the proposed amendments clarify who is eligible for coverage under the plan and the deferral threshold, remove the administrative fee associated with the stored value card provided under the Plan, clarify certain administrative tasks of the plan administrator, and correct a reference in Section 2120.610.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2120
STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section
2120.10 Summary and Purpose of Plan
2120.20 Plan Number
2120.30 Definitions

SUBPART B: ADMINISTRATION

Section
2120.110 Role of the Department/Plan Administrator
2120.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section
2120.210 Date of Participation
2120.220 Insufficient Salary
2120.230 Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section
2120.310 Election Procedure
2120.320 Irrevocability of Election
2120.330 Maximum Medical Care Assistance
2120.340 Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section
2120.410 Establishment of Accounts

2120.420 Crediting of Accounts
2120.430 Debiting of Accounts
2120.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section
2120.510 Claims for Reimbursement
2120.520 Reimbursement of Participant
2120.525 Electronic Card Reimbursement Program
2120.530 Exclusions
2120.540 Statements

SUBPART G: TERMINATION OF PARTICIPATION

Section
2120.610 Termination or Death of Participant
2120.620 Fraud

SUBPART H: MISCELLANEOUS

Section
2120.710 Non-discrimination
2120.720 Illegality of a Particular Provision
2120.730 Applicable Law
2120.740 Effect on Pension
2120.750 Effect on Social Security
2120.760 Benefits Solely From General Assets
2120.770 Nonassignability of Rights
2120.780 Tax Consequences
2120.790 Indemnification of State by Participants
2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 USC 105(h), 125, and 213(d)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1995; amended at 21 Ill. Reg. 2955, effective February 21, 1997; amended at 30 Ill. Reg. 15119, effective September 6, 2006; emergency amendment at 33 Ill. Reg. 6110, effective April 13, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11791, effective August 3, 2009; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 2120.30 Definitions

a) Wherever used in the Plan, the following terms have the following meanings:

"Anticipated Payroll" means those payrolls in which the Participant is issued a paycheck during the pay period that the deduction is taken.

"Card" means the stored value card provided by the Plan Administrator that deducts funds electronically from a Participant's medical care assistance account to pay for eligible expenses.

"Change in Family Status" means marriage, divorce, death of spouse or dependent, birth or adoption of child, commencement or termination of employment of spouse, significant change in cost or benefits coverage of the Participant or spouse due to the spouse's employment, switch from full-time to part-time status of spouse, or from part-time to full-time, or unpaid leave of absence of Participant or spouse, or any other events that the Department determines constitute a change in family status.

"Code" means the Internal Revenue Code of 1954 (26 USC 1 et seq.) and applicable regulations, or any successor statute.

"Compensation" for purposes of this Plan is defined under Code section 414. It means wages, salaries and other employee compensation received by a Participant as reported on the Participant's W-2 from this employer. For purposes of discrimination testing, it may include or exclude all amounts not currently includible in the Participant's gross income.

"Delayed Payroll" means those payrolls in which the Participant is issued a paycheck following the pay period that the deduction is taken.

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's spouse, qualifying child or qualifying relative as defined in Internal Revenue Code sections 152 and 213(d)(5).

"Discriminatory Excess" is the excess of any "Highly Compensated Participant" over the highest permitted benefit.

"Eligible Employee" means any employee working full time or not less than half-time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971. It includes those employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions. It also includes those employees who retire, terminate employment or go on an unpaid leave of absence, but choose to continue to make contributions to their MCAP for the balance of the Plan Year. An eligible employee of the employer excludes independent contractors, temporary employees, and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government that are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and compensation reduction agreement and

for making changes authorized by the Plan.

"Grace Period" means the period following the close of the Plan Year in which the Participant can incur a medical care expense eligible for reimbursement from his or her medical care assistance account from the just completed Plan Year. The grace period goes from July 1 until September 15 of each calendar year.

"Health Plan" means health, dental and vision coverage offered by the Department to eligible persons.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current Plan Year:

an employee of the State or its administrative units or corporate outgrowths who has annual total compensation greater than $75,000 or any other amount established by the Internal Revenue Service; or

an employee of the State who receives compensation in excess of $50,000 or any other amount established by the Internal Revenue Service and is in the top 20% of all State employee salaries.

"Medical Care Expense" means any expense incurred by a Participant or dependent of the Participant that was paid for as a medical service expense eligible under Internal Revenue Code section 213(d). Expenses that result in a double deduction for tax purposes are not eligible. For example:

Premiums for health insurance coverage carried by the eligible employee, spouse or dependent; and

Premiums for other health coverage carried by the Participant.

"Participant" means each eligible employee who participates in the Plan in accordance with Section 2120.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying compensation earned by employees. A pay period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Medical Care Assistance Plan as set forth in this Part, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act [5 ILCS 100].

"Plan Administrator" means an organization, company or other entity designated by the Director to perform certain duties related to the administration of a specific plan in accordance with the terms of the contract between the organization and the Department.

"Plan Year" means the 12-consecutive-month period beginning July 1 comprising the State fiscal year.

"Qualifying Child" means an individual 26 years old or younger at the end of the taxable year~~18 years old or younger (23 years old or younger if a full-time student)~~ who has a specified family-type relationship to the Participant, lives in the Participant's household for more than half of the taxable year and has not provided more than one-half of his or her own support during the taxable year~~ (and receives more than one-half of his or her support from the Participant during the taxable year if a full-time student ages 19 through 23 at the end of the taxable year)~~. There is no age requirement if the individual is physically and/or mentally incapable of self care.

"Qualifying Relative" means an individual who has a specified family-type relationship with the Participant, is not someone else's qualifying child and receives more than one-half of his or her support from the Participant during the taxable year or, if no specified family-type relationship to the Participant exists, is a member of and lives in the Participant's household (without violating local law) for the entire taxable year and receives more than one-half of his or her support from the Participant during the taxable year.

"Reimbursement" means to pay a Participant in this Plan for medical care expenses from his or her medical care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce.

"Termination" means the permanent severance of the Participant's employment relationship with the employer as provided by the appropriate rules of the employer.

"Unsubstantiated Expenses" are expenses for medical care paid for with the Card for which the Plan Administrator requires additional documentation to substantiate the expense.

b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section 2120.330 Maximum Medical Care Assistance

a) The maximum amount that the Participant may payroll deduct for use~~be reimbursed~~ under this Plan during the Plan Year shall not exceed $2,500 for tax year 2013 and, after tax year 2013, an amount adjusted for cost of living to the extent provided under Section 125(i) of the Code~~$5,000~~.

b) The pay period maximum is the annual maximum divided by the number of pay periods in the Plan Year.

c) The pay period maximum cannot be exceeded if there is a change in family status, as provided in Section 2120.610 of this Part, or if there are circumstances requiring prepayment of the contributions for the balance of the year.

d) If the Department determines during the Plan Year that highly compensated Participants are benefiting from the Plan more than non-highly compensated Participants, the Department shall reduce the maximum deduction for the highly compensated Participants the minimal amount necessary to bring the Plan into compliance with the non-discrimination requirements of the Code (26 USC 125).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2120.525 Electronic Card Reimbursement Program

a) A Participant may elect to pay medical care expenses through the use of a stored value card (Card) provided by the Plan Administrator. The Card deducts funds directly from the Participant's medical care assistance account and avoids any up-front, out-of-pocket expenses for the Participant.

b) In order to be eligible for the Card, the Participant must agree to abide by the terms and conditions associated with the Card as established by the Plan Administrator and provided to the participant prior to enrollment, ~~including the payment of a $20 annual fee for the Card,~~ limitations as to Card usage and the Plan Administrator's right to withhold and offset payment for unsubstantiated expenses. The Participant must further certify that the Card will be used only for eligible medical care expenses.

c) Use of this Card is limited to payments for Medical Care Expenses.

d) The maximum reimbursable amount under the Card is the full amount of the Participant's contribution to the medical care assistance account for the Plan Year, less any previously submitted reimbursements.

e) The Participant must obtain a receipt or third party statement (i.e., explanation of benefits form or invoice) each time the Card is used. The receipt must be retained for 1 year following the end of the Plan Year in which the expense was incurred and must be available for presentation to the Plan Administrator upon request. At a minimum, the receipt must contain the following information:

1) the type of service provided (i.e., office visit; prescription; over-the-counter purchase);

2) the date the medical care was provided (i.e., when the expense was incurred);

3) the amount of the expense;

4) the provider's or vendor's name; and

5) the patient's name.

f) If the Participant fails to provide the requested documentation to the Plan Administrator within the requested time frame, the expenses will be deemed unsubstantiated and the Participant will be required to repay the unsubstantiated expenses. Repayments may be made by either:

1) submitting payment to reimburse the Plan for the cost of the unsubstantiated expense. Payment must be in the form of a check payable to the State of Illinois, submitted to the Plan Administrator; or

2) submitting other paper claims for the fiscal year with third-party receipts in amounts equal to, or greater than, the unsubstantiated expenses. These paper claims will automatically be substituted to offset the outstanding Card transactions.

g) Failure to submit requested documentation or provide payment for unsubstantiated expenses will result in suspension of the Card and termination of future use of the Card. Participants may be subject to involuntary withholding for the unsubstantiated expenses or outstanding transactions may be reported to the IRS as income and the Participant's W-2 form adjusted accordingly.

h) Participants may elect the Card at any time during the Plan Year. Cards are automatically suspended upon termination or cancellation of participation in the Plan.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 2120.540 Statements

a) On or before January 31 of each year, the Department shall furnish to each Participant who was enrolled in the Plan during the prior calendar year a written statement showing the amount of contributions into his or her account during that year with respect to the Participant.

b) The Plan Administrator shall notify each Participant electing a Card in writing, or electronically if the Participant has opted for electronic communication, via a quarterly~~monthly~~ statement of the unused balance in his or her account. Any unsubstantiated expenses will be clearly delineated on the quarterly~~monthly~~ statement.

c) The Plan Administrator shall notify each Participant not activating~~electing~~ a Card in writing, or electronically if the Participant has opted for electronic communication, via a quarterly statement of the unused balance in his or her account.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: TERMINATION OF PARTICIPATION

Section 2120.610 Termination or Death of Participant

a) In the event that a Participant terminates State service or dies, the Participant's participation shall terminate unless continuation of coverage as authorized by COBRA has been elected. If COBRA is not elected, eligible medical care expenses will include only those expenses incurred through the last day of the pay period when the last deduction was taken, if on an anticipated payroll, or on the last day of the pay period following the pay period when the last deduction was taken, if on a delayed payroll.

b) If the Participant returns to State service the same Plan Year, the Participant can re-enroll in accordance with the provisions of Section 2120.210~~2110.210~~. If re-enrollment occurs within 30 days after termination or departure from State service, the contribution amount per pay period must be the same as the amount contributed prior to termination.

c) If the Participant's employment status has changed from full time or part time (equal to or greater than 50 percent of a normal work period) to a status that no longer allows participation in the State Employees Group Health Plan, the Participant will be considered revoked as described in Section 2120.220 unless the Participant has chosen continuation coverage as authorized by COBRA.

d) If participation continues in this Plan because of COBRA-qualification, the Participant shall be considered terminated from State service at the end of the 18-month period of COBRA-coverage or whenever COBRA-qualification ceases.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commuter Savings Program

2) Code Citation: 80 Ill. Adm. Code 2190

3) Section Number: 2190.520 — Proposed Action: Amendment

4) Statutory Authority: Implementing section 132(f) of the Internal Revenue Code (926 USC 132(f)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment clarifies that a participant, who does not cancel his or her enrollment by the 10th of the month prior to termination or leave of absence, is responsible for any contributions associated with his or her enrollment in the Commuter Savings Program.

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: The proposed rulemaking neither creates nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2190
COMMUTER SAVINGS PROGRAM

SUBPART A: INTRODUCTION AND DEFINITIONS

Section
2190.10 Summary and Purpose of the Commuter Savings Program (CSP)
2190.20 Definitions

SUBPART B: ADMINISTRATION

Section
2190.110 Administration of the Plan
2190.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section
2190.210 Date of Participation
2190.220 Errors

SUBPART D: ELECTION

Section
2190.310 Election Procedures
2190.320 Benefit Options and Limits

SUBPART E: QUALIFIED TRANSPORTATION BENEFIT ACCOUNTS

Section
2190.410 Establishment of Accounts
2190.420 Crediting to Accounts

SUBPART F: TERMINATION

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
2190.510 Termination of Enrollment
2190.520 Termination, Leave of Absence or Death of Participant
2190.530 Fraud

SUBPART G: REIMBURSEMENT

Section
2190.610 Procedures
2190.620 Exclusions

SUBPART H: MISCELLANEOUS

Section
2190.710 Illegality of a Particular Provision
2190.720 Applicable Law
2190.730 Effect on Pensions
2190.740 Effect on Social Security
2190.750 Benefits Solely from General Assets
2190.760 Nonassignability of Rights
2190.770 Tax Consequences
2190.780 Indemnification of State by Participants
2190.790 Right to Amend and Terminate Reserved

AUTHORITY: Implementing section 132(f) of the Internal Revenue Code (926 USC 132(f)), Section 405-110 of the Civil Administrative Code of Illinois [20 ILCS 405/405-110], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 9] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Adopted at 31 Ill. Reg. 374, effective December 28, 2006; amended at 37 Ill. Reg. _____, effective _____.

SUBPART F: TERMINATION

Section 2190.520 Termination, Leave of Absence or Death of Participant

a) If a participant terminates employment or takes a leave of absence, the participant must notify the Plan Administrator and his or her GIR by the 10th of the month prior to the termination or leave of absence in order for cancellation of enrollment

to be effective at the start of the following month. Participants who do not cancel enrollment by the 10th of the month prior to the termination or leave of absence will continue to be enrolled in the Plan through the month following the date that notice of cancellation is provided and shall remain responsible for the contributions associated with the enrollment.

b) If the participant returns to State service, the participant may re-enroll in the Plan.

c) In the event a participant dies, the participant's participation in the Plan shall be terminated.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3)

Section Numbers:	Proposed Action:
3000.100	Amendment
3000.220	Amendment
3000.300	Amendment

4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]

5) A Complete Description of the Subjects and Issues Involved: Amend Section 3000.100 to mirror the authority line of the Part. Amend Section 3000.220 to correct a typographical error. Amend Section 3000.300 to reflect changes in the federal reimbursement rate in compliance with PA 96-240.

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: The proposed rulemaking neither creates nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Mary Matheny
Department of Central Management Services
720 Stratton Office Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62706

Phone: 217/557-5404
Fax: 217-558-2697
Email: mary.matheny@illinois.gov

13) Initial Regulatory Flexibility Analysis:

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

B) Reporting, bookkeeping or other procedures required for compliance: None beyond those already in place at CMS.

C) Types of professional skills necessary for compliance: None beyond those already in place at CMS.

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000
THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100 Authority
3000.110 Philosophy
3000.120 Policy
3000.130 Scope and Interpretation
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200 Travel Control System
3000.210 Designation of Headquarters
3000.220 Expenses at Headquarters or Residence
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300 Modes of Transportation
3000.310 Routing

SUBPART D: LODGING

Section
3000.400 Lodging Allowances
3000.410 Least Costly Lodging
3000.420 Conference Lodging
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM/MEALS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
3000.500 Per Diem Allowance
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600 Reimbursable and Non-Reimbursable Expenses
3000.610 Expenses Related to Transportation
3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
3000.700 Exceptions to the Rules
3000.710 Board/Agency Rules
3000.720 Non/Required Travel

3000.APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 245, effective December 27, 1999; emergency amendment at 24 Ill. Reg. 861, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 1908, effective January 2, 2000; amended at 24 Ill. Reg. 7737, effective May 9, 2000; amended at 26 Ill. Reg. 14985, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 557, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 8551, effective May 12, 2003; amended at 27 Ill. Reg. 9990, effective July 1, 2003; amended at 37 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL

Section 3000.100 Authority

This Part is promulgated under the authority vested in the Travel Regulation Council by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART B: TRAVEL CONTROL SYSTEM

Section 3000.220 Expenses at Headquarters or Residence

a) As a condition of employment, employees expect to incur commuting expenses between their residence and headquarters. These expenses are not reimbursable. Meals, lodging and per diem are not reimbursable at headquarters~~headquaters~~ or at residence. Expenses associated with State business in excess of commuting expenses are reimbursable at headquarters and/or residence. An employee whose travel does not include travel through headquarters shall be reimbursed for all mileage. An employee whose travel does include travel through headquarters shall be reimbursed for all mileage in excess of commuting mileage. All travel must be by the most direct route.

b) "Travel through headquarters" is defined as:
Any travel to or through the corporate city limits of the employee's designated headquarters, regardless of whether the employee made a stop at the work site or changed vehicles or modes of transportation.

c) Examples of reimbursable mileage expenses are as follows:

1) Residence/Lincoln – Headquarters/Springfield. Employee drives from residence in Lincoln to Chicago and returns to residence. Reimbursement is for all mileage because the travel was not to or through headquarters.

2) Residence/Lincoln – Headquarters/Springfield. Employee drives from residence in Lincoln to Collinsville and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The travel, by the most direct route, was through headquarters.

3) Residence/Carbondale – Headquarters/Marion. Employee drives from residence to headquarters. Later, employee drives from headquarters to Anna and back to residence. Reimbursement is for all mileage in excess of commuting mileage.

4) Residence/Evanston – Headquarters/JRTC, Chicago. Employee drives from residence to McCormick Place for an event. After the event, the employee drives to headquarters, then to residence. Reimbursement is for all mileage in excess of commuting mileage because the travel was through headquarters.

5) Residence/Chicago – Headquarters/JRTC, Chicago. Employee normally commutes to work by train. However, in order to attend a meeting at another location, the employee drives from residence to headquarters, then to the meeting location, then returns to headquarters and back to residence. Reimbursement is for all mileage in excess of commuting mileage. The fact that the employee normally rides the train to work has no effect on determining reimbursement.

d) Agencies are responsible for monitoring claims under this Section.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: TRANSPORTATION

Section 3000.300 Modes of Transportation

a) All travel shall be by the most economical mode of transportation available considering travel time, costs~~,~~ and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs, and other usual means of conveyance.

b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.

d) Chartered aircraft, boats, trains, buses~~,~~ or other similar~~such~~ conveyance shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of that~~such~~ transportation must accompany the voucher.

e) The rental of an automobile while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are not reimbursable.

f) Privately owned vehicles may be used when authorized by appropriate agency personnel.

1) Employees using private vehicles on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)]. Prior to that~~such~~ authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require that~~such~~ certification to be noted on the travel voucher.

2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 USC 5707(b)(2) and as~~is~~ shown in Appendix A~~,~~ (Reimbursement Schedule). ~~In the event the rate set under federal regulations increases during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate.~~ In the event the rate set under the federal regulations increases or decreases during the course of the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate.

g) Agency Heads may authorize the use of privately owned aircraft on State business.

1) Employees using privately owned aircraft on State business shall be duly licensed by the appropriate licensing body for the particular aircraft to be

flown, shall carry insurance in at least the amount of $500,000 combined single limit, and shall certify this to the Agency Head. The~~Such~~ certification of insurance shall be available for review and shall be noted on the travel voucher.

2) Reimbursement for the use of privately owned aircraft may be set by the individual Boards, but shall not exceed the rate set by the Federal Government pursuant to 5 USC 5707(b)(2) and 41 CFR 301-4.2(a)(2), as revised September 8, 1998~~,~~ (Federal Register, Vol. 63, #173, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Lending Limits

2) Code Citation: 38 Ill. Adm. Code 330

3)

Section Numbers:	Proposed Action:
330.10	Amendment
330.200	New Section
330.210	New Section
330.220	New Section
330.230	New Section

4) Statutory Authority: Implementing Section 32 and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/32 and 48(6)] and Section 6013 and Section 9002 of the Savings Bank Act [205 ILCS 205/6013 and 9002]

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will authorize state chartered banks and state chartered savings banks to engage in derivative transactions and complies with Section 611 of the Dodd-Frank Act [12 USC 1828(y)] which prohibits state chartered banks from engaging in derivative transactions after January 21, 2013, unless otherwise authorized by the law of the state where the bank is chartered.

The Department has also taken this opportunity to make numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Banking.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

11) Statement of Statewide Policy Objectives: This rulemaking will not require 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:

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

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking applies to banks and savings banks regulated by the Department of Financial and Professional Regulation, Division of Banking.

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

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the Division did not anticipate the need to do rulemaking at the time the agendas were published.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~OFFICE OF BANKS AND REAL ESTATE~~

PART 330
LENDING LIMITS

SUBPART A: GENERAL LENDING PROVISIONS

Section
330.10 Definitions
330.20 Renewals of Loans or Extensions of Credit

SUBPART B: AGGREGATION OF LOANS

Section
330.100 Purpose
330.110 Combining Loans to Separate Persons
330.120 Good Faith Reliance

SUBPART C: DERIVATIVE TRANSACTIONS

Section
330.200 Definitions
330.210 Lending Limits; Derivatives
330.220 Nonconforming Loans and Extensions of Credit
330.230 Credit Exposure Arising from Derivative Transactions

AUTHORITY: Implementing Section 32 and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/32 and 48(6)] and Section 6013 and Section 9002 of the Savings Bank Act [205 ILCS 205/6013 and 9002].

SOURCE: Adopted at 12 Ill. Reg. 7991, effective April 25, 1988; amended at 12 Ill. Reg. 17280, effective October 12, 1988; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL LENDING PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 330.10 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5].

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

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

"Division" means the Department of Financial and Professional Regulation-Division of Banking with the authority delegated by the Secretary.

"Loan or Extension of Credit" ~~"loan or extension of credit"~~ means any direct or indirect advance of funds that~~which~~ results in a liability of any person for money borrowed or otherwise. An indirect advance of funds shall include, but not be limited to, a purchase by a bank of a note or obligation from another person.

"Person"~~"person"~~ shall have the meaning ascribed to it in Section 2 of the ~~Illinois Banking~~ Act ~~[205 ILCS 5/2]~~.

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

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: DERIVATIVE TRANSACTIONS

Section 330.200 Definitions

For purposes of this Subpart, the following definitions apply:

"Appropriate Federal Banking Agency" means the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Chicago or the Federal Reserve Bank of St. Louis.

"Borrower" means a person who is named as a borrower or debtor in a loan or extension of credit; a person to whom a state bank has credit exposure arising from a derivative transaction entered by the bank or any other person, including a

drawer, endorser or guarantor, who is deemed to be a borrower under Section 32 of the Act, Section 6013 of the Savings Bank Act [205 ILCS 205], or this Part.

"Contractual Commitment to Advance Funds" includes a bank's obligation to:

Make payment (directly or indirectly) to a third person contingent upon default by a customer of the bank in performing an obligation and to make the payment in keeping with the agreed upon terms of the customer's contract with the third person, or to make payments upon some other stated condition;

Guarantee or act as surety for the benefit of a person;

Advance funds under a qualifying commitment to lend; and

Advance funds under a standby letter of credit, a put or other similar arrangement.

The term does not include commercial letters of credit and similar instruments when the issuing bank expects the beneficiary to draw on the issuer, that do not guarantee payment, and that do not provide for payment in the event of a default by a third party.

"Credit Derivative" means a financial contract executed under standard industry credit derivative documentation that allows one party (the protection purchaser) to transfer the credit risk of one or more exposures (reference exposure) to another party (the protection provider).

"Derivative Transaction" includes any transaction that is a contract, agreement, swap, warrant, note or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices or other assets.

"Effective Margining Arrangement" means a master legal agreement governing derivative transactions between a bank or savings association and a counterparty that requires the counterparty to post, on a daily basis, the variation margin to fully collateralize that amount of the bank's net credit exposure to the counterparty

that exceeds $1,000,000 created by the derivative transactions covered by the agreement.

"Eligible Credit Derivative" means a single-name credit derivative or a standard, non-tranched index credit derivative provided that:

The derivative contract meets the requirements of an eligible guarantee, as defined in Section 32 of the Act, Section 6013 of the Savings Bank Act, or this Part and has been confirmed by the protection purchaser and the protection provider;

Any assignment of the derivative contract has been confirmed by all relevant parties;

If the credit derivative is a credit default swap, the derivative contract includes the following credit events:

Failure to pay any amount due under the terms of the reference exposure, subject to any applicable minimal payment threshold that is consistent with standard market practice and with a grace period that is closely in line with the grace period of the reference exposure; and

Bankruptcy, insolvency or inability of the obligor on the reference exposure to pay its debts, or its failure or admission in writing of its inability generally to pay its debts as they become due, and similar events;

The terms and conditions dictating the manner in which the derivative contract is to be settled are incorporated into the contract;

If the derivative contract allows for cash settlement, the contract incorporates a robust valuation process to estimate loss with respect to the derivative reliably and specifies a reasonable period for obtaining post-credit event valuations of the reference exposure;

If the derivative contract requires the protection purchaser to transfer an exposure to the protection provider at settlement, the terms of at least one of the exposures that is permitted to be transferred under the contract

provides that any required consent to transfer may not be unreasonably withheld; and

If the credit derivative is a credit default swap, the derivative contract clearly identifies the parties responsible for determining whether a credit event has occurred, specifies that this determination is not the sole responsibility of the protection provider, and gives the protection purchaser the right to notify the protection provider of the occurrence of a credit event.

"Eligible Guarantee" means a guarantee that:

Is written and unconditional;

Covers all, or a pro rata portion of, all contractual payments of the obligor on the reference exposure;

Gives the beneficiary a direct claim against the protection provider;

Is not unilaterally cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary;

Is legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced;

Requires the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligor on the reference exposure in a timely manner without the beneficiary first having to take legal actions to pursue the obligor for payment;

Does not increase the beneficiary's cost of credit protection on the guarantee in response to deterioration in the credit quality of the reference exposure; and

Is not provided by an affiliate of the bank, unless the affiliate is an insured depository institution, bank, securities broker or dealer, or insurance company that:

Does not control the bank; and

Is subject to consolidated supervision and regulation comparable to that imposed on U.S. depository institutions, securities broker-dealers, or insurance companies (as the case may be).

"Eligible Protection Provider" means:

A sovereign entity (a central government, including the U.S. government, an agency, department, ministry or central bank);

The Bank for International Settlements, the International Monetary Fund, the European Central Bank, the European Commission or a multilateral development bank;

A Federal Home Loan Bank;

The Federal Agricultural Mortgage Corporation;

A depository institution, as defined in Section 3 of the Federal Deposit Insurance Act (12 USC 1813(c));

A federal bank holding company, as defined in Section 2 of the Bank Holding Company Act, as amended (12 USC 1841);

A savings and loan holding company, as defined in Section 10 of the federal Home Owners' Loan Act (12 USC 1467a);

A securities broker or dealer registered with the SEC under the Securities Exchange Act of 1934 (15 USC 78(o));

An insurance company that is subject to the supervision of a State insurance regulator;

A foreign banking organization;

A non-US-based securities firm or a non-US-based insurance company that is subject to consolidated supervision and regulation comparable to

that imposed on U.S. depository institutions, securities broker-dealers, or insurance companies; and

A qualifying central counterparty.

"Extensions of Credit" shall have the meaning ascribed in Section 5-102 of Uniform Commercial Code [810 ILCS 5/5-102] and any credit exposure, as determined pursuant to Section 330.230, arising from a derivative transaction.

Loans or extensions of credit, for purposes of this Part, include a contractual commitment to advance funds.

The following items do not constitute loans or extensions of credit for purposes of Section 32 of the Act, Section 6013 of the Savings Bank Act, or this Part:

Additional funds advanced for the benefit of a borrower by a bank for payment of taxes, insurance, utilities, security and maintenance and operating expenses necessary to preserve the value of real property securing the loan, consistent with safe and sound banking practices, but only if the advance is for the protection of the bank's interest in the collateral, and provided that the amounts must be treated as an extension of credit if a new loan or extension of credit is made to the borrower;

Accrued and discounted interest on an existing loan or extension of credit, including interest that has been capitalized from prior notes and interest that has been advanced under terms and conditions of a loan agreement;

Financed sales of a bank's own assets, including other real estate owned, if the financing does not put the bank in a worse position than when the bank held title to the assets;

Amounts paid against uncollected funds in the normal process of collection; and

That portion of a loan or extension of credit sold as a participation by a bank on a nonrecourse basis, provided that the participation

results in a pro rata sharing of credit risk proportionate to the respective interests of the originating and participating lenders. When a participation agreement provides that repayment must be applied first to the portions sold, a pro rata sharing will be deemed to exist only if the agreement also provides that, in the event of a default or comparable event defined in the agreement, participants must share in all subsequent repayments and collections in proportion to their percentage participation at the time of the occurrence of the event.

When an originating bank funds the entire loan, it must receive funding from the participants before the close of business of its next business day. If the participating portions are not received within that period, then the portions funded will be treated as a loan by the originating bank to the borrower. If the portions so attributed to the borrower exceed the originating bank's lending limit, the loan may be treated as nonconforming, rather than a violation of Section 32 of the Act or Section 6013 of the Savings Bank Act, as applicable, if:

The originating bank had a valid and unconditional participation agreement with a participant or participants that was sufficient to reduce the loan to within the originating bank's lending limit;

The participant reconfirmed its participation and the originating bank had no knowledge of any information that would permit the participant to withhold its participation; and

The participation was to be funded by close of business of the originating bank's next business day.

"Notice" means a copy of the state bank's application to its appropriate federal banking agency for approval to establish a branch.

"Qualifying Master Netting Agreement" means any written, legally enforceable, bilateral agreement, provided that:

The agreement creates a single legal obligation for all individual transactions covered by the agreement upon an event of default, including bankruptcy, insolvency or similar proceeding, of the counterparty;

The agreement provides the bank the right to accelerate, terminate and close-out on a net basis all transactions under the agreement and to liquidate or set off collateral promptly upon an event of default, including upon an event of bankruptcy, insolvency or similar proceeding, of the counterparty, provided that, in any such case, any exercise of rights under the agreement will not be stayed or avoided under applicable law in the relevant jurisdictions;

The bank has conducted sufficient legal review to conclude with a well-founded basis, and maintains sufficient written documentation of that legal review, that:

The agreement meets the requirements of this definition; and

In the event of a legal challenge, including one resulting from default or from bankruptcy, insolvency or similar proceeding, the relevant court and administrative authorities would find the agreement to be legal, valid, binding and enforceable under the law of the relevant jurisdictions;

The bank establishes and maintains procedures to monitor possible changes in relevant law and to ensure that the agreement continues to satisfy the requirements of this definition; and

The agreement does not contain a walk-away clause (that is, a provision that permits a non-defaulting counterparty to make a lower payment than it would make otherwise under the agreement, or no payment at all, to a defaulter or the estate of a defaulter, even if the defaulter or the estate of the defaulter is a net creditor under the agreement).

"State Bank" or "Bank" means a bank that has a banking charter issued under the Act, or a savings bank that has a charter issued under Section 1001 of the Savings Bank Act.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 330.210 Lending Limits; Derivatives

For purposes of Section 32 of the Act and Section 6013 of the Savings Bank Act, derivative transactions shall be included in the calculation of lending limits.

a) The calculation of derivatives as applied to lending limits for purposes of Section 32 of the Act and Section 6013 of the Savings Bank Act shall be determined pursuant to Section 330.230.

b) Loans Not Subject to Lending Limits
The following loans or extensions of credit are not subject to the lending limits of Section 32 of the Act and Section 6013 of the Savings Bank Act, as applicable, or this Part:

1) Intraday credit exposures.

2) Intraday credit exposures arising from a derivative transaction.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 330.220 Nonconforming Loans and Extensions of Credit

a) A loan or extension of credit, within a state bank's legal lending limit when made, will not be deemed a violation but will be treated as nonconforming if the loan or extension of credit is no longer in conformity with the state bank's lending limit because:

1) The bank's capital has declined, borrowers have subsequently merged or formed a common enterprise, lenders have merged, or the lending limit or capital rules have changed;

2) Collateral securing the loan to satisfy the requirements of a lending limit exception as defined in Sections 32, 33 and 35 of the Act, or in Sections 6003 or 6013 of the Savings Bank Act, as applicable, has declined in value.

b) A state bank must use reasonable efforts to bring a loan or extension of credit that is nonconforming as a result of subsection (a)(1) into conformity with the bank's lending limit unless to do so would be inconsistent with safe and sound banking practices.

c) A state bank must bring a loan that is nonconforming as a result of circumstances described in subsection (a)(2) into conformity with the bank's lending limit within 30 calendar days, except when judicial proceedings, regulatory actions or other extraordinary circumstances beyond the bank's control prevent it from taking action.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 330.230 Credit Exposure Arising from Derivative Transactions

a) Scope. This Section sets forth the standards for calculating the credit exposure arising from a derivative transaction entered into by a state bank for purposes of determining the bank's lending limit pursuant to Section 32 of the Act, Section 6013 of the Savings Bank Act or, as applicable, this Part.

b) Derivative Transactions

1) Non-Credit Derivatives
Subject to subsections (b)(2) and (b)(3), a state bank shall calculate the non-credit derivative exposure to a counterparty arising from a derivative transaction by one of the methods described in this subsection (b)(1). Subject to subsection (b)(3), a state bank shall use the same method for calculating counterparty credit exposure arising from all of its derivative transactions.

A) Conversion Factor Matrix Method
The credit exposure arising from a derivative transaction under the Conversion Factor Matrix Method shall equal and remain fixed at the potential future credit exposure of the derivative transaction as determined at the execution of the transaction by reference to the following table.

CONVERSION FACTOR MATRIX FOR CALCULATING POTENTIAL FUTURE CREDIT EXPOSURE*

Original maturity**	Interest Rate	Foreign Exchange Rate and Gold	Equity	Other*** (includes commodities and precious metals except gold)
1 year or less	.015	.015	.20	.06

CONVERSION FACTOR MATRIX FOR CALCULATING POTENTIAL FUTURE CREDIT EXPOSURE*

Original maturity**	Interest Rate	Foreign Exchange Rate and Gold	Equity	Other*** (includes commodities and precious metals except gold)
Over 1 to 3 years	.03	.03	.20	.18
Over 3 to 5 years	.06	.06	.20	.30
Over 5 to 10 years	.12	.12	.20	.60
Over 10 years	.30	.30	.20	1.00

B) Credit Derivatives

i) A state bank shall calculate the counterparty credit exposure arising from credit derivatives entered by the bank or savings association by adding the net notional value of all protection purchased from the counterparty on each reference entity.

ii) A state bank shall calculate the credit exposure to a reference entity arising from credit derivatives entered by the bank by adding the notional value of all protection sold on the reference entity. However, the bank may reduce its exposure to a reference entity by the amount of any eligible credit derivative purchased on that reference entity from an eligible protection provider.

C) Mandatory Use of a Certain Method

i) Upon request by a state bank, the Department may allow a state bank to use any method the Department deems appropriate to calculate the credit exposure of derivative transactions if the Department finds that the method is necessary to promote the safety and soundness of the bank.

ii) A state bank may elect to determine credit exposure on the basis of such other method of determining credit exposure as may be permitted by rule for national banks by the Office of the Comptroller of Currency.

* For an OTC derivative contract with multiple exchanges of principal, the conversion factor is multiplied by the number of remaining payments in the derivative contract.

** For an OTC derivative contract that is structured so that, on specified dates, any outstanding exposure is settled and the terms are reset so that the market value of the contract is zero, the remaining maturity equals the time until the next reset date. For an interest rate derivative contract with a remaining maturity of greater than one year that meets these criteria, the minimum conversion factor is 0.005.

*** Transactions not explicitly covered by any other column in the Table are to be treated as "Other".

(Source: Added at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures Applicable to All Agencies

2) Code Citation: 44 Ill. Adm. Code 750

3)

Section Numbers:	Proposed Action:
750.150	Amendment
750.210	Amendment

4) Statutory Authority: Implementing Sections 2-105(A), 7-101(A) and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105]

5) A Complete Description of the Subjects and Issues Involved: The amendment provide technical updates as to the Department's procedures and allow public contractors to pay registration fees on-line by credit card.

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: The proposed rulemaking does not affect units of local government.

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:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

312/814-6257 or 217/785-5125 (TTY)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Entities that file DHR Employer Report Forms.

B) Reporting, bookkeeping or other procedures required for compliance: No changes in reporting or bookkeeping procedures are required.

C) Types of Professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2012

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 750
PROCEDURES APPLICABLE TO ALL AGENCIES

SUBPART A: DEFINITIONS

Section
750.5 Definitions

SUBPART B: EQUAL OPPORTUNITY CLAUSE

Section
750.10 Clause to be Included in All Contracts
750.20 Incorporation by Operation of the Regulation
750.30 Subcontracts
750.40 Contracts or Subcontracts with Religious Entities

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section
750.110 General
750.120 Identification of Underutilization
750.130 Affirmative Action Plans
750.140 Information and Reports
750.150 Recruitment of Employees
750.160 Segregated Facilities
750.170 Subcontracts

SUBPART D: BIDDING AND COMPLIANCE

Section
750.210 Eligibility for Public Contracts
750.220 Construction Employee Utilization Projection
750.230 Compliance Review; Enforcement

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

750.APPENDIX A Equal Employment Opportunity Clause

AUTHORITY: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; codified at 8 Ill. Reg. 17889; amended at 22 Ill. Reg. 11774, effective July 1, 1998; amended at 30 Ill. Reg. 18709, effective November 20, 2006; amended at 32 Ill. Reg. 16484, effective September 23, 2008; amended at 34 Ill. Reg. 933, effective December 29, 2009; amended at 35 Ill. Reg. 3695, effective February 18, 2011; amended at 37 Ill. Reg. _____, effective _____.

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section 750.150 Recruitment of Employees

In all solicitations or advertisements for employees placed by it or on its behalf, each public contractor and subcontractor shall state that all applicants will be afforded equal employment opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status, order of protection status or unfavorable discharge from military service. Public contractors~~Contractors~~ and subcontractors shall also advise in writing their personnel, their employee referral sources, and any labor organizations or representatives with which they have collective bargaining or other agreements or understandings of the public contractor's or subcontractor's obligations under the Act, this Part and any affirmative action plan. If any labor organization with which a public contractor or subcontractor has an exclusive hiring or referral arrangement fails or refuses to refer minority or female applicants to the public contractor or subcontractor in numbers sufficient for it to meet its obligations under this Part and any affirmative action plan, the public contractor or subcontractor shall solicit and employ minority or female applicants from other sources. It shall be no excuse that the labor organization with which the public contractor or subcontractor has such an agreement failed to refer sufficient minority or female employees.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: BIDDING AND COMPLIANCE

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

Section 750.210 Eligibility for Public Contracts

a) DHR Registration~~Filing~~ Requirement

1) Duty to Register. Persons seeking to establish eligibility status to be awarded a contract by a State agency must register with the Department. The requirements of this Section shall apply to all persons employing 15 or more individuals at any time during the 365 day period immediately preceding the date of filing. No such employer shall be eligible to be awarded a contract by a State agency, as defined in the Illinois Procurement Code [30 ILCS 500/1-15.100], unless that employer has registered~~filed~~ with the Department and~~a properly completed DHR Employer Report Form (Form PC-1) or~~ holds a valid Illinois Department of Human Rights Eligibility Number. This registration~~filing~~ with the Department must take place prior to bid opening, if a bidding or competitive selection procedure is required under the Illinois Procurement Code or, in all other cases, contract award.

2) How to Register. Persons may register by filing a properly completed DHR Employer Report Form (Form PC-1) with the Department and paying the registration fee, or by completing the on-line filing process available through the Department's website at www.Illinois.gov/dhr. Persons covered under this Section may obtain a DHR Employer Report Forms by writing to the Public Contracts Unit, Department of Human Rights, 100 W. Randolph Street, Suite 10-100, Chicago IL 60601, by accessing the Department's website at www.Illinois.gov/dhr~~www.state.il.us/dhr~~, or by TTY at (866)740-3953~~(217)785-5125~~. A~~An~~ DHR Employer Report Form shall be deemed filed when it is received in the Department's Chicago office, properly completed and signed, and the Department receives the $75 registration fee or when the applicant completes the Department's on-line filing process.

3) Registration Fee. A~~After January 1, 2010, an~~ DHR Employer Report Form, whether it is a renewal or an initial filing, will not be deemed filed ~~complete~~ unless it is accompanied by a registration~~filing~~ fee of $75. Persons registering by submitting a DHR Employer Report Form must submit payment with their DHR Employer Report Form, in the form of a

certified check, money order or cashier's check payable to "Department of Human Rights", ~~and mailed~~ to the Department of Human Rights, ATTN: Fiscal Unit, 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601. Persons registering electronically through the Department's on-line filing process must make payment in the form available on the Department's website. Each DHR Employer Report Form containing a separate Federal Employer Identification Number (FEIN) shall be accompanied by a separate $75 fee. The Number or FEIN of the covered person filing the DHR Employer Report Form shall appear on the certified check, money order or cashier's check. The $75 fee is non-refundable.

b) Each person who registers pursuant to~~files the form required by~~ subsection (a) shall be issued a Number as evidence of its eligibility to bid on, or be awarded, public contracts. Each Number shall expire five years from the date of issue, without further notice to the employer. ~~A list of Numbers due to expire within a certain month will be published on the Department's website.~~ At any time prior to the expiration date, the Department may suspend or revoke the Number in accordance with the Act or this Part. The Number shall also expire upon dissolution, sale or merger of the public contractor or eligible bidder. Each person who has an expired Number and who files a completed form pursuant to subsection (a) will receive the same Number that the Department previously issued only if the form is filed within 365 days after expiration of the Number.

c) If the Department finds that a public contractor or eligible bidder is underutilizing minorities and/or women in any job classification, as defined in Section 750.120, it shall require the submission of an acceptable affirmative action plan.

1) After submitting an acceptable plan, the contractor or eligible bidder shall file such reports as the Department may require to document the contractor's progress under the plan. The Department may require that these~~such~~ reports contain information that includes, but is not limited to, the contractor's or eligible bidder's:

A) identification of underutilization (as required in Section 750.120);

B) hiring and promotional goals and timetables;

C) personnel policies and procedures;

D) personnel outreach and recruitment efforts;

E) personnel transactions (including hires, promotions, discharges, layoffs and disciplinary actions);

F) employee compensation and benefits;

G) sexual harassment prevention policies and procedures;

H) allegations of unlawful discrimination (as defined in Section 750.110(a)); and

I) compliance with any specific commitments made by the contractor or eligible bidder in its plan.

2) The Department may require a contractor or eligible bidder to file these reports until such time as the underutilization has been eliminated, but no more than quarterly.

d) A public contractor or eligible bidder may voluntarily relinquish its Number by so notifying the Department in writing addressed to the Department's Chicago office. Each public contractor or eligible bidder must notify the Department in writing of any change of address or other information necessary for the Department to readily contact it.

e) A public contractor or eligible bidder that cannot be located by the Department, does not respond to a written inquiry sent to its last known address, or does not respond to a notice published in the Illinois Procurement Bulletin (see 30 ILCS 500/15-1) and/or in other publications of general circulation may be deemed to have relinquished its Number.

f) A written request of a contracting agency for an exemption shall state the specific reasons for the exemption. The Department may exempt any person from the requirements of subsection (a) when it deems that exceptional circumstances and the public interest so require. An exemption shall be granted for a specified purpose and duration but may be withdrawn by the Department at any time; provided, however, that the withdrawal shall not apply to contracts awarded prior to the withdrawal.

g) The requirements of subsection (a) shall not apply to:

1) State agencies, boards and commissions required to file affirmative action plans with the Department pursuant to 56 Ill. Adm. Code 2520.710;

2) persons located wholly outside the territorial boundaries of the United States and who have no employees in the United States and will not hire employees in the United States to perform any part of any public contract;

3) procurements designated as small purchases pursuant to 30 ILCS 500/20-20;

4) procurements designated as sole-source pursuant to 30 ILCS 500/20-25; and

5) procurements designated as emergency pursuant to 30 ILCS 500/20-30.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Purchases and Contracts

2) Code Citation: 44 Ill.Adm.Code 500

3)

Section Numbers:	Proposed Action:
500.40	Amendment
500.50	Amendment
500.210	Amendment
500.300	Amendment
500.320	Amendment
500.330	Amendment
500.340	Amendment
500.350	Amendment
500.370	Amendment
500.380	Amendment
500.390	Amendment
500.395	Amendment
500.410	Amendment
500.600	Amendment
500.700	Amendment
500.800	Amendment
500.910	Amendment
500.1020	Amendment
500.1030	Amendment
500.1199	Amendment
500.1200	Amendment
500.1210	Amendment
500.1215	Amendment
500.1217	Amendment
500.1218	Amendment
500.1235	Amendment
500.1250	Amendment
500.1275	Amendment
500.1300	Amendment
500.1310	Repeal
500.1320	Amendment
500.1330	Amendment
500.1340	New
500.1530	Amendment

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

500.1545 New

4) Statutory Authority: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]

5) A Complete Description of the Subjects and Issues Involved: The Auditor General's purchasing rule was last updated effective 4/11. Since that date, the Procurement Code has been amended, including by PA 97-895, effective August 3, 2012, which made several significant changes to the State's procurement process. The Auditor General has reviewed its rule in light of current law and State agency practices and is making some conforming changes and updates.

Changes include updating definitions, increasing small purchase thresholds, outlining the hearing process to be used in sole source, emergency and contractor suspension and debarment proceedings, defining bidders and contractors who are prohibited from being awarded a contract based on their involvement in the procurement process, increasing the dollar threshold at which contracts are required to be filed with the State Comptroller, providing additional procedures for the real estate Request for Information process, defining circumstances under which contracts will be voided based on false certifications by a subcontractor, changing procurement communications reporting requirements to conform to PA 97-895, providing additional procedures for protests, and making other clarifying and simplifying text changes throughout the rules.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: This rulemaking does not affect create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposal:

NOTICE OF PROPOSED AMENDMENTS

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703

Telephone: 217/782-6698
888/261-2887 (TTY)

All written comments filed within 45 days after the date of publication of this Notice will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses doing business with or seeking to do business with the Auditor General's Office would be affected.

B) Reporting, bookkeeping or other procedures required for compliance: Small businesses having contracts with the Auditor General's Office are required to provide certain conflict of interest disclosures, financial interest disclosures and certifications.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which this rulemaking was summarized: None. This rulemaking is largely in response to PA 97-895, effective August 3, 2012.

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

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER I: AUDITOR GENERAL

PART 500
PURCHASES AND CONTRACTS

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500.10 Title
500.20 Policy
500.30 Application
500.40 Definition of Terms Used in This Part
500.50 Property Rights
500.60 Department of Central Management Services
500.70 Capital Development Board

SUBPART B: PROCUREMENT AUTHORITY

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SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

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500.220 Required Use of Auditor General Bulletin
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500.250 Direct Solicitation
500.260 Retention of Bulletin Information

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section

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500.300 General Provisions
500.310 Competitive Sealed Bidding
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500.330 Small Purchases
500.340 Sole Economically Feasible Source Procurement
500.350 Emergency Procurements
500.360 Other Methods of Source Selection
500.370 Tie Bids and Proposals
500.380 Modification, Correction or Withdrawal of Offers~~Mistakes~~
500.390 Cancellation of Solicitations; Rejection of Offers
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SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

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500.400 Suppliers
500.410 Vendor List/Required Use
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SUBPART F: BID, PROPOSAL AND PERFORMANCE SECURITY

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500.500 Security Requirements

SUBPART G: SPECIFICATIONS

Section
500.600 Specifications

SUBPART H: CONTRACT TYPE

Section
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SUBPART I: DURATION OF CONTRACTS

Section

500.800 Duration of Contracts

SUBPART J: CONTRACT MATTERS

Section
500.900 Prevailing Wage
500.910 Filing with Comptroller
500.920 Equal Employment Opportunity; Affirmative Action

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
500.1000 Applicability
500.1010 Method of Source Selection
500.1015 Historic Area Preference
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500.1030 Lease Requirements
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SUBPART L: PREFERENCES

Section
500.1110 Resident Vendor Preference
500.1120 Soybean Oil-based Ink
500.1130 Recycled Supplies
500.1140 Recyclable Supplies
500.1145 Environmentally Preferable Procurement
500.1148 Biobased Products
500.1150 Correctional Industries
500.1160 Qualified Not-for-Profit Agencies for Persons with Severe Disabilities
500.1170 Gas Mileage
500.1180 Small Business
500.1190 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
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AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: ETHICS

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500.1210 Felons
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500.1217 Debt Delinquency
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500.1250 Disclosure of Financial Interests and Potential Conflicts of Interest
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500.1270 Confidentiality
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500.1280 Insider Information
500.1285 Continuing Disclosure; False Certification
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SUBPART N: PROTESTS AND REMEDIES

Section
500.1300 Suspension and Debarment
500.1310 Resolution of Contract Controversies (Repealed)
500.1320 Violation of Law or Rule
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SUBPART O: GOVERNMENTAL JOINT PURCHASING

Section
500.1400 General
500.1410 No Agency Relationship

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

SUBPART P: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
500.1500 Severability
500.1510 Finality of Determinations
500.1520 Government Furnished Property
500.1530 Inspections
500.1540 Records and Audits
500.1545 Taxes, Licenses, Assessments and Royalties
500.1550 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30(b) of the Illinois Procurement Code [30 ILCS 500/1-30(b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12].

SOURCE: Old Part repealed and new Part adopted at 24 Ill. Reg. 1836, effective February 7, 2000; amended at 35 Ill. Reg. 5307, effective April 1, 2011; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 500.40 Definition of Terms Used in This Part

As used throughout this Part, each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" − A written modification to a contract provision, as permitted by the original contract.

"Award" − The determination that a particular vendor has been selected from among other potential vendors to enter into negotiations for the purpose of finalizing a contract.

"Bid" − The response to an Invitation for Bids.

"Bidder" − The person or entity submitting a bid.

"Brand Name or Equal Specification" − A specification that uses one or more

manufacturer's names or catalog numbers to describe the standard of quality, performance, and other characteristics needed to meet OAG requirements, and that allows the submission of equivalent products.

"Brand Name Specification" − A specification limited to one or more items by manufacturers' names or catalog numbers.

""CMS" − The Department of Central Management Services.

"Code" − The Illinois Procurement Code [30 ILCS 500].

"Consulting Services" − Services provided by a business or person as an independent contractor to advise and assist the OAG in solving specific management or programmatic problems involving the organization, planning, direction, control or operations of a State agency. The services may or may not rise to the level of professional and artistic as defined in this Part.

"Contract" − *All types of State agreements, including change orders and renewals, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property, whether the State is lessor or lessee, or capital improvements, and including master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.* [30 ILCS 500/1-15.30]~~A contract may be in written or oral form.~~ The term contract as used in this Part does not include supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission and for which there is no authorized competition.~~ The term contract includes, but is not limited to, purchase, installment purchase, lease and rental contracts, and includes renegotiated contracts, amendments to contracts and change orders.~~

"Contractor" or "Vendor" − The terms contractor and vendor are used interchangeably for purposes of this Part. When appropriate, the term "vendor" shall also include subcontractors.

"Day" − Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business

day.

"Invitation for Bids" or "IFB" − The process by which the OAG requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

"Items" − Anything that may be procured under this Part.

"OAG" − The Office of the Auditor General.

"Offer" − A bid, proposal or response solicited by the OAG.

"Offeror" − The person or entity submitting a bid, proposal or response solicited by the OAG. A person or entity (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror only if the person or entity is a legal entity authorized to do business in Illinois prior to submitting the bid, offer or proposal.

"Procurement Officer" − One or more OAG employees who serve at the direction of the Chief Procurement Officer of the OAG (CPO) and are responsible for conducting OAG procurement activity.

"Proposal" − The response to a Request for Proposals.

"Proposer" − The person or entity submitting a proposal.

"Qualified Products List" − An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the OAG has determined will meet the applicable specification requirements.

"Request for Information" or "RFI" − The process by which the OAG requests information from offerors for OAG contracts for leases of real property or capital improvements.

"Request for Proposals" or "RFP" − The process by which the OAG requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.

"Respondent" − The person or entity submitting a response to a Request for

Information from the OAG.

"Response" − A response to a Request for Information.

"Responsible Offeror" − A person or entity that is capable in all respects of performing fully the contract requirements and has the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid, proposal or offer is submitted for a State contract.

"Responsive Offeror" − A person or entity that has submitted an offer conforming in all material respects to the solicitation.

"Service" − The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing thereof.

"Solicitation" − An Invitation for Bids, Request for Proposals or Request for Information.

~~"Specification" − Any description of the physical, functional, or performance characteristics, or of the nature of a supply, service or construction item. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, service or construction item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.~~

"Specification for a Common or General Use Item" − A specification that has been developed and approved for repeated use in procurements.

"Specifications" − *Any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.* [30 ILCS 500/1-15.95]

"Subcontract" – A contract with a total value of $50,000 or more between a person or entity and another person or entity who has ~~or is seeking~~ a State

contract, pursuant to which the subcontractor provides to the contractor, or, if the subcontract price is $50,000 or more, another subcontractor some or all of the goods, services, real property, remuneration or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency.

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of $50,000 or more with a~~another~~ person or entity who has ~~or is seeking~~ a ~~State~~ contract with the OAG pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration or other monetary forms of consideration that are the subject of the primary OAG~~State~~ contract, including subleases from a lessee of a State contract.

"Supplies" − All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.50 Property Rights

No person shall have any right to a specific contract with the State unless that person has a contract that has been signed by an officer or employee of the purchasing agency with appropriate signature authority. The State shall be under no obligation to issue an award or execute a contract. [30 ILCS 500/1-25] No person who participates in a procurement action has any right to an award or a subsequent contract. Receipt of a solicitation or procurement document, or submission of any response to a solicitation or other procurement request, solicited or otherwise,~~offer~~ confers no right to receive an award or contract, nor does it obligate the State in any manner.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: PUBLICIZING PROCUREMENT ACTIONS

Section 500.210 Publication of Auditor General Bulletin

The Auditor General Bulletin will be published electronically and will be updated ~~at least once per month and may be updated~~ as needed ~~frequently as daily~~. The Auditor General Bulletin can be found on the Auditor General's website at http://www.auditor.illinois.gov~~In the event a fee is charged for subscriptions to the Auditor General Bulletin, free access to the information~~

~~published in the Auditor General Bulletin will be made available at OAG offices and to interested public libraries or other sites open to the general public~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: SOURCE SELECTION AND CONTRACT FORMATION

Section 500.300 General Provisions

a) Late Offers, Late Withdrawals and Late Modifications

1) ~~Definition.~~ Any bid, proposal, modification or withdrawal received after the time and date for receipt, or at other than the specified location, is late. A submission~~An offer~~ that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the OAG shall not be responsible for ensuring ~~such~~ subsequent delivery of misdelivered items. Delivery at the specified location and time shall be the sole responsibility of the offeror.

2) ~~Treatment.~~ No late offer, late modification, or late withdrawal will be considered unless the CPO, and not a designee, determines it would have been timely but for the action or inaction of OAG personnel directly serving the procurement activity (e.g., providing the wrong address). It is the responsibility of the offeror to ensure delivery at the time and to the place specified. Vendors submitting a late response will be notified and given the opportunity to retrieve the submission at their cost. Late submissions not returned to the vendor will be destroyed after all related procurement activity is complete and the resulting contract has been executed.

3) ~~Records.~~ Records shall be made and, in accordance with OAG policy, kept for each late offer, late modification, or late withdrawal.

4) ~~Other Submissions.~~ Any other submission that has a time or date deadline shall be treated in the same manner as a late offer.

b) Extension of Time

1) The Procurement Officer may, prior to the date or time for submitting or

modifying an offer, extend the date or time for the convenience of the OAG.

2) After opening offers, the Procurement Officer may request offerors who submitted timely offers to extend the time during which the OAG may accept the offers, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit offers.

3) Unless otherwise provided in the solicitation, the vendor's offer must be kept firm for at least 30 days after the opening date.

c) Electronic and Facsimile Submissions

1) The solicitation may state that electronic and fax~~facsimile~~ machine submissions will be considered if they are received at the designated location~~office~~ by the time and date set for receipt. Any required attachments will be submitted as stated in the solicitation.

2) Electronic submissions authorized by specific language in the solicitation will be opened in accordance with OAG electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, vendor assumes risk of premature disclosure due to submission in unsealed form.

3) Fax submissions authorized by specific language in the solicitation will be placed in a sealed container upon receipt and opened with~~as~~ other submissions. Vendor assumes risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit
The solicitation may require that vendors submit, by a certain time and date, a notice of their intent to submit an offer in response to the solicitation. Offers submitted without complying with the notice of intent requirement may be rejected.

e) Only One Offer Received
If only one offer is received, and if it meets all material requirements, an award may be made to the single offeror if the Procurement Officer finds that the price

submitted is fair and reasonable, and that ~~either~~ other prospective offerors had reasonable opportunity to respond, or there is not adequate time for resolicitation. Otherwise,~~:~~ ~~1)new offers may be solicited, including under sole source (Section 500.340) or emergency (Section 500.350) procedures; or 2)~~the procurement may be canceled.

f) Alternate or Multiple Offers

1) Alternate offers may be accepted if:

A) permitted by the solicitation and in accordance with instructions in the solicitation; or

B) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with Section 500.340 (Sole Economically Feasible Source Procurement) of this Part; or

C) the low offeror, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the solicitation~~specifications~~.

2) Multiple offers may be accepted if~~: A)~~permitted by the solicitation and submitted in accordance with instructions in the solicitation~~; or B)only one vendor responded, then, one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered~~.

g) Multiple Items
A solicitation may call for pricing of multiple items of similar or related type. Award shall be as specified in the solicitation ~~with award~~ based on an individual line item, a group total of certain items, a core list, a "market basket" of related items representative of the total requirement, a~~or~~ grand total of all items, or other grouping method.

h) "All or None" Offers
All or none offers may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

i) Conditioning Offers Upon Other Awards

Any offer that is conditioned upon receiving award of the particular contract being solicited and one or more other State contracts shall be rejected.~~:~~

~~1) be rejected unless the vendor removes the condition; or~~

~~2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other solicitation provided the agency need not delay procurement actions to accommodate the vendor's all or none condition.~~

j) Unsolicited Offers
An award may not be made based on an unsolicited offer in place of the notice and competition requirements of this Part.

~~1) Processing of Unsolicited Offers. The Procurement Officer may consider unsolicited offers.~~

~~2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the OAG.~~

~~3) Award. An award may not be made based on an unsolicited offer in place of the notice and competition requirements of this Part except if that unsolicited offer meets the requirements for a small (Section 500.330), sole source (Section 500.340), or emergency (Section 500.350) procurement.~~

k) Clarification of Offers
The Procurement Officer may request that a vendor clarify its offer as a part of the evaluation process. A vendor shall not be allowed to materially change its offer in response to a request for clarification. A clarification is not an opportunity to make material changes or for submission of best and finals as authorized elsewhere in this Part.

l) Assignment, Novation or Change of Name

1) Assignment. No OAG contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after

due notice to the OAG. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the OAG. Any purported assignment without prior written consent shall be null and void.

2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:

A) the transferee assumes all of the transferor's obligations;

B) the transferee meets all requirements for contracting with the OAG;

C) the transferor waives all rights under the contract as against the OAG; and

D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the OAG, furnish a satisfactory performance bond.

3) Change of Name. A vendor may submit a written request to change the name in which it holds a contract with the OAG. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.

m) Use of Source Selection Method that is Not Required
If a method of source selection is used that it is not, by law, required (e.g., use of a competitive sealed bid for a small purchase), ~~strict~~ compliance with the rules governing the method of source selection used is ~~not~~ required.

n) Vendor Signature
An offer submitted unsigned will be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.

o) Stringing
Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.

p) Confidential Data
Vendors must clearly identify in writing, by page and paragraph, any information submitted to the OAG claimed to be ~~that is~~ exempt from the disclosure requirement of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140] and must identify the basis of the claimed exemption and show how that basis applies to the request for exemption. Information submitted without a claim of exemption may be disclosed to the public without notice or permission. Information submitted with a claimed exemption may still be disclosed to the public if determined by the OAG, or other appropriate party, that the claimed exemption does not meet the requirements for withholding the information under FOIA. The OAG will attempt to provide reasonable notice and opportunity to object to the vendor prior to disclosure of any material claimed by the vendor to be exempt from FOIA~~request special handling of that material~~.

q) Notice of Subcontractor
Any contract entered into under this Part shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all known subcontractors and the expected amount of money each will receive under the contract. If, at any time during the term of a contract, a contractor adds or changes any subcontractors, the contractor shall promptly notify, in writing, the Procurement Officer of the names and addresses of~~and the expected amount of money~~ each new or replaced subcontractor and the expected amount of money each will receive. Upon request of the Procurement Officer, the~~The~~ contractor shall provide the Procurement Officer with a copy of any new or amended subcontract with an annual value of $50,000 or more within 15 days after the request is made~~ with an annual value of more than $25,000 within 20 days after the execution of the State contract or after execution of the subcontract, whichever is later~~.

r) Reverse Auction

1) Use. The CPO, or his or her designee, may procure supplies or services through a competitive electronic auction bidding process if the CPO determines that the use of such a process will be in the best interest of the State.

2) Process. An invitation for bids shall be issued and shall include a procurement description, all material contractual terms, whenever

practical, and conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner. Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction.

3) Notice. Public notice of the electronic auction bidding process shall be published in the Auditor General Bulletin at least 14 days before the date set for the opening of bids. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

4) Award. The contract shall be awarded within 60 days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected. Extension of the date for award may be made by mutual written consent of the Procurement Officer and the lowest responsible bidder.

5) Prohibition. This subsection (r) does not apply to procurements of professional and artistic services, telecommunications services, communication services or information services, or contracts for construction projects.

s) Incorporation by Reference
A solicitation may incorporate documents by reference provided that the solicitation specifies where the documents can be obtained.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.320 Competitive Sealed Proposals

a) The Competitive Sealed Proposal method of source selection shall be used to procure professional and artistic services, except as otherwise provided in subsection (b) of this Section. Other supplies and services may be procured through the Competitive Sealed Proposal method of source selection, on a case-by-case basis, when it is determined by the Procurement Officer that competitive sealed bidding is either not practicable or advantageous.

1) "Professional and artistic services" means those services provided under

contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60].

2) "Practicable" Distinguished from "Advantageous". As used in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest.

A) Factors to be considered in determining whether competitive sealed bidding is not practicable include:

i) whether the contract needs to be other than a fixed-price type;

ii) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;

iii) whether offerors may need to be afforded the opportunity to revise their proposals, including price;

iv) whether award may need to be based upon a comparative evaluation, as stated in the RFP, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

v) whether the primary consideration in determining award may not be price.

B) Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

i) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the

State; and

ii) whether the factors listed in subsection (a)(2)(A) of this Section are desirable, in conducting a procurement, rather than necessary.

b) All new procurements of professional and artistic services shall be made using the procedures contained in this Section, except:

1) Procurements under Section 500.330 (Small Purchases);

2) Procurements under Section 500.340 (Sole Source Procurement);

3) Procurements under Section 500.350 (Emergency Procurements);

4) Procurements of contract audit services pursuant to subsection (c) of this Section; and

5) Procurements subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

c) Contract Audit Rotation

1) Auditor Retention Policy. Initial audits by a contractor involve audit hours to identify key records and personnel, become familiar with agency operations and the electronic data processing environment, determine what internal controls and procedures are in place, and develop agency specific audit programs. Retaining a contractor for successive audits of the same agency generally allows audits to be conducted more economically, efficiently and effectively, and minimizes audit effort by both the contractor and the agency under audit. Professional auditing standards generally recognize the importance of an auditor retention policy.

2) Rotation Policy. To maximize the efficiencies obtained by auditor retention, it is the OAG's general policy, subject to the OAG's sole discretion, to maintain the same contractor on an audit engagement for six successive fiscal years, subject to an examination of such factors including but not limited to performance review, the satisfactory negotiation of terms (including price) and the annual availability of an appropriation.

3) Emergency Purchases. The term of a contract for audit or examination services procured in compliance with the emergency purchase provisions of Section 500.350 shall not be limited to 90 days but shall be valid until the completion of the audit or examination to which the contract relates.

d) Contents
The RFP shall be in the form specified by the Procurement Officer and shall contain at least the following information:

1) instructions and information to proposers concerning the proposal submission requirements, including the time and date set for receipt of proposals, and the address of the office to which proposals are to be delivered;

2) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;

3) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:

A) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;

B) the abilities, qualifications, and experience of key persons who would be assigned to provide the required services;

C) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the RFP;

D) a plan, giving as much detail as is practical, explaining how the services will be performed; and

4) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package).

e) Prequalification
The Procurement Officer shall maintain a list of prequalified professional and artistic vendors in accordance with Section 500.420 of this Part. Persons may amend statements of qualifications at any time by filing a new statement. Failure of a professional and artistic vendor to prequalify shall not be cause for rejection of a proposal provided that the responsive offeror supplies with its proposal all information defined by the prequalification process.

f) Public Notice

1) Proposals shall be obtained by issuing an RFP. Notice of Intent to Issue an RFP may be made by the Procurement Officer.

2) Availability of the RFP shall be published in the Auditor General Bulletin at least 14 days before proposals are due.

3) The RFP shall also be distributed to prequalified persons expressing interest in performing the services required by the proposed contract.

g) Pre-Proposal Conference
A pre-proposal conference, if appropriate, shall be conducted in accordance with Section 500.310(f) (Pre-Bid Conference). Such a conference may be held anytime prior to the date established for submission of proposals.

h) Receipt and Registration of Proposals
Proposals shall not be opened publicly but shall be opened in the presence of at least one witness. Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. After the date established for receipt of proposals, a Register of Proposals shall be prepared which shall include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service offered. All proposals, except as otherwise provided in subsection (i) of this Section, and the Register of Proposals, shall be available for public inspection after award.

i) Confidential Data
The Procurement Officer shall examine the proposals to determine the validity of any written requests from the vendor for nondisclosure of trade secrets or other

proprietary data. If the parties do not agree as to the disclosure of data or other information, the proposal shall be rejected as non-responsive.

j) Evaluation of Proposals
The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first, covering items except price, and the second, covering price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals. Factors not specified in the RFP shall not be considered. Numerical rating systems may be used but are not required.

k) Discussions

1) Discussions Permissible. The Procurement Officer may conduct discussions with any offeror to:

A) promote understanding of the OAG's requirements and the offerors' proposals;

B) determine in greater detail such offeror's qualifications;

C) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach; and

D) facilitate arriving at a contract that will be most advantageous to the OAG, taking into consideration price and the other evaluation factors set forth in the RFP.

The Procurement Officer may allow changes to the proposal based on those discussions.

2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors, and information contained in any proposals shall not be disclosed until after award of the proposed contract has been made.

3) Best and Final Offers. The Procurement Officer may request best and final offers from those offerors deemed acceptable after completion of any

discussions. Best and final offers shall be submitted by a specified date and time. The Procurement Officer may conduct additional discussions or change the OAG's requirements and require another submission of best and final offers. The scope of the best and final and the number of offerors allowed to participate shall be defined by the Procurement Officer. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

4) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the RFP being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

l) Award
An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the OAG, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made. If the price of the most qualified vendor is not the lowest price, and if the price exceeds $30,000~~25,000~~, the Procurement Officer must state in writing why a vendor other than the low priced vendor was selected and that determination must be published in the Auditor General Bulletin.

m) Publicizing Awards
Notice of award shall be issued electronically to all offerors submitting responses to the solicitation and published in the Auditor General Bulletin no later than the next business day following award.

n) Pre-solicitation Request for Information
When the Procurement Officer does not have sufficient information about available supplies or services to issue an RFP, the Procurement Officer may issue a Pre-solicitation request for information inviting vendors to submit non-price information about the availability of specified types of supplies or services. Public notice of the Pre-solicitation request for information shall be published in the Auditor General Bulletin at least 14 days before the date set for the receipt of information. The submission of information by a vendor in response to a Pre-

solicitation request for information is not a prerequisite for that vendor to respond to a subsequent IFB or RFP for the types of supplies or services for which information was solicited, and the issuance of a Pre-solicitation request for information does not commit the OAG to make any procurement of supplies or services of any kind. Confidential information will not be accepted from a vendor in response to a Pre-solicitation request for information.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.330 Small Purchases

a) Application

1) Procurements of $33,500 or less for supplies or services, other than professional and artistic, of less than $30,000~~20,000~~ for professional and artistic services, and of $50,000~~40,100~~ or less for construction, may be made without advance notice, competition or use of any prescribed method of source selection.

2) Any change identified by the United States Department of Labor in the Consumer Price Index, as certified by CMS or another State agency with appropriate authority, for All Urban consumers for the period ending December 31, 1998, and for each year thereafter, shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter. Changes to the small purchase maximums can be found on the Illinois Procurement Policy Board website (ppb.illinois.gov) and updated annually.

b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).

d) If, after signing the contract, the actual cost of completing the contract is

determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.

e) Notice of award shall be published in the Auditor General Bulletin no later than 10 business days after the contract is awarded.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.340 Sole Economically Feasible Source Procurement

a) Application
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the limit set in Section 500.330 (Small Purchases) or unless emergency conditions exist as defined in Section 500.350 (Emergency Procurements), in which case small purchase or emergency procedures may be used~~of this Part~~.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:

1) ~~where the~~ compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

2) ~~where a sole supplier's~~ items are needed for trial use or testing of that specific product or service;

3) the~~where a sole supplier's~~ item is to be procured for commercial resale;

4) non-competitive~~where~~ public utility ~~regulated~~ services ~~are to be procured~~;

5) ~~where~~ the item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;

6) ~~the procurement of the~~ media for advertising;

7) ~~the procurement of~~ art, educational (including training for continuing professional education, professional memberships and related expenses) or entertainment services; and

8) changes to existing contracts (see subsection (c)).

c) Changes

1) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program, and the cost of a new solicitation, clearly indicate that the existing vendor is the sole economically feasible source.

2) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as defined in Section 500.330 of this Part, or that is an emergency as defined in Section 500.350 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures.

3) The sole source exception may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

d) Procurement Officer to Determine
The Procurement Officer shall determine whether a procurement shall be made as a sole source. The determination and its basis shall be in writing.

e) Sole Source Process

~~1) Hearing: A contract may not be awarded as a sole source procurement unless approved by the Procurement Officer following a public hearing at which the Procurement Officer presented written justification for the procurement method. The public may present testimony at the hearing.~~

1)~~2)~~ Publication: Before entering into a sole source contract, a Procurement Officer must publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. The notice shall include the sole source procurement justification, a description of the item to be procured, and the intended sole source contractor~~, and the date, time and location of the public hearing~~. This notice must be posted in the Auditor General Bulletin at least 14 days before a sole source contract is awarded~~ and at least 14 days before the sole source hearing~~.

2) Hearing: An interested party may submit a written request for a public hearing. Any hearing shall be conducted in accordance with the procedures set forth in Section 500.1340.

~~3) The Procurement Officer shall consider any information provided as a result of the public hearing and publication. The Procurement Officer shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is not appropriate, unless an emergency situation exists.~~

f) Negotiation in Sole Source Procurement
The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

1) the vendor's name;

2) the amount and type of the contract;

3) what was procured; and

4) the identification number of the contract file.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.350 Emergency Procurements

a) Application
The provisions of this Section apply to every procurement over the small purchase limit set in Section 500.330 (Small Purchases) of this Part and that is not a sole source procurement under Section 500.340 of this Part made under emergency, including quick purchase, conditions.

b) Definition of Emergency Conditions
Procurements may be made under this Section 500.350 in the following circumstances:

1) Traditional circumstances include but are not limited to:

A) public health or safety, including the health or safety of any particular person, is threatened;

B) immediate repairs are needed to OAG property to protect against further loss or damage to OAG property, or to prevent loss or damage to OAG property;

C) immediate action is needed to prevent or minimize serious disruption in critical OAG services that affect health, safety or collection of substantial State revenues;

D) action is needed to ensure the integrity of State records;

E) equipment or services are necessary in the furtherance of covert activities (including the conduct of audits and investigations) lawfully conducted by the OAG. Any required disclosures may be postponed or shall be made so as not to jeopardize those covert activities;

F) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or

G) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under this Part cannot be accomplished without significant risk of causing serious disadvantage to the State.

2) After Unsuccessful Competitive Sealed Bidding or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or non-competitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding or competitive sealed proposals, an emergency procurement may be made.

3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the OAG.

4) Quick Purchase

A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the OAG than instituting a competitive procurement under the provisions of this Part for the supplies or services;

B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;

C) availability of rare items, such as books of historical value;

D) the procurement is for entertainment.

c) Scope and Duration of Emergency Conditions
Emergency procurements shall be limited to those supplies, services or construction items necessary to meet the emergency. Except as otherwise

provided in Section 500.320(c)(3), the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days if the Procurement Officer determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, the Procurement Officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony.

d) Source Selection Methods
Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

e) Determination and Record of Emergency Procurement

1) Determination. The Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. Such determinations shall be kept in the contract file.

2) Record. An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;

C) a description of what the vendor will do or provide; and

D) the reasons for using the emergency method of source selection.

3) Notice of the Emergency Procurement. Notice of the emergency procurement shall be published in the Auditor General Bulletin no later than 3 business days after the contract is awarded and shall include a description of the procurement, the reasons for the emergency

procurement and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

4) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Auditor General Bulletin no later than 14~~five business~~ days prior to a public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor and, if applicable, the date, time and location of the public hearing. Any hearing shall be conducted in accordance with the procedures set forth in Section 500.1340.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.370 Tie Bids and Proposals

a) Tie bids or proposals are those from responsive and responsible vendors that are, in the case of bids, identical in price, and, in the case of proposals, identical in rank after evaluation.

b) Tie bids or proposals will be treated as follows:

1) If the tied vendors~~bids or proposals~~ include only one~~an~~ Illinois resident vendor, the Illinois resident vendor shall be given the award~~ in case of bids and may be given the award in the case of proposals~~. "Illinois resident vendor" has the meaning ascribed~~given~~ in Section 500.1110 (Resident Vendor Preference) of this Part.

2) In all other situations, the award shall be made by lot unless the Procurement Officer determines that:

A) awarding to one of the vendors is in the State's best interest because, for example, that vendor is likely to be more reliable or responsive to the State's needs, based on past performance; provides a better quality of the supply or service; or provides quicker delivery; or, in the case of proposals, because of a desire to take advantage of the lower price; or

B) splitting the award is in the State's best interest because of a need to ensure delivery of the supply or service, or is necessary or desirable to promote future competition, and provided the affected vendors agree to the split award.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.380 Modification, Correction or Withdrawal of Offers~~Mistakes~~

a) Modification, Correction or Withdrawal Before Opening~~General~~
An offeror may withdraw or modify an offer if notice of the withdrawal, correction or modification is received by the OAG before the latest time specified for receipt of offers. Any modification, correction or withdrawal, however, must be made in writing and received by the OAG prior to the scheduled due date and time. When time is of the essence, the OAG may agree to receive modifications, corrections or withdrawals by electronic mail, fax or telephone. An originally signed confirmation of a telephone modification, correction or withdrawal shall be mailed or delivered by the offeror on the same day~~Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other offerors~~.

~~b) Mistakes Discovered Before Opening~~
~~A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.~~

~~c) Confirmation of Mistake~~
~~When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the offer may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.~~

b)~~d)~~ Mistakes Discovered After Opening but Before Award

1) Waiver of Minor Informalities. A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the

correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive these~~such~~ informalities or allow the offeror to correct them,~~correction~~ depending on which is in the best interest of the State.~~ Examples of minor informalities as to form include the failure to:~~

~~A) return the required number of signed copies;~~

~~B) acknowledge receipt of an amendment to the solicitation, but only if:~~

~~i) it is clear from the bid or proposal that the offeror received the amendment and intended to be bound by its terms; or~~

~~ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.~~

2) Correction of Mistakes in Which Intended Correct Information is Evident. If the mistake and the intended correct information are clearly evident on the face of the bid or proposal document, the information shall be corrected and the bid or proposal may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid or proposal document are typographical errors, errors in extending unit prices, transpositional errors, and arithmetical errors.

3) Withdrawal When~~Mistakes in Which~~ Intended Correct Information is Not Evident. The low price bid or proposal may be withdrawn if:

A) a material mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is proof of evidentiary value that clearly and convincingly demonstrates that a material mistake was made.

c~~e~~) Correction During ~~Discussions; Prior to~~ Best and Final Offers
If~~Once discussions are commenced with any offeror or after~~ best and final offers are requested, any offeror may freely correct any mistake prior to the date set for

~~conclusion of discussions or for~~ receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

d~~f~~) Mistakes Discovered After Award
Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

e~~g~~) Documentation~~Determinations~~ Required
When an offer is modified, corrected or withdrawn, or modification, correction or withdrawal is denied, a written determination shall be prepared by the Procurement Officer showing that relief was granted or denied in accordance with this Part~~The Procurement Officer shall maintain in the procurement file documentation of actions regarding correction or withdrawal of bids or proposals based on mistakes~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.390 Cancellation of Solicitations; Rejection of Offers

~~a)~~ ~~Scope of this Section~~
~~The provisions of this Section shall govern the cancellation of any solicitations whether issued by the OAG under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of offers in whole or in part.~~

a)~~b)~~ Policy
Any solicitation may be canceled before or after opening when the Procurement Officer believes cancellation to be in the OAG's best interest. Nothing shall compel the award of a contract.

b~~c~~) Cancellation of Solicitation; Rejection of All Offers
A solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the OAG's best interest for reasons including, but not limited to:

1) the OAG no longer requires the supplies, services or construction;

2) the OAG no longer can reasonably expect to fund the procurement;

3) proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable;

4) ambiguous or otherwise inadequate specifications;

5) the solicitation did not provide for consideration of all factors of significance to the OAG;

6) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

7) all otherwise acceptable offers received are at clearly unreasonable prices; or

8) there is reason to question whether the offers may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

c~~d~~) Notice of Cancellation~~Documentation~~
When a solicitation is canceled, notice of cancellation, including a brief explanation of the reason for cancellation, shall be posted to the Auditor General Bulletin~~The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection~~.

d~~e~~) Rejection of Individual Offers

1) Individual offers~~General. This subsection (e) applies to rejections of individual offers in whole or in part. 2)Notice in Solicitation. Each solicitation shall provide that any offer~~ may be rejected for reasons including~~in whole or in part when in the best interest of the OAG as provided in this Section.3)Reasons for Rejection Reasons for rejecting an offer may include~~, but ~~are~~ not limited to:

A) the vendor~~business~~ that submitted the offer is nonresponsible as determined under Section 500.430 (Responsibility)~~ of this Part~~;

B) the offer is not responsive, that is, it does not conform in all material respects to the solicitation;

~~C)~~ ~~the offer ultimately (that is, after any opportunity has passed for alteration or clarification) fails to meet the announced requirements of the OAG in some material respect;~~

C)~~D)~~ the supply, service or construction item offered is unacceptable by reason of its failure to meet the requirements of the solicitation, including, but not limited to, specifications or permissible alternates or other acceptability criteria set forth in the solicitation; or

D)~~E)~~ the proposed price, which may include options, is clearly unreasonable.

2~~4~~) Notice of Rejection. Upon request, ~~unsuccessful~~ offerors whose offers have been rejected shall be advised of the reasons for rejection.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.395 Public Procurement File

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation and the award process. The procurement file shall contain a written determination, signed by the Procurement Officer or designee, setting forth the reasoning for the contract award decision. The procurement file shall not include trade secrets or other competitively sensitive, confidential or proprietary information. The procurement file shall be open to public inspection within 7 business days following award of the contract.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 500.410 Vendor List/Required Use

~~a)~~The CPO may maintain a list of vendors who have expressed interest~~interested~~ in contracting~~doing business~~ with the OAG. This list may be used to solicit for small purchases,

sole sources and emergency procurements, as well as to supplement Bulletin notices~~The names and addresses of vendors on the list shall be available for public inspection~~.

~~b) Inclusion on, or exclusion from, the list shall not be a factor in determining whether a vendor is a responsible vendor.~~

~~c) When vendors are directly solicited by the OAG, solicitations will be sent to vendors on the vendor list for the supplies or services in question, except in the following cases:~~

~~1) The vendor does not sell the particular commodity or equipment.~~

~~2) The number of vendors for a procurement classification is of such magnitude that optimum prices may reasonably be expected without soliciting the entire vendor list. The Procurement Officer may, if he/she determines that the best interest of the State would be served, rotate the selection from the list on any equitable basis.~~

~~3) The Procurement Officer determines that the best interest of the State will be served by limiting vendors to those in defined geographic areas (example: purchases of ready-mix concrete, perishables, and equipment requiring immediate service).~~

~~d) The CPO may alternately refer to vendor lists maintained by CMS or other statutory procurement agency.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: SPECIFICATIONS

Section 500.600 Specifications

a) Responsibilities Regarding Specifications
The Procurement Officer is authorized to write specifications for procurements for the OAG.

b) Procedures for the Development of Specifications

1) All procurements shall be based on specifications that accurately reflect

the OAG's needs. Specifications shall clearly and precisely describe the salient technical or performance requirements.

2) Specifications shall not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate OAG needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

3) Any specifications or standards adopted by business, industry, not-for-profit organization or governmental unit may be adopted by reference.

4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the OAG's requirements.

5) *A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition of awarding or completing the contract.* [30 ILCS 500/20-50]

c) Brand Name or Equal Specification

1) Brand name or equal specifications may be used when the Procurement Officer determines in writing that:

A) no specification for a common or general use specification or qualified products list is available;

B) time does not permit the preparation of another form of specification, not including a brand name specification;

C) the nature of the product or the nature of the OAG's requirement makes use of a brand name or equal specification suitable for the procurement; or

D) use of a brand name or equal specification is in the OAG's best interest.

2) Brand name or equal specifications shall seek to designate more than one brand as "or equal," and shall further state that substantially equivalent products to those designated will be considered for award.

3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.

4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. Burden of proof that the product is equal is on the vendor.

d) Brand Name Only Specification

1) Determination. A brand name only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the OAG's needs.

2) Use. Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the Procurement Officer. The OAG may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.

3) Competition. The Procurement Officer shall seek to identify sources from

which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 500.340 (Sole Economically Feasible Source Procurement) of this Part.

4) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under the small (Section 500.330 of this Part) and emergency (Section 500.350 of this Part) provisions of this Part.

e) Qualified Products List

1) Use. A qualified products list may be developed by the Procurement Officer when testing or examination of the supplies prior to issuance of the solicitation is desirable or necessary in order to best satisfy OAG requirements.

2) Solicitation. When developing a qualified products list, a notice shall be posted to the Auditor General Bulletin soliciting~~representative group of~~ potential suppliers ~~shall be solicited in writing~~ to submit products for testing and examination to determine acceptability for inclusion in a qualified products list. ~~Any potential supplier, even though not solicited, may offer its products for consideration during the time allowed for testing and examination.~~

3) Testing and Confidential Data. Inclusion on a qualified products list shall be based on results of tests or examinations conducted in accordance with established requirements. Except as otherwise provided by law, trade secrets, test data, and similar information provided by the supplier will be kept confidential when requested in writing by the supplier.

f) Proven Products
The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year prior to the notice date of a solicitation. Specifications may require that the supply or services must have been used in governmental~~business~~ or commercial venues~~industry~~ for a specified period of time to be considered.

g) Product Demonstration

Any vendor may request time and space to demonstrate a product or service. Agreement to allow such demonstration will be solely at the OAG's discretion and will not entitle the vendor to a contract nor shall payment for the demonstration be allowed unless a written contract had been executed prior to the demonstration.

h) Prohibition on Incentives
A solicitation or specification for a contract, or a contract, may not require, stipulate, suggest or encourage a monetary or other financial contribution or donation, cash bonus or incentive, or economic investment as an explicit or implied term or condition for awarding or completing the contract.

i) Prohibited Bidders and Contractors

1) *No person or business shall bid or enter into a contract* with the OAG *if the person or business*~~:A)*assisted the* OAG *in determining whether there is a need for a contract, except as part of a response to a publicly issued request for information; or* B)~~*assisted* *an employee of* *the* OAG*, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award* an OAG *contract, by reviewing, drafting, directing or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.*

2) *This subsection* (i) *does not prohibit a person or business from submitting a bid or proposal or entering into a contract if the person or business:*

A) *initiates a communication with an employee to provide general information about products, services, or industry best practices and, if applicable, that communication is documented;* ~~*or*~~

B) *responds to a communication initiated by an employee of the* OAG *for the purposes of providing information to evaluate new products, trends, services or technologies*~~.~~ [30 ILCS 500/50-10.5(e)]*;*

C) Receives or possesses written material obtained from a State employee from public sources, such as through an internet search,

or literature packets obtained in conjunction with an event such as a trade show; or

D) Provides, at the request of the OAG, general marketing material or makes a general sales presentation to show the person's qualifications or product capabilities. Material may be personalized for the OAG provided any personalization is obtained from publicly available sources.

3) *Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated to the State represents industry trends and innovation and is not specifically designed to meet the State's needs.*

4) *No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business who contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.*

5) *For purposes of this subsection* (i), *"business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business.* [30 ILCS 500/50-10.5(e)]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART H: CONTRACT TYPE

Section 500.700 Types of Contracts

a) Subject to the limitations of this Section and unless otherwise authorized by law, any type of contract that will promote the best interests of the State may be used.

b) Prohibition of Cost-Plus-a-Percentage-of-Cost Contracting
The cost-plus-a-percentage-of-cost contract is prohibited. This type of contracting may not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor

selects the supply or service on which the vendor's percentage is applied.

1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.

2) A percentage mark-up from the cost~~price~~ of a supply or service selected by the State or another vendor under contract to the State is not a cost-plus-a-percentage-of-cost contract.

3) A percentage mark-up from the cost of parts needed in relation to a contract for services does not convert the services contract to a prohibited cost-plus-a-percentage-of-cost contract, provided the parts supplied under the cost-plus-a-percentage-of-cost method do not exceed 20% of the value of the contract.

c) A cost-reimbursement contract may be used only when a determination is made in writing that a cost-reimbursement contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the item required except under that type of contract.

d) Option Provisions
When a contract is to contain an option for renewal, extension~~,~~ or purchase, notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the OAG's option or by mutual agreement.

e) State Produced Supplies and Services
Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART I: DURATION OF CONTRACTS

Section 500.800 Duration of Contracts

a) General

1) A multi-term contract for a term up to 10 years, inclusive of proposed contract renewals, is authorized when determined by the Procurement Officer to be in the best interest of the State.

2) A software license designated as a perpetual license is not considered a multi-term contract; it is instead a one-time purchase~~A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years~~.

b) Subject to Appropriation
Each contract is contingent upon and~~The contractual obligation of both parties in each fiscal period succeeding the first is~~ subject to the~~appropriation and~~ availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part,~~contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled~~ without penalty ~~to,~~ or further payment being required if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack of, or insufficiency in, funding. A vendor will be notified in writing by the OAG of a failure to receive or a reduction or decrease in any appropriation or insufficiency of funds affecting the contract~~ by, the State~~. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.

c) Conditions for Use of Multi-Year~~Term~~ Contracts
A multi-year~~term~~ contract may be used when:

1) special production of definite quantities or the furnishing of long-term services is required to meet OAG needs; or

2) a multi-year~~term~~ contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in OAG procurement. The following factors are among those relevant to such a determination:

A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be

encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance;

B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;

C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or

D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

d) Multi-Year~~Term~~ Contract Procedure
The solicitation shall state:

1) the proposed term;

2) the amount of supplies or services required for the proposed contract period;

3) the type of pricing requested (e.g., firm for term); and

4) how award will be determined.

e) Renewals

1) Renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years, the terms and conditions do not change except as provided in the contract and the option is reserved solely to the OAG or is by mutual agreement.

2) Where a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by this Part. This renewal will start a new term that shall not exceed 10 years.

3) Notice of renewal shall be published in the Auditor General Bulletin no

later than 10 business days after the contract is awarded.

f) Cancellation of Contracts

1) In any of the following cases, the OAG shall have the right to terminate or rescind any contract entered into under this Part without penalty:

A) The successful vendor fails to furnish a satisfactory performance bond within the time specified;

B) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the OAG;

C) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly;

D) The vendor is guilty of misrepresentation (e.g., misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill obligations as a responsible vendor under other contracts with the State;

E) The vendor is adjudged bankrupt; enters into receivership or makes a general assignment for the benefit of creditors due to insolvency; disregards laws, rules or instructions of the OAG; or acts in violation of any provision of the contract;

F) Any other breach of contract or other unlawful act by the vendor;

G) The contract was obtained by fraud, collusion, conspiracy or other unlawful means; or

H) The contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

2) Damages
The damages for which the OAG may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:

A) the additional cost of supplies or services bought elsewhere;

B) cost of repeating the procurement procedure;

C) any expenses incurred because of delay in receipt of supplies or services; and

D) any other damages caused by the vendor's breach of contract or unlawful act.

3) Withholding Money to Compensate OAG for Damages
If a contract is terminated or rescinded under this subsection(f), the OAG may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the OAG for any damage resulting from termination or rescission.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART J: CONTRACT MATTERS

Section 500.910 Filing with Comptroller

a) Filing with Comptroller
Whenever a contract liability, except for contracts paid from personal services or contracts between the State~~OAG~~ and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $20,000~~$10,000~~ is incurred by the OAG, a copy of the contract, purchase order, or lease shall be filed with the Comptroller within 30~~15~~ days thereafter. ~~Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 15 days after its execution.~~

b) Late Filing Affidavit
When a contract, purchase order, or lease required to be filed by this Section has

not been filed within 30 days after execution, the OAG must file with the Comptroller an affidavit, signed by the Auditor General or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 days after execution. A copy of this affidavit shall be filed with the Auditor General.

c) Timely Execution of Contracts
No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed, if so required under subsection (a), with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A Procurement Officer may request an exception to this requirement by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this requirement must be approved by the Comptroller and Treasurer. The requirements of this subsection shall not apply to emergency purchases if notice of the emergency purchase is published in the Auditor General Bulletin as required by Section 500.350.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART K: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 500.1020 Request for Information

a) RFI Form
When required, an RFI shall be issued and shall include:

1) the type of property to be leased;

2) the proposed uses of the property;

3) the duration of the lease;

4) the preferred location of the property; and

5) a general description of the configuration desired.

b) Public Notice
Public notice of the RFI for the availability of real property to lease shall be published in the Auditor General Bulletin at least 14 days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the OAG is seeking space. Notice may also be mailed to owners of property that may meet the OAG's needs after public notice has been published in the Auditor General Bulletin.

c) Response
The RFI response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the RFI. All responses will be publicly opened on the announced date. Names of all parties submitting responses will be made available to the public immediately following the opening of responses. No other information concerning responses shall be publicly disclosed until award or other conclusion of the RFI process.

d) Negotiation and Determination

1) The Procurement Officer may enter into discussions with respondents of the RFI for the purpose of clarifying OAG needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, the Procurement Officer shall make a written determination identifying the responses that meet the minimum criteria set forth in the RFI. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the State. Site visits may be made as part of the discussion and/or negotiation process.

2) The Procurement Officer reserves the right to reject any responses and evaluate best and final offers. Best and final offers shall be sought after a written determination is made by the Procurement Officer that it is in the best interest of the State to request best and final offers. A best and final offer shall not be requested from any vendor deemed non-responsive or who does not meet the minimum criteria set forth in the RFI.

e) Contract Award, Reporting and Filing

1) The Procurement Officer or designee shall review all relevant information and recommend which response will be accepted based on an evaluation of all responsive offers. The final award decision will be published in the Auditor General Bulletin. Notification of award will be sent to all respondents.

2) When the lowest response by price is not selected, a written report of the negotiation shall be retained in the lease files and shall include the reasons for the final selection. The written reasons for the selection shall be published in the Auditor General Bulletin.

f) Emergency lease procurements may be made pursuant to Section 500.350.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1030 Lease Requirements

a) Length of Leases

1) Maximum Term. Except where a longer term is authorized by law, leases shall be for a term not to exceed 10 years inclusive of proposed contract renewals and shall include a termination option in favor of the OAG after no more than 5 years.

2) Renewal Option. Leases may include a renewal option. An option to renew may be exercised only when the Procurement Officer determines in writing that renewal is in the best interest of the OAG and notice of the exercise of the option is published in the Auditor General Bulletin at least 60 days prior to the exercise of the option.

3) Holdover. No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.

b) Sufficiency of Funds~~Subject to Appropriation~~
All leases shall recite that they are subject to termination and cancellation as provided in Section 500.800(b)~~in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease~~.

c) Lessor's Failure to Make Improvements
Each lease must provide for a penalty upon the lessor's failure to make improvements agreed upon in the lease. The penalty shall consist of a reduction in lease payments equal to the corresponding percentage of the improvement value to the lease value. The penalty shall continue until the lessor complies with the lease and the improvements are accepted by the leasing State agency.

d) All leases shall be accompanied by a full written disclosure of the identity of every owner or beneficiary having an interest in the premises being leased.

1) The disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, partner, managing agent or other authorized person.

2) The disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, the names of all members or managers of a limited liability company and the names of all shareholders in a corporation who are entitled to receive more than 7½% of the total distributable income of the entity. If the entity is publicly traded and no readily known individual owns more than a 7½% interest, then the requirement of this subsection (d)(2) may be met by an officer or managing agent of the entity making an affirmative statement to this effect under oath.

3) The disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband or minor child of that person, having an ownership or beneficial interest under the lease. In the event a person is so set forth, the disclosure shall include a specific designation of the percentage of total distributable income that the person, together with that of the wife, husband or minor child of that person, is entitled to receive from any firm, partnership, association or corporation that is the lessor.

4) It shall be the responsibility of the lessor to notify the Procurement Officer of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting the changes within 30 days after the change.

e) Space that is not in compliance with accessibility regulations, or is not capable of being brought into compliance with the installation of minimum essential features of accessibility by the time of occupancy, shall not be considered for use. Each RFI will contain specifications for accessibility.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART L: PREFERENCES

Section 500.1199 Disabled Veterans

It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified ~~service-disabled~~ veterans and that qualified service-disabled~~service-disabled~~ veteran-owned small businesses (referred to as SDVOSB~~SDVOB~~) and veteran-owned small businesses (referred to as VOSB) participate in the State's procurement process as both prime contractors and subcontractors. [30 ILCS 500/45-57] Upon direction of the CPO, the OAG may establish goals and other such preferences for contracting or subcontracting with SDVOSB and VOSB~~SDVOB~~ that are certified by the Department of Veterans' Affairs and the Department of Central Management Services.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART M: ETHICS

Section 500.1200 Bribery

a) *Prohibition*
No person or business shall be awarded a contract or subcontract who:

1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

b) *Businesses*
No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction

under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) *the business has been finally adjudicated not guilty; or*

2) *the business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in Section 5-4(a)(2) of the Criminal Code of 1961.*

c) *Conduct on Behalf of Business*
For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

d) *Certification*
Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the contractor or the subcontractor, respectively, that the contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false. A contractor or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony. [30 ILCS 500/50-5]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1210 Felons

a) *Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a*

prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business. [30 ILCS 500/50-10]

b) Every bid submitted to and contract executed by the State and every subcontract subject to this Part shall contain a certification by the bidder or contractor or subcontractor, respectively, that the bidder, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the CPO may declare the related contract void if any of the certifications required by this Section are false. *If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-10]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1215 Prohibited Bidders and Contractors

a) *Unless otherwise provided, no business shall bid or enter into a contract or subcontract if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002* (PL 107-204) *or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953* [815 ILCS 5] *for a period of 5 years from the date of conviction.*

b) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false.* *If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-10.5]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1217 Debt Delinquency

a) *No person shall submit a bid for or enter into a contract or subcontract if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt.* [30 ILCS 500/50-11 (a)] For purposes of this Section, terms shall be as defined in Section 50-11 of the Code.

b) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-11(b)]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1218 Collection and Remittance of Illinois Use Tax

a) *No person shall enter into a contract with a State agency or enter into a subcontract unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act* [35 ILCS 105] *regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act.* [30 ILCS 500/50-12] For purposes of this Section, terms shall be as defined in Section 50-12 of the Code.

b) *Every bid submitted and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the*

contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false. [30 ILCS 500/50-12]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1235 Environmental Protection Act Violations

a) *Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act* [415 ILCS 5] *shall do business with the State of Illinois or any State agency or enter into a subcontract from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.* [30 ILCS 500/50-14(a)]

b) *A person or business otherwise barred from doing business with the State of Illinois or any State agency or subcontracting under* the *Code by subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.* [30 ILCS 500/50-14(b)]

c) *Every bid submitted to and contract executed by the State and every subcontract shall contain a certification by the bidder, contractor, or subcontractor, respectively, that the bidder, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting State agency may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.* [30 ILCS 500/50-14(c)]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1250 Disclosure of Financial Interests and Potential Conflicts of Interest

a) Requirement for Disclosure

1) *All offers from responsive bidders or offerors with an annual value of*

more than $25,000 ~~and all subcontracts with an annual value of more than $25,000~~ *shall be accompanied by disclosure of the financial interests of the contractor, bidder, or proposer and each subcontractor to be used. In addition, all subcontracts with an annual value of more than $50,000 shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder or offeror and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder or offeror.* [30 ILCS 500/50-35(a)]

2) Disclosure shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing entity or its parent entity, whichever is less, unless the contractor, bidder or subcontractor:

A) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure; or

B) is a privately held entity that is exempt from Federal 10K reporting but has more than 200~~400~~ shareholders, partners or members, in which case it may submit the information that Federal 10K reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure.

b) Definitions and General Provisions

1) An "offer from responsive bidders or offerors" means only those offers that are received using an Invitation for Bids or Request for Proposals under Section 500.310 or 500.320 of this Part. Disclosures are not required in sole source or emergency procurements.

2) A "parent entity" means an entity that~~a person who~~ owns 100% of the bidding entity.

3) "Contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.

4) "Distributable" or "distributive" income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, that is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, distributable income means dividends. When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.

5) "Personal services" shall be any contract for services subject to this Part, including, by way of example, professional and artistic services, repair services, cleaning and guard services, but excludes contracts with employees who are exempt from this Part under Section 500.30(a)(4) of this Part.

6) "Competitively bid" means a contract let pursuant to Section 500.310 or 500.320 of this Part.

7) "Subject to federal 10K reporting" means subject to the reporting requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934. "10K disclosure" means a report required under Section 13 or 15(d) of the Securities Exchange Act of 1934.

8) Contractors are under a continuing obligation to promptly supplement disclosures for accuracy throughout the contracting process and throughout the term of any resulting contract. Contractors with multi-year contracts must submit disclosures on an annual basis.

9) 10K Disclosures

A) Any vendor subject to federal 10K reporting requirements may submit its 10K to the OAG in satisfaction of this disclosure requirement. The ~~provided the~~ vendor may be required to identify~~also identifies~~ the specific sections or parts in the 10K disclosure containing~~where the OAG may find~~ information, if any, pertaining to those who have an ownership interest or an interest in

the distributable income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the OAG is not in the 10K, but is in a document referenced in the 10K, or in a document that may be submitted to the SEC in conjunction with or in lieu of the 10K, then that additional documentation shall be provided as well.

B) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of the CPO shall be investigated.

C) In circumstances where a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements and for purposes of the Procurement Officer's duty to consider any conflict or potential conflict of interest that may exist, but that is not subject to specific disclosure requirements of this Part, and that is not personally known by the Procurement Officer, "publicly known or reasonably available to the public" shall consist of information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure.

c) Form of Disclosure

1) The form of disclosure shall be prescribed by the CPO and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:

A) State employment, currently or in the previous 3 years, including contractual employment of services;

B) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years;

C) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years;

D) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

E) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years;

F) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter;

G) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government;

H) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter;

I) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections;

J) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

2) *The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act* [25 ILCS 170] *and other agent of the bidder or offeror who is not identified under subsection* (a) *and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection* (c)(2) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-1)]

3) *The disclosure required under this Section must also include,* for each of the persons identified in subsection (c)(1) or (2), *each of the following that occurred within the previous 10 years: debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection* (c)(3) *is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.* [30 ILCS 500/50-35(b-2)]

d) Intent of Disclosure
The disclosure in subsection (c) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the CPO, procurement officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

e) Determination by Procurement Officer
When a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be reviewed by the Procurement Officer or his or her designee, who must rule whether to void or allow the contract, subcontract, bid, offer, or proposal weighing the best interest of the State of Illinois. Any such written determination shall become a publicly available part of the contract, bid, or proposal file.

f) Requirements for Reasonable Care and Diligence
These thresholds and disclosure do not relieve the CPO, procurement officers, or their designees from reasonable care and diligence for any contract, bid, offer, or proposal. The CPO, procurement officers, or their designees shall be responsible for using any reasonably known and publicly available information to discover

any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

g) Inadvertent or Accidental Failure to Fully Disclose
Inadvertent or accidental failure to fully disclose shall render the contract, subcontract, bid, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, subcontracts, bids, proposals, or relationships with the OAG for a period of up to 2 years.

h) Intentional, Willful, or Material Failure to Disclose
Intentional, willful, or material failure to disclose shall render the contract, subcontract, bid, proposal, or relationship voidable by the CPO if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, subcontracts, bids, proposals, or relationships with the OAG for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented upon by the CPO, who must rule in writing whether and when to reinstate.

i) Other Procurements
In addition, all disclosures shall note any other current or pending contracts, proposals, subcontracts, leases, or other ongoing procurement relationships the bidding, proposing, offering, or subcontracting entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease, or other relationship. [30 ILCS 500/50-35(h)]

j) Continuing Obligation
The contractor or bidder has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process or during the term of any contract. [30 ILCS 500/50-35(i)]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1275 Procurement Communications Reporting Requirement

a) *Reporting Requirement*

1) *Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally*

and substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active~~a~~ procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the CPO. These communications do not include the following:

A) *statements by a person publicly made in a public forum;*

B) *statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;~~ and~~*

C) *statements made by an OAG employee to the Auditor General or other employees of the OAG, or to an employee of another State agency who, through the communication, is either:*

i) *exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the* OAG; *or*

ii) *exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities;*

D) *unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter;*

E) *communications received in response to procurement solicitations, including, but not limited to, vendor responses to a request for information, request for proposal, request for qualifications, invitation for bid, or a small purchase, sole source, or emergency solicitation, or questions and answers posted to the* Auditor General *Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures, or guidelines;*

F) *communications that are privileged, protected, or confidential under law; and*

G) *communications that are part of a formal procurement process as set out by statute, rule, or the solicitation, guidelines, or procedures, including, but not limited to, the posting of procurement opportunities, the process for approving a procurement or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes*.

2) *The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.* [30 ILCS 500/50-39(a)]

b) *The report required by subsection (a) shall be submitted monthly and include at least the following:*

1) *the date and time of each communication;*

2) *the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended;*

3) *the identity and job title of the person to whom each communication was made;*

4) *if a response is made, the identity and job title of the person making each response;*

5) *a detailed summary of the points made by each person involved in the communication;*

6) *the duration of the communication;*

7) *the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and*

8) *any other pertinent information.* [30 ILCS 500/50-39(b)]

c) *Additionally, when an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in subsection (b).* [30 ILCS 500/50-39(c)]

d) The CPO shall make each report submitted pursuant to this Section available on the Auditor General Bulletin within 7 days after receipt of the report. *No trade secrets or other proprietary or confidential information shall be included in any communication reported to the* CPO. [30 ILCS 500/50-39(b)]

e) The reporting requirements shall also be conveyed through ethics training under the State Officials and Employees ~~and Officials~~ Ethics Act [5 ILCS 430]. An employee who knowingly and intentionally violates this Section shall be subject to suspension or discharge.

f) *For purposes of this Section:*

1) *"Active Procurement Matter" means a procurement process beginning with requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals, or extensions.*

2) *"Material Information" means information that a reasonable person would deem important in determining his or her course of action and pertains to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.*

3) *"Material Argument" means a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. "Material argument" does not include general information about products, services, or industry best practices or a response to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies.* [30 ILCS 500/50-39(g)]

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART N: PROTESTS AND REMEDIES

Section 500.1300 Suspension and Debarment

a) Application
This Section applies to all debarments or suspensions of vendors~~contractors and subcontractors~~ from consideration for award of contracts. For purposes of this Section, references to "vendors" includes subcontractors.

b) The CPO may suspend a vendor~~contractor or subcontractor~~ from doing business with the OAG, or from providing specific types of supplies or services. A suspension may be issued for cause for a period of up to 10 years upon a showing the contractor or subcontractor violated any law governing the procurement transaction or this Part, or failed to conform to specifications or terms of delivery.

c) When the CPO finds cause exists for suspension or debarment, a notice of suspension or debarment, including a copy of that~~such~~ determination, shall be sent to the vendor~~suspended contractor or subcontractor~~. Offers will not be solicited from the vendor~~suspended contractor or subcontractor,~~ and, if received, will not be considered during the period of suspension or debarment.

d) The CPO may suspend a vendor~~A contractor or subcontractor may be suspended~~ for a period of time commensurate with the seriousness of the offense, but for no more than 10 years. The suspension will be effective 7~~seven~~ calendar days after receipt of notice unless, an objection is filed. If an objection is filed, the suspension shall~~would~~ not become effective until the evaluation of the objection is completed.

e) The CPO may debar a vendor~~contractor or subcontractor~~. Debarment is the

permanent suspension of a vendor~~contractor or subcontractor~~ from doing business with the OAG. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Offers received from the debarred vendor~~contractor~~ or proposing the use of a debarred subcontractor will not be considered as responsive. The debarment will be effective 7 calendar days after receipt of notice, unless an objection is filed. If an objection is filed, the debarment shall not become effective until the evaluation of the objection is completed.

f) The CPO shall post the public record of suspensions and debarments that are currently in effect in the Auditor General Bulletin~~shall maintain a master list of all suspensions and debarments. The master list will retain information concerning suspensions and debarments as public records. Such records will be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility~~.

g) A vendor objecting to the suspension or debarment shall do so in writing, detailing why the action is not valid and providing any documentation to support that position. The vendor may request a hearing. This hearing shall be conducted in accordance with Section 500.1340.

h) The CPO shall maintain a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. These records will be maintained for a period of at least 3 years following the end of the suspension or debarment. This public information may be considered in determining responsibility.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1310 Resolution of Contract Controversies (Repealed)

~~a) Authority to Settle or Resolve Controversies~~
~~The CPO or Procurement Officer who established the contract shall have authority to settle and resolve controversies but the Auditor General may set limits on such authority.~~

~~b) Authority of OAG~~

~~The OAG has the authority to accept delivery of supplies or services in accordance with contract requirements as satisfactory adjustment of a complaint.~~

~~e)~~ ~~Substitution of Terms/Price Reduction~~
~~If the vendor proposes to make an adjustment by:~~

~~1)~~ ~~substituting an alternative specification; or~~

~~2)~~ ~~reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract, such proposal must be referred to and approved by the Procurement Officer.~~

~~d)~~ ~~Cancellation for Breach of Contract~~
~~In any of the following cases the CPO or Procurement Officer shall have the right to terminate or rescind any contract entered into under this Part:~~

~~1)~~ ~~the successful offeror fails to furnish a satisfactory performance bond within the time specified;~~

~~2)~~ ~~the vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the OAG;~~

~~3)~~ ~~any supplies or services provided under the contract are rejected (for example, not meeting specifications, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly;~~

~~4)~~ ~~the vendor is guilty of misrepresentation (for example, misbranding) in connection with another contract for the sale of supplies or services to the State such that the vendor cannot reasonably be depended upon to fulfill its obligations as a responsible vendor under any of its contracts with the OAG;~~

~~5)~~ ~~the vendor:~~

~~A)~~ ~~is adjudged bankrupt or enters into receivership or makes a general assignment for the benefit of its creditors due to insolvency; or~~

~~B) disregards laws, rules or instructions of a contracting officer; or~~

~~C) acts in violation of any provision of the contract or this Part;~~

~~6) the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States; or~~

~~7) any other breach of contract or other unlawful act by the vendor.~~

~~e) Cancellation for Fraud, Collusion, Illegality, Etc.~~
~~The OAG may cancel any contract it established if there is sufficient evidence to show that:~~

~~1) the contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or~~

~~2) the contract conflicts with any statutory provision of the State of Illinois or of the United States.~~

~~f) Withholding Money to Compensate State for Damages~~
~~If a contract is terminated or rescinded under this Section, the State may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.~~

~~g) Damages~~
~~The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:~~

~~1) the additional cost of supplies or services bought elsewhere;~~

~~2) cost of repeating the procurement procedure;~~

~~3) any expenses incurred because of delay in receipt of supplies or services; and~~

~~4) any other damages caused by the vendor's breach of contract or unlawful act.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 500.1320 Violation of Law or Rule

a) Determination that Solicitation or Award Violates Law
If the CPO finds that the solicitation or proposed award is in violation of statute or rule, the CPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.

b) Determination that Contract Violates this Part

1) If any contract or amendment to a contract is entered into or purchase or expenditure of funds is made at any time in violation of this Part or any other law, the contract or amendment may be declared void by the CPO or may be ratified and affirmed, provided the CPO determines that ratification is in the best interests of the OAG. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

2) If, during the term of a contract, the OAG determines that the contractor is delinquent in the payment of debt as set forth in Section 500.1217 of this Part, the OAG may declare the contract void if it determines that voiding the contract is in the best interests of the State.

3) If, during the term of a contract, the OAG determines that the contractor is in violation of Section 500.1215 of this Part, the OAG shall declare the contract void.

4) If, during the term of a contract, the OAG learns from an annual certification or otherwise determines that the contractor no longer qualifies to enter into State contracts~~ by reason of Section 500.1200, 500.1210, 500.1218, 500.1235 or 500.1238 of this Part~~, the CPO may declare the contract void if it determines that voiding the contract is in the best interests of the State.

5) If, during the term of a contract, the CPO learns from an annual certification or otherwise determines that a subcontractor subject to this Part no longer qualifies to enter into State contracts~~ by reason of Section 500.1200, 500.1210, 500.1215, 500.1217, 500.1218, 500.1235, or 500.1238 of this Part~~, the CPO may declare the related contract void if it determines that voiding the contract is in the best interests of the State. *However, the related contract shall not be declared void unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor no longer qualifies to enter into State contracts.* [30 ILCS 500/50-60(e)]

c) Effect of Declaring a Contract Null and Void
In all cases in which a contract is voided, the OAG shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1330 Protests

a) Procurement-Related Protests Allowed~~Protest Resolution by the Procurement Officer~~

1) Any person may submit a protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting and any decision to reject a late bid or proposal.

2) Any person who has submitted a bid or proposal may protest a decision to reject the person's bid or proposal or to award to another person~~An actual or prospective bidder, offeror, or vendor that may be aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award provided the aggrieved party has evidence of a violation of a procurement statute, procurement rule, or the solicitation itself~~.

b) Protest Review Officer
The CPO may act as the Protest Review Officer (PRO) or may appoint one or more Protest Review Officers to consider the procurement-related protests and

make a recommendation to the CPO for resolution of the protest. The CPO may adopt the recommendation or take other action.

c~~b~~) Submission~~Filing~~ of Protest

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document or, in the absence of any designation, to the CPO.~~Protests shall be made in writing to the CPO, and shall be filed by noon on the seventh calendar day after the aggrieved party knew or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the CPO. Protests filed after the 7 calendar day period shall not be considered. With respect to a protest regarding specifications or other terms and conditions of the solicitation document, the protest must be received within 7 calendar days after the date the solicitation was posted in the Auditor General Bulletin, or issued if not posted in the Auditor General Bulletin. To expedite handling of protests, the envelope should be labeled "Protest."~~

2) The protest must be physically received by the PRO at the location specified. A postmark or other carrier mark prior to the due date and time is not sufficient to show physical receipt. Fax and email qualify as writing, but the PRO does not guarantee receipt using those means.

A) In regard to the solicitation notice or solicitation document including specifications, a protest must be received within 14 days after the date the solicitation was posted to the Auditor General Bulletin and must be received by the PRO at the designated address before the date for opening bids or proposals.

B) In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 days after the protesting party knows or should have known of the facts giving rise to the protest to ensure consideration and, in any event, must be received before execution of the applicable contract.

3) Any notice posted to the Auditor General Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked as protests on the delivery container, the

fax cover sheet or the e-mail subject line.

5) The written protest shall include at a minimum the following:

A) the name and address of the protesting party~~protester~~;

B) ~~appropriate~~ identification of the procurement and, if a contract has been awarded, its number or other identifier;

C) a statement of reasons for the protest specifically identifying any alleged violation of a procurement statute, a procurement rule, or the solicitation itself, including the evaluation and award (conclusions without supporting facts and arguments may not be sufficient); ~~and~~

D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated; and

E) specific relief sought.

d~~e~~) Requested Information; Time for Filing
The protesting party must supply any additional information requested by the PRO within the time periods set in the request. If the protesting party fails to comply with this request, the PRO shall consider the protest on the basis of available information or may deny the protest~~Any additional information requested by the OAG shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the CPO may result in resolution of the protest without consideration of that information~~.

e~~d~~) Stay of Procurements During Protest
Unless the CPO determines the needs of the OAG require an immediate execution of a contract, the following apply:

1) When a protest has been timely filed and before an award has been made, the Procurement Officer shall make no award of the contract until the protest has been resolved.

2) If timely received but after award, the award shall be stayed without penalty to the State~~, or the award may be honored or revoked in whole or in part depending on the outcome of the protest review. In any case the CPO may make the award or reinstate the award upon a determination that the needs of the State require an immediate award and performance under the contract~~.

f~~e~~) Resolution~~Decision by the CPO~~
The CPO will resolve the protest by means of a written determination. The resolution may include affirming the OAG's initial decision, in whole or in part, or revoking the OAG's decision in whole or in part. The CPO will resolve the protest as expeditiously as possible after receiving all relevant, requested information~~A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant, requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation~~.

g~~f~~) Effect of Judicial or Administrative Proceedings
If an action concerning the protest has commenced in a court or administrative body, the CPO may defer resolution of the protest pending the judicial or administrative determination~~shall not act on the protest, but shall refer the protest to the Attorney General. This subsection shall not apply when a court requests, expects, or otherwise expresses interest in the decision of the CPO~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1340 Hearing Procedures

a) General
Any hearing required or offered in this Part shall be conducted in accordance with the procedures within this Section.

b) Informal Process
The hearing is for the purpose of receiving information from interested persons in a reasonable manner. Formal rules of evidence will not apply, nor will the hearing be conducted in the manner of a trial. The Hearing Officer may record the hearing to aid in producing minutes or may use the recording as the minutes.

c) Hearing Officers

1) The CPO may appoint one or more Hearing Officers to conduct the hearing. If more than one Hearing Officer is assigned to conduct a hearing, one shall be designated as the Chief Hearing Officer.

2) The Hearing Officer may require that the Procurement Officer attend the hearing or be part of the Hearing Panel.

3) The Hearing Officer will hear and consider information presented by interested persons and make a recommendation to the CPO regarding the validity of the determination of the subject matter of the hearing.

4) The Hearing Officer shall be responsible for the orderly conduct of the hearing by exercising discretion in:

A) Scheduling, starting and ending the hearing;

B) Setting the order of activities;

C) Setting reasonable time limits for oral statements;

D) Resolving any conflicts that may arise during the hearing.

5) The Hearing Officer may cancel a hearing at any time prior to commencing a hearing, including making an announcement at the scheduled hearing date, time and location, but shall give as much advance notice as possible under the circumstances. A notice confirming the cancellation and any reschedule information will be published in the Auditor General Bulletin.

6) The Hearing Officer may change a scheduled hearing date, time or location prior to commencing a hearing by posting a notice outside the hearing room and by posting a notice to the Auditor General Bulletin. The hearing should be continued to the next practicable date. In setting the next practicable hearing date, the Hearing Officer may take into consideration the schedule of the parties, the hardship to witnesses or the general public, travel and logistical considerations and any other matters that would affect public participation in the hearing.

7) After commencing a hearing, the Hearing Officer may reconvene a hearing by announcing the new date and time at the hearing and posting the new date and time outside the hearing room. The hearing shall be continued to the next practicable date in accordance with subsection (c)(6).

d) Notice of Hearing

1) Notice that a hearing will be held to receive testimony or written comments regarding the subject matter identified in the notice will be published in the Auditor General Bulletin. The hearing notice shall be published in the Auditor General Bulletin as soon as practicable.

2) The hearing may be held as soon as the first working day following the end of the notice period. The notice shall contain the following information and may describe more than one matter to be considered at the same hearing:

A) The name of the affected parties (e.g., State agency and vendor);

B) A description of the subject matter;

C) A justification for the action under review;

D) Requirements for testifying or submitting written comments;

E) Hearing contact information;

F) The date, time and location of the hearing;

G) A statement that all written comments and oral testimony shall be considered public record and open to review by the public;

H) A statement of, or reference to, this Section.

e) Written Comments and Oral Testimony

NOTICE OF PROPOSED AMENDMENTS

Interested parties wishing to comment for or against the determination may do so in writing alone, may testify in person and may submit written comments reflecting the oral testimony.

1) Written Comments

A) Submission of Written Comments. Written comments are requested by the hearing registration deadline, shown in the Auditor General Bulletin notice, to aid the Hearing Officer in preparing for the hearing. However, all written comments received by the hearing date will be considered.

B) Incorporation of Written Comments. If the Hearing Officer has received any written comment, the name and affiliation of the person submitting the comment shall be stated for the record and the written comments shall be incorporated into the record. In addition, the Hearing Officer may read excerpts from or summarize the basic points of the written comments for the record.

2) Oral Testimony

A) Advance Registration. Any person who wishes to testify is requested to register with the Hearing Contact. Advance registration is requested to allow for efficient scheduling and to ensure the hearing room has sufficient capacity for those who wish to testify. Those who register in advance will be heard first on the matter for which they registered. The Hearing Officer has discretion to limit testimony for the efficiency of the hearing.

B) Written Copy of Testimony Requested. Written comments reflecting proposed oral testimony are requested by the hearing registration deadline shown in the Auditor General Bulletin notice to allow the Hearing Officer time to prepare for the hearing. A person testifying may submit written comments along with the testimony. The Hearing Officer may request a written copy of the oral testimony.

C) Witness Slip Required. Each person providing oral testimony must complete a witness slip and provide it to the Hearing Officer as instructed.

D) Duration of Testimony. Each interested party shall have a reasonable period of time to present his or her position based on the complexity of the issue and the press of other business.

f) Sole Source and Emergency Contract Extensions − Supplemental Provisions

1) The notice, including attachments, as shown in the Auditor General Bulletin represents the position of the OAG. The Hearing Officer shall have the notice placed into the record. A copy of the notice will be posted in the hearing room.

2) The Procurement Officer shall attend the hearing if any person registers in advance to testify in opposition to the sole source or emergency contract extension determination. Attendance may be by video or audio. The Procurement Officer shall respond to questions of the Hearing Officer.

3) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer may allow parties to engage in dialogue and allow follow-up questions and answers as needed to ensure full understanding of the matter. The Hearing Officer is not required to respond to substantive questions at the hearing nor make commitments regarding the content of his or her recommendation.

g) Suspension and Debarment − Supplemental Provisions
A party who receives notice of suspension or debarment may request a hearing to protest the suspension or debarment action. The hearing will be conducted in accordance with this Section and the following additional provisions shall apply.

1) The Hearing Officer may ask questions or request further written information in response to written comments or testimony or at the Hearing Officer's initiative. The Hearing Officer is not required to respond to substantive questions at the hearing or make commitments regarding the content of his or her recommendation.

2) Both the OAG and the vendor affected by a suspension or debarment may, at the discretion of the Hearing Officer, bring in witnesses to present testimony regarding the facts or circumstances that led to the determination to suspend or debar.

3) In addition to responding to questions of the Hearing Officer, the witnesses shall respond to questions by the affected vendor if, at the discretion of the Hearing Officer, the questions are allowed.

A) The Hearing Officer may allow questions when the subject matter of the question is relevant and the questioning will not unnecessarily delay the proceedings.

B) The Hearing Officer may deny questions when the subject matter seeks only to unnecessarily embarrass the witness or delay the proceedings.

h) Recommendation
After conclusion of the hearing, the Hearing Officer shall review the OAG's position, any information obtained from public comment (written or oral), applicable laws, rules and written policies, and other information deemed relevant.

i) Decision of the CPO

1) The CPO shall, after considering the Hearing Officer's recommendation, make a decision in writing (which may be electronic) to uphold or overturn, in whole or in part, the OAG's decision.

2) The CPO may request additional information from the Hearing Officer, or any other party, including supplemental comments or testimony from the interested parties, prior to making a decision.

3) The CPO may adopt the recommendation, in whole or in part, or may reject the recommendation, or may write a separate decision.

j) Notice of Decision

1) The decision of the CPO shall be provided to the impacted parties. A copy of the decision shall be posted to the Auditor General Bulletin.

2) Upon posting notice of a decision upholding the determination, the OAG may take action to have the contract executed.

k) Maintenance of Records
A copy of the public notices, any documents presented, any written comments, the recommendation of the Hearing Officer, and any decision of the CPO shall be maintained in the procurement file. Any transcript or recording of a public hearing shall be available upon request.

(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART P: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 500.1530 Inspections

a) Inspection of Plant or Site
The OAG may enter a vendor's or subcontractor's plant or place of business to:

1) inspect supplies or services for acceptance by the State~~ pursuant to the terms of a contract~~;

2) audit the books and records of any vendor or subcontractor~~ pursuant to Section 500.1540 (Records and Audits) of this Part~~;

3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to this Part;

4) determine whether the standards of responsibility have been met or are capable of being met;

5) determine if the contract is being performed in accordance with its terms; and

6) accomplishing any other purpose permitted by law.

~~b) Inspection and Testing of Supplies and Services~~

~~1) Solicitation and Contractual Provisions. OAG contracts may provide that the OAG may inspect supplies and services at the vendor's or subcontractor's facility and perform tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract.~~

~~2) Procedures for Trial Use and Testing. The Procurement Officer may establish operational procedures governing the testing and trial use of equipment, material, and other supplies, and the application of resulting information and data to specifications or procurements.~~

~~c) Conduct of Inspections~~

~~1) Inspectors. Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor. No inspector other than the Procurement Officer may change any provision of the specifications or the contract without written authorization of the Procurement Officer. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.~~

b)~~2)~~ ~~Location.~~ When an inspection is made in the plant or place of business of a vendor or subcontractor, the~~such~~ vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

c~~3~~) ~~Time.~~ Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed so as to not unreasonably delay the work of the vendor or subcontractor~~at reasonable times~~.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.1545 Taxes, Licenses, Assessments and Royalties

a) The contractor shall pay all current and applicable city, county, State and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of any contract, including, without limiting the foregoing, those

required by the Federal Insurance Contribution Act (26 USC 3101 et seq.), the Federal Unemployment Tax Act (26 USC 3301 et seq.) and the State Unemployment Insurance Act [820 ILCS 405], together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of taxes to the respective governments. In the event the taxes, licenses, assessments or royalties, or any part thereof, are in the first instance charged to the OAG, the contractor shall, upon timely demand of the OAG, pay the OAG the amount of the tax, license, assessment or royalty due, plus all penalties that may have accrued.

b) The OAG is exempted by Section 3-5 of the Use Tax Act [35 ILCS 105/3-5] from paying any of the taxes imposed by that Act, and sales to the OAG are exempt by Section 2-5(11) of the Retailers' Occupation Tax Act [35 ILCS 120/2-5(11)] from any of the taxes imposed by that Act. The OAG will provide its exemption numbers to vendors in order to receive an exemption from tax when making purchases of tangible personal property. Contractors making purchases from vendors of tangible personal property that will be incorporated into real estate owned by the OAG must present vendors with the OAG's exemption number and other required documentation in order to receive an exemption from tax.

c) Offerors must not include in their prices any allowance for payment under Federal Excise Tax if the OAG is exempt from those taxes. If an order or contract is awarded for the purchase of an item that is subject to Federal Excise Tax, the OAG will furnish the vendor with an exemption certificate upon request.

(Source: Added at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Emergency Medical Services and Trauma Center Code

2) Code Citation: 77 Ill. Adm. Code 515

3)

Section Numbers:	Proposed Action:
515.715	New
515.830	Amend

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: Section 515.715 implements PA 97-1014, which amended the Emergency Medical Services (EMS) Systems Act to add provisional licenses for first responders and to require the Department to develop standards for alternate vehicle staffing in rural or semi-rural areas. It will create a provisional licensure for First Responders (FR) and Emergency Medical Responders (EMR). This rule will allow 16 and 17 year olds to be licensed as a Provisional FR or EMR until his or her 18th birthday, when his or her license will then become an FR or EMR license.

Section 515.830 updates the ambulance medical equipment list to include electronic documentation with paper backup, and to increase the number of adult, pediatric and infant oxygen masks from one to two. The equipment changes also include the addition of a current safety inspection sticker, the Illinois poison center telephone number and the IDPH central complaint hotline. The amendments eliminate personnel requirements for Basic Life Support (BLS) ambulances that have an Automated External Defibrillator on board, since these are now required on all BLS ambulances. The amendments also implement PA 97-1014 by describing the requirements necessary for alternate rural staffing and alternate response authorization for rural areas of the State.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

9) Does this rulemaking contain incorporations by reference? No

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

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

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Emergency service agencies, which can be small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Procedures and policies will need to be required if the EMS agency decides they want to have a rural staffing or an alternate response or Provisional FR or EMR personnel in their System. These are not mandated.

C) Types of professional skills necessary for compliance: Emergency Medical Personnel

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14) Regulatory Agenda on which this rulemaking was summarized: January 2012 and July 2012

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

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

SUBPART B: EMS REGIONS

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

SUBPART C: EMS SYSTEMS

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

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

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

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

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

Section
515.700 EMS Lead Instructor
515.710 Emergency Medical Dispatcher
515.715 Provisional Licensure for First Responders and Emergency Medical Responders
515.720 First Responder
515.725 First Responder – AED

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NOTICE OF PROPOSED AMENDMENTS

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

SUBPART F: VEHICLE SERVICE PROVIDERS

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.990 Off-Road Vehicle Specifications and Operation
515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

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

SUBPART I: EMS ASSISTANCE FUND

Section
515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section
515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

515.APPENDIX A A Request for Designation (RFD) Trauma Center

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

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

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

at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. _____, effective _____.

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

Section 515.715 Provisional Licensure for First Responders and Emergency Medical Responders

a) A person under the age of 18 shall not be issued a First Responder or Emergency Medical Responder license. A person between the ages of 16 and 18 who has successfully completed a Department approved First Responder or Emergency Medical Responder course may apply to the Department for a provisional First Responder or Emergency Medical Responder License. Upon satisfaction of all other applicable requirements, the Department shall issue a provisional license, subject to the following limitations:

1) A person with a provisional license shall not use his or her provisional license except when affiliated with a recognized Illinois EMS System and with the written authorization of that EMS System's Medical Director;

2) A provisional licensee shall not be placed in a position of primary response to emergencies by any licensee of the Department, unless the assignment satisfies all other provisions of this Part;

3) A provisional licensee shall function as a First Responder or Emergency Medical Responder only while under the direct, personal and continuous supervision of at least one other non-provisional EMS personnel licensed at or above the level of the provider's license. Nothing in this Part shall preclude a provisionally licensed First Responder or Emergency Medical Responder from providing Nationally Recognized Basic First Aid when not participating as part of the emergency medical response of his/her

affiliated agency;

4) A provisional licensee shall not be involved in the transport of a patient unless he or she is under the direct, personal and continuous supervision of at least two other non-provisional EMS personnel licensed at or above the level of the transport provider's license. A provisional licensee shall not be used to satisfy the staffing requirements of this Part;

5) A provisional licensee shall not operate, drive or maneuver a Department licensed transport vehicle, rescue vehicle or non-transport agency owned vehicle in connection with an emergency response or the transportation of any patient; and

6) A provisional licensee may apply to the Department for full licensure upon turning 18 years of age as required in Section 515.725.

b) The EMS provider agency and the supervising licensee shall be jointly responsible for assuring that no provisional licensee violates rules applicable to the provisional licensee and shall jointly report, in writing, the nature and details of any violations of this Section to the EMS Medical Director within 48 hours after the occurrence. A failure to make written reports as required shall be grounds for disciplinary action as authorized by this Part.

c) Violation of provisions applicable to provisional licensees shall be grounds for any form of disciplinary action authorized by this Part, up to and including license suspension and revocation.

d) Applicants for Provisional First Responder shall verify compliance pursuant to Section 10-65(c) of the Illinois Administrative Procedure Act and Section 515.620 of this Part on a form prescribed by the Department.

e) The Provisional First Responder license fee shall be the same fee schedule for First Responders/Emergency Medical Responders. The license fee shall be in effect for four years and include the opportunity to apply for upgrade to First Responder/Emergency Medical Responder licensure upon age 18.

(Source: Added at 37 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.830 Ambulance Licensing Requirements

a) Vehicle Design

1) Each new vehicle used as an ambulance shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822F), with the exception of Section 3.16.2, Color, Paint and Finish.

2) *A licensed vehicle* shall be exempt *from subsequent vehicle design standards or specifications required by the Department* in this Part, *as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred*. (Section 3.85(b)(8) of the Act)

3) The following requirements listed in Specification KKK-A-1822F shall be considered mandatory in Illinois even though they are listed as optional in that publication:

A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).

B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).

C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).

D) 3.15.4M3 Electric clock with sweep second hand will be provided.

b) Equipment Requirements – Basic Life Support Vehicles
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

1) Stretchers, Cots, and Litters

A) Primary Patient Cot

Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.

B) Secondary Patient Stretcher
Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.

2) Oxygen, portable
Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.

3) Suction, portable

A) Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.

B) A manually operated suction device is acceptable if approved by the Department.

4) Medical Equipment

A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks

B) Lower-extremity traction splint, adult and pediatric sizes

C) Blood pressure cuff, one each, adult, child and infant sizes and gauge

D) Stethoscopes, two per vehicle

E) Pneumatic counterpressure trouser kit, adult size, optional

F) Long spine board with three sets of torso straps, 72" x 16" minimum

G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap

around) per vehicle; extrication device optional

H) Airway, oropharyngeal – adult, child, and infant, sizes 00-5

I) Airway, nasopharyngeal with lubrication, sizes 12-34F

J) Two adult and two pediatric~~One adult, child and infant~~ sized non-rebreather oxygen masks per vehicle

K) Two infant partial re-breather oxygen masks per vehicle

L~~K~~) Three nasal cannulas, adult and child size, per vehicle

M~~L~~) Bandage shears, one per vehicle

N~~M~~) Extremity splints, adult, two long and short per vehicle

O~~N~~) Extremity splints, pediatric, two long and short per vehicle

P~~O~~) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral rotation of the head and cervical spine when spine injury is suspected

Q~~P~~) Patient restraints, arm and leg, sets

R~~Q~~) Pulse oximeter with pediatric and adult probes

S~~R~~) AED or defibrillator that includes pediatric capability

5) Medical Supplies

A) Trauma dressing – six per vehicle

B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches

C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards

D) Vaseline gauze – two per vehicle, 3 inches by 8 inches

E) Adhesive tape rolls – two per vehicle

F) Triangular bandages or slings – five per vehicle

G) Burn sheets – two per vehicle, clean, individually wrapped

H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags

I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe

K) Cold packs, three per vehicle

L) Hot packs, three per vehicle, optional

M) Emesis basin – one per vehicle

N) Drinking water – one~~1~~ quart, in nonbreakable container; sterile water may be substituted

O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E of this Part or electronic documentation with paper backup

P) Pillows – two per vehicle, for ambulance cot

Q) Pillowcases – two per vehicle, for ambulance cot

R) Sheets – two per vehicle, for ambulance cot

S) Blankets – two per vehicle, for ambulance cot

T) CPR mask – one per vehicle, with safety valve to prevent backflow of expired air and secretions

U) Urinal

V) Bedpan

W) Remains bag, optional

X) Nonporous disposable gloves

Y) Impermeable red biohazard-labeled isolation bag

Z) Face protection through any combination of masks and eye protection and field shields

AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port

BB) Child and infant or convertible car seats

CC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart

DD) Flashlight, two per vehicle, for patient assessment

EE) Current Safety Inspection sticker (see Illinois Vehicle Code [625 ILCS 5])

FF) Illinois Poison Center telephone number

GG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient

c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) of this

Section and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.

d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"

2) Goggles for eye safety

3) Flashlight – one per vehicle, portable, battery operated

4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 of this Part.

f) Equipment Requirements – Epinephrine
A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) *with him or her* in the ambulance or drug box *as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician,* within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each Basic Life Support~~basic life support~~ ambulance shall be staffed by a minimum of one EMT Basic, Intermediate, Paramedic or ~~two EMTs, intermediate, paramedic,~~ Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre Hospital RN or physician ~~Pre-Hospital RNs or physicians or a combination thereof~~ on all responses.~~emergency calls.~~

~~2) Each Basic Life Support vehicle using automated defibrillation shall be staffed by a minimum of one EMT-B approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.~~

2)~~3)~~ Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one Intermediate, Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic,~~of one EMT-I,~~ Pre-Hospital RN or physician on all responses~~and one other EMT, Pre-Hospital RN or physician. Each ILS vehicle using automated defibrillation shall be staffed by a minimum of one EMT-I approved by the EMS Medical Director for automated defibrillation, a Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.~~

3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre-Hospital RN or physician on all responses.

h) Alternate Rural Staffing Authorization

1) A Vehicle Service Provider *that serves a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers or paid-on-call personnel or a combination* to provide patient care may apply for alternate rural staffing authorization to authorize the ambulance, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMT licensed at or above the level at which the vehicle is licensed, plus one First Responder/Emergency Medical Responder when two licensed Emergency Services Personnel are not available to respond. (Section 2.85(b)(3) of the Act)

2) The EMT licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.

3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.

4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:

A) That it has undertaken extensive efforts to recruit and train licensed EMS personnel;

B) That, despite its exhaustive efforts, licensed EMS personnel are not available; and

C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).

5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C) of this Section. Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.

6) Alternate rural staffing authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate rural staffing authorization may be summarily suspended by written order of the Director or designee, served on the Vehicle Service Provider, if the Director or designee determines that continued operation under the alternate rural staffing authorization presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing.

7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS

MD to the Department for a staffing waiver pursuant to Section 515.150.

i) Alternate Response Authorization

1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed Emergency Services Personnel.

2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed Emergency Services Personnel is on scene or in route to the emergency response location.

3) The Vehicle Service Provider shall demonstrate to the Department that it has safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the ambulance, unless the Vehicle Service Provider is approved for alternate rural staffing authorization.

4) Alternate response authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director or designee, served on the Vehicle Service Provider, if the Director or designee determines that continued operation under the alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

j) Alternate Response Authorization – Secondary Response Vehicles

1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Special-Use Vehicle, or Limited Operation

Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one licensed Emergency Services Personnel.

2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second licensed Emergency Services Personnel provider is on the scene or in route to the emergency response location.

3) The Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the ambulance, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h).

4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director or designee, served on the Vehicle Service Provider, if the Director or designee determines that continued operation under the alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

~~4) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS System that the agency providing emergency care at the scene and enroute to a hospital meets the requirements of this Subpart.~~

k~~h~~) Operational Requirements

1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k)~~below~~, each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the~~such~~ coverage shall~~will~~ meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted that~~, which~~ lists the EMS Personnel~~EMTs~~, Pre-Hospital RNs and~~and/or~~ physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and daytime telephone number, and shall state whether the~~such~~ person is ~~generally~~ scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall ~~be required to~~ obtain the EMS MD's~~Medical Director's~~ approval of their vehicles' hours of operation prior to submitting an application to the Department. An EMS MD ~~Medical Director~~ may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A Vehicle Service Provider~~licensee~~ that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in the advertisement the hours of operation for those

vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515.Appendix E.

4) A Vehicle Service Provider~~licensee~~ shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the~~such~~ service.

5) A Vehicle Service Provider~~licensee~~ shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h) of this Part.)

6) A Vehicle Service Provider~~licensee~~ shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the~~such~~ vehicle is operated pursuant to an EMS System-approved in-field service level upgrade.

7) The Department will inspect~~shall relicense qualifying~~ ambulances each year. If the Vehicle Service Provider~~licensee~~ has no violations of this Section that threaten the health of safety of patients or the public~~attained 90 percent compliance with the requirements of this Section on inspections~~ for the previous five years and has no substantiated complaints against it, the Department will~~shall~~ inspect the Vehicle Service Provider's~~licensee's~~ ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval,~~licensee shall~~ self-inspect its ambulances in the other years. The Vehicle Service Provider~~licensee~~ shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting unannounced inspections.

l~~i~~) A licensee may use a replacement vehicle for up to 10 days without a Department inspection provided that the Department is notified of the use of the vehicle by the second working day.

m~~j~~) *Patients, individuals who accompany a patient, and emergency services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health* shall *impose a civil penalty on an individual who violates this subsection in the amount of $100.* (Section 3.155(h) of the Act)

n~~k~~) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Added at 37 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3)

Section Numbers:	Proposed Action:
1060.20	Amendment
1060.60	Amendment
1060.70	Amendment
1060.120	Amendment
1060.160	Amendment
1060.180	Amendment
1060.181	New Section
1060.190	Amendment
1060.200	Amendment

4) Statutory Authority: 625 ILCS 5/6-419

5) A Complete Description of the Subjects and Issues Involved: PA 97-1025 required the Secretary of State and the Illinois State Board of Education to work in consultation to develop and adopt course content standards for driver education of those persons under the age of 18.

This proposed rulemaking moves some provisions relating to teen driver education from 1060.180 to the newly created 1060.181, which sets forth the required course content for driver's education, including classroom and behind the wheel instruction.

Additionally, the Secretary of State took this opportunity to amend other Sections of Part 1060 unrelated to the passage of PA 97-1025, such as clarifying that a commercial driver training school owner or instructor cannot concurrently teach driver education at a public high school, clarifying that the statutorily required criminal background check can be used by the Secretary of State in an administrative hearing requested by the applicant, clarifying that a commercial driver training school may not advertise until licensed by the Secretary of State and clarifying that all records of road tests must be kept, regardless of where the road test is administered. The rulemaking also contains provisions that allow the Secretary of State to deny an application or to cancel a license if the applicant or instructor/owner engages in reckless, dangerous or unprofessional conduct in relation to the students.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

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

9) Does this proposed rulemaking contain incorporations by reference? No

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

11) Statement of Statewide Policy Objectives: The 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 website, 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: Commercial Driver Training Schools

B) Reporting, bookkeeping or other procedures required for compliance: Records of road tests, regardless of where conducted, must be maintained by the commercial driver training school. Records of the course of instruction for each student enrolled must be maintained (not a new requirement).

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: 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 STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	
1060.5	Definitions
1060.10	Unlicensed Person May Not Operate Driver Training School
1060.20	Requirements for School Licenses
1060.30	Driver Training School Names
1060.40	Refund of Application Fees
1060.50	School Locations and Facilities
1060.60	Driver Training School Student Instruction Record
1060.70	Driver Training School Course of Instruction
1060.80	Driver Training School Contracts
1060.90	Inspection of School Facilities
1060.100	Licenses
1060.110	Safety Inspection of Driver Training School Motor Vehicles
1060.120	Requirements to Obtain and Retain a Driver Training Instructor's License
1060.130	Examination for Driver Training Instructor
1060.140	Temporary Permit
1060.150	Driver Training School Responsibility for Employees
1060.160	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.170	Hearings
1060.180	Teen Accreditation
1060.181	Teen Accreditation Classroom and Behind-the-Wheel Requirements
1060.190	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License
1060.200	Commercial Driver's License and/or Endorsement and/or Accreditation
1060.210	Driver Training School Responsibility for Employees (Recodified)
1060.220	Solicitation of Students and Pupils for Commercial Driver Training Instruction (Recodified)
1060.230	Hearings (Recodified)
1060.240	Teen Accreditation (Recodified)
1060.250	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License (Recodified)
1060.260	Commercial Driver's License and/or Endorsement and/or Restriction

NOTICE OF PROPOSED AMENDMENTS

Accreditation (Recodified)

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

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. 8658, effective May 18, 1990; recodified at 17 Ill. Reg. 20006, effective November 3, 1993; amended at 18 Ill. Reg. 7788, effective May 9, 1994; amended at 20 Ill. Reg. 3861, effective February 14, 1996; amended at 22 Ill. Reg. 22069, effective December 2, 1998; emergency amendment at 24 Ill. Reg. 8403, effective June 2, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15443, effective October 5, 2000; amended at 25 Ill. Reg. 6409, effective April 26, 2001; amended at 26 Ill. Reg. 15020, effective October 1, 2002; emergency amendment at 28 Ill. Reg. 398, effective December 22, 2003, for a maximum of 150 days; emergency expired May 19, 2004; amended at 28 Ill. Reg. 11925, effective July 26, 2004; amended at 30 Ill. Reg. 11377, effective June 14, 2006; amended at 31 Ill. Reg. 16008, effective November 16, 2007; amended at 33 Ill. Reg. 15811, effective October 27, 2009; amended at 34 Ill. Reg. 19099, effective November 22, 2010; amended at 37 Ill. Reg. _____, effective _____.

Section 1060.20 Requirements for School Licenses

a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training school license ~~unless~~:

1) Unless the~~The~~ applicant has at least one motor vehicle owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, that has been safety inspected and insurance certified as required in subsection (e) for use by the school for driver training purposes and driving instruction.

2) Unless the~~The~~ applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed

by the Department as a driver training instructor for that school.

3) Unless the~~The~~ physical facilities meet the requirements of this Part.

4) Unless the~~The~~ applicant is of good moral character as required pursuant to IVC Section 6-402(a). In making a determination of good moral character, the Department is not limited to, but may consider, the following:

A) Whether the applicant has been convicted of a felony or a misdemeanor. The Department shall consider:

i) The relationship of any crime of which the applicant has been convicted to the ability to operate a driver training school;

ii) The length of time that has elapsed since the applicant's last criminal conviction;

iii) Whether the applicant successfully completed any sentence imposed with the convictions;

iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.

B) If the person has been indicted, formally charged or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled.

i) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on his/her record in accordance with Section 1060.190(b) shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.

ii) If the person whose commercial driver training school license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.

iii) If the person whose commercial driver training school license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school license under another Section of this Part or the Illinois Vehicle Code.

5) To any licensed school owner who, during the course of any and all interaction with students:

A) engaged in activity that puts the student in danger; or

B) engaged in reckless behavior; or

C) failed to maintain a professional relationship with students at all times.

~~5) An individual whose commercial driver training school license has been denied, cancelled, suspended or revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.~~

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

c) The applicant shall not be a current salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

d) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur that would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities that are not up to standards only for the duration of the courses that have been started, if the Director of the Department consents. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local ordinance or State or federal law or regulation before the Director of the Department shall give consent. No new course can be started until facilities meet the minimum requirements for licensing.

e) No driver training school shall operate in the State of Illinois unless it provides and files with the Department a continuous surety bond in the principal sum of $10,000 for a non-accredited school, $40,000 for a CDL or teenage accredited school, $60,000 for a CDL accredited and teenage accredited school, $50,000 for a CDL or teenage accredited school with three or more licensed branches, $70,000 for a CDL accredited and teenage accredited school with three or more licensed branches, underwritten by a company authorized to do business in the State of Illinois, for the protection of the contractual rights of students as provided in IVC Section 6-402(e). All bonds filed pursuant to this provision shall be in substantially the following form:

Know All Persons by These Presents, That We,_____
_____, of
_____,
hereinafter referred to as Principal and _____, a corporation organized and existing to do business in the State of Illinois, for the use and benefit of all persons who may be damaged by breach of this bond, as Obligees, in the penal sum of $10,000 for a non-accredited school, $40,000 for a CDL or teenage accredited school, $60,000 for a CDL accredited and teenage accredited school, $50,000 for a CDL or teenage accredited school with three or more licensed branches, $70,000 for a CDL accredited and teenage accredited

school with three or more licensed branches, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents. The condition of this obligation is such that the principal has made application for a license or permit to the State of Illinois for the purpose of exercising the vocation of a driver training school. If the Principal faithfully complies with the Illinois Vehicle Code and all rules and regulations that have been or may hereafter be in force concerning the license or permit, and shall save and keep harmless the Obligees from all loss or damage that may be sustained as a result of the issuance of the license or permit to the Principal, this obligation shall be void; otherwise, this obligation shall remain in full force and effect. The bond will expire but may be continued by renewal certificate signed by Principal and Surety. The Surety may at any time terminate its liability by giving 30 days written notice to the Commercial Driver Training Section of the Department, 650 Roppolo Drive, Elk Grove Village, Illinois 60007, and the Surety shall not be liable for any default after that 30 day notice period, except for defaults occurring prior thereto.

Signed, Sealed and Dated this _____ day of _____, 20__.

Principal _____

Surety _____

By _____
Attorney-in-fact

f) Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

g) An owner or manager shall not engage in fraudulent activity as defined in Section 1060.5.

h) An owner or employee of a commercial driver training school shall not have been declared to have engaged in fraudulent activity within the 5 years prior to making application.

i) Licenses shall be issued by the Department.

j) An owner shall not have possession of questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations. This includes questionnaires purposely or inadvertently obtained from any Secretary of State employee or any individual acting on behalf of the Secretary of State.

k) An owner shall not knowingly use unlicensed instructors for the purpose of classroom or behind the wheel instruction.

l) An owner or applicant shall not be ~~currently~~ employed as an administrator and/or teacher of a State-approved high school driver education program.

m) An owner of a commercial driver training school that provides motorcycle instruction shall not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

n) An individual whose commercial driver training school license has been denied, cancelled, suspended or revoked pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

o) If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor, including for use at an administrative hearing should one be requested.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.60 Driver Training School Student Instruction Record

a) All driver training schools licensed by the Department shall maintain a permanent record of instruction given to each student in accordance with IVC Section 6-408. If records of the driver training school are kept on a computer, a hard copy must be retained for inspection purposes.

b) Each driver training school shall furnish the student a duplicate of his or her instruction record when the student completes all of the courses contracted for or otherwise ceases taking instruction at or with the school.

c) The branch office must maintain a copy of the student's instruction record and any other student records required by the Department for a minimum period of 6 months before transferring the records to the Main Office, where they shall be kept on file in accordance with IVC Section 6-408.

d) Road tests conducted at Secretary of State facilities and off-site commercial driving school testing sites~~conducted in a driver training school vehicle~~ are considered a part of instruction, and records of these tests~~documentation~~ shall be maintained by the driver training school.

e) Failure to maintain the required student instruction records, and/or the maintenance of incomplete records, shall be prima facie evidence that the required instruction was not administered.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.70 Driver Training School Course of Instruction

a) A minimum of 6 hours of classroom instruction and 6 hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the 6 hours of classroom instruction and declines the instruction. The~~Such~~ statements shall be kept with the student's instruction records.

b) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

c) The minimum of 6 hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department. If a student declines the behind-the-wheel instruction, the school shall secure a signed statement from the student, on forms prescribed by the

Department, wherein such student states he has been offered the 6 hours of behind-the-wheel instruction and declines the instruction. The~~Such~~ statements shall be kept with the student's instruction records.

d) The minimum of 6 hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least 4 hours of lectures or other instruction on safe driving practices.

e) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.

f) Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed 3 hours in length for any student in any 24 hour period, excluding time spent at a Driver Services facility for testing purposes. If more than one student is present in the training car (e.g., one student behind-the-wheel, one observing), the total combined time should not exceed 3 hours, excluding time spent at a Driver Services Facility for testing purposes. A driver training school providing training for a commercial driver's license is exempt from this requirement.

g) Each driver training school must submit an "Enhanced Instruction Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel instruction periods taken for every student who has had 25 hours of behind-the-wheel instruction. A supplementary "Enhanced Instruction Report" must be submitted after each additional 10 hours of instruction and a final report must be submitted within 5 days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.

h) A student must possess a current or valid instruction permit or valid driver's license unless exempted as provided by law during~~before~~ each and every behind-the-wheel lesson.

i) The commercial driver training school instructor shall be responsible for verifying

that each student has a valid instruction permit during~~before~~ each and every behind-the-wheel lesson.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.120 Requirements to Obtain and Retain a Driver Training Instructor's License

a) The Secretary of State shall not issue, or shall deny, cancel, suspend or revoke, a driver training instructor's license:

1) To any person who:

A) has not held a valid driver's license for any 2 year period preceding the date of application for an instructor's license;

B) intends to instruct in L and/or M classification, as defined in 92 Ill. Adm. Code 1030.30(b); and

C) has not held the representative classification for 3 consecutive years immediately prior to the date of application;

2) To any person who has been convicted of 3 or more offenses against traffic regulations governing the movement of traffic within the 2 year period immediately preceding the date of application for an instructor's license;

3) To any person who has had 2 or more convictions of a violation that caused an auto accident within the 2 year period immediately preceding the date of application for an instructor's license;

4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to IVC Section 11-501, leaving the scene of a fatal accident, pursuant to IVC Section 11-401, reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3], reckless driving, pursuant to IVC Section 11-503, or any sex or drug related offense within 10 years prior to the date of application; or to any person with more than one of these convictions;

5) To any person who has failed to pass the written, vision, or road test required by the Department for applicants for a driver training instructor's license;

6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to IVC Section 6-411(d). An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain the applicant's ability to safely operate a motor vehicle. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his/her limbs and feet. The physician must also provide his/her address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with subsection (d) of this Section;

7) To any person who fails to properly and fully complete an application for a license or otherwise indicates that he/she is unqualified to receive a driver training instructor's license;

8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to IVC Section 6-417;

9) To any person who is currently a salaried or contractual employee of the Secretary of State, as mandated by the guidelines of the Secretary of State's Office policy manual that states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to IVC Section 6-411(b);

11) To any person who is not at least 21 years of age and a resident of the State of Illinois;

12) To any person who has failed to comply with the provisions of this Part

pursuant to IVC Section 6-411(d);

13) To any person who is not of good moral character as required pursuant to IVC Section 6-411(a). In making a determination of good moral character, the Department is not limited to, but may consider the following:

A) If the person has been convicted of a felony or misdemeanor. The Department shall consider:

i) The relationship of any crime of which the person has been convicted to the ability to operate a driver training school;

ii) The length of time that has elapsed since the owner's last criminal conviction;

iii) Whether the applicant successfully completed any sentence imposed with the convictions;

iv) Whether the applicant has multiple convictions for felony or misdemeanor offenses.

B) If the person has been indicted or formally or otherwise charged with a felony or a misdemeanor, the license shall be either denied or cancelled.

i) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "guilty" by the court systems, the denial or cancellation previously entered on his/her record in accordance with Section 1060.190(b) shall stand. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code.

ii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is adjudicated "not guilty" by the court systems, the

denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code.

iii) If the person whose commercial driver training school instructor license has been denied or cancelled under this Part is granted a disposition of "court supervision" by the court systems, the denial or cancellation previously entered on the license in accordance with Section 1060.190(b) shall be rescinded. This action does not preclude further suspension and/or revocation of the commercial driver training school instructor license under another Section of this Part or the Illinois Vehicle Code;

14) To any person whose suspension under IVC Section 11-501.1, 11-501.6 or 11-501.8 has terminated within 10 years prior to the date of application; or to any person with more than one of the above suspensions under IVC Section 11-501.1 or 11-501.6;

15) To any person who has not completed a 30-hour course or an equivalent college or university course approved by the Director of the Department.

A) Any person possessing a current and valid commercial driver training instructor's license, or who is renewing a commercial driver training license issued by the Secretary of State's Office, shall be exempt from this requirement.

B) A driver training school whose instructor provides training to individuals under the age of 18 years is exempt from this requirement and must complete the mandatory 48 hour course as required in Section 1060.180;

16) To any person currently licensed by the Secretary of State as a Third Party Certification Program Safety Officer;

17) To any instructor or applicant~~person~~ who is ~~currently~~ an administrator and/or teacher of a State-approved high school driver education program;

18) To any currently licensed instructor who has been convicted of violating IVC Section 11-507 or to an applicant who has been convicted of violating IVC Section 11-507 within 10 years prior to the date of application.

b) If an applicant indicates that he/she has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor, including for use at an administrative hearing should one be requested.

c) No driver training instructor shall provide behind-the-wheel instruction in a vehicle that is classified higher than the classification of the instructor's driver's license. An instructor may hold two classifications: one classification from Classes A, B, C and D, and one classification from Classes L and M, as defined in 92 Ill. Adm. Code 1030.30(b). An instructor holding a Class A commercial driver's license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, and the highway safety sign test, and shall submit all applicable fees as set out in IVC Section 6-411 before being issued an instructor's license for classroom instruction only.

e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.

f) If a driver training instructor license is not renewed within one year after the previous year's expiration date, the applicant shall be required to take examinations pursuant to Section 1060.130.

g) An instructor shall not engage in fraudulent activity as defined in Section 1060.5.

h) During any and all interaction with students, an instructor: ~~the course of instruction in either classroom or behind-the-wheel, an instructor shall not engage in activity unrelated to normal driving instruction that puts the student in danger.~~

1) shall not engage in activity that puts the student in danger;

2) shall not engage in reckless behavior; and

3) shall maintain a professional relationship with students at all times.

i) An instructor shall not have possession of questionnaires used by the Driver Services Department in conjunction with administering driver's license examinations. This includes questionnaires purposely or inadvertently obtained from any Secretary of State employee or any individual acting on behalf of the Secretary of State.

j) An individual whose commercial driver training school instructor license has been cancelled pursuant to this Part may request an administrative hearing pursuant to 92 Ill. Adm. Code 1001.

k) An instructor of a commercial driver training school that provides motorcycle instruction shall not provide any person with an Illinois Department of Transportation Rider Education Course Completion Card.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.160 Solicitation of Students and Pupils for Commercial Driver Training Instruction

a) A driver training school owner and/or instructor may not solicit or advertise for business within 1500 feet of any building used as an office by the Secretary of State having to do with the administration of any laws relating to motor vehicles.

b) A driver training school owner and/or instructor may only advertise the use of training locations that are currently licensed.

c) A driver training school owner and/or instructor may not advertise that the school and/or instructor offers CDL and/or teen-accredited instruction unless the school and/or instructor are currently CDL and/or teen accredited.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.180 Teen Accreditation

a) Accreditation of the School – Each commercial driver training school that desires to offer driver training instruction to persons~~those~~ under the age of 18 must be accredited by the Secretary of State through the Department of Driver Services before instruction can be provided, offered or advertised.

1) Upon receipt of proper application for teen accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities. The~~At the time of the visit, the~~ Secretary of State employee shall verify that the school satisfies the requirements~~meets the standards~~ set forth for commercial driving schools in IVC Sections~~Section~~ 6-401 through 6-418. In addition, the school shall satisfy the requirements ~~meet the standards~~ for commercial driver school teen accreditation ~~that are~~ set forth in subsections (b) through (e) of this Section, Section 1060.181 and all other applicable provisions of the IVC and Illinois Administrative Code. Upon request, these, requirements~~(f). These standards~~ shall be furnished to the school by the Secretary of State ~~before the visit if the school requests them~~. If all qualifications, requirements and standards are met, the school shall be accredited~~certified~~ to offer instruction to students under the age of 18.

2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications, requirements and standards are met and provided the school has been and remains in compliance with this Part.

3) Only qualified instructors~~teaching personnel~~ may provide instruction to

~~teach~~ persons under the age of 18. Exception: in the event of an emergency situation in which the only available instructor~~teacher~~ terminates his or her employment, or must take a leave of absence, while a course remains incomplete, other licensed instructors employed by the school may ~~take over and~~ complete the course. No new courses may be started before properly qualified instructors~~teaching personnel~~ are ~~again~~ available. In all such cases, the Department must give prior approval. Approval shall not be given until the Department has verified~~checked~~ the roster of instructors at the school and determined that no other instructor~~teacher~~ licensed by the Secretary of State to teach students under 18 is employed by~~available at~~ the school.

4) A teen accredited driving school must submit a permit cancellation request to the Secretary of State for any ~~teenage~~ student under the age of 18 with an instruction permit who withdraws from, or fails to complete, the teen accredited~~teenage~~ driver education program.

b) Required Facilities – All teen accredited driver training schools must provide all classroom facilities, vehicles~~and vehicle facilities~~ and equipment as prescribed by IVC Ch. 6, Art. IV (Commercial Driver Training Schools) and this Part. The teaching facilities must provide adequate, comfortable seating for students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.~~in the driving school laws and regulations administered by the Secretary of State. Those who desire to provide instruction for persons under the age of 18 must comply with Section 1060.50.~~

~~1) Required Course of Instruction~~

~~A) One copy of an outline covering the topics to be taught in the classroom phase of instruction, and one copy of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum" shall be maintained. The outlines must meet the approval of the Director of the Department.~~

~~i) Accredited teen driver training schools must follow the approved classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall~~

~~determine compliance with this provision by unannounced inspections of teen classes and records. At least one inspection shall take place every 2 months.~~

~~ii) If the classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing it of whether its classroom or behind-the-wheel outline has been approved.~~

~~B) Instructional materials shall be available and shall include a form of video delivery that corresponds with the outline described in subsection (b)(2)(A).~~

~~C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications shall be available for the use of students or teachers.~~

c) Instructor~~Teacher~~ Qualifications

1) Classroom Instructor~~Teacher~~ Qualifications – Each teen accredited driver training school must employ~~have~~ at least one classroom instructor licensed by the Secretary of State to teach the classroom portion of driver education to persons under the age of 18.~~employed who meets the standards of IVC Section 6-411, pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.~~

A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.120 and 1060.130.

B) The instructor must possess good physical and mental health. An application/physical exam form, provided by the Secretary of State, must be completed by the instructor and a physician.

C) The instructor must satisfy~~qualify under~~ one of the following requirements:

i) Hold a valid teaching certificate issued by the Illinois State

Board of Education that is endorsed for both secondary grades and safety and driver education pursuant to 23 Ill. Adm. Code 25.100 (Endorsing Teaching Certificates (2004))~~Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40. (Minor – 16 semester hours)~~; or

ii) Hold a baccalaureate degree, have one year of teaching experience in primary, secondary or higher education, and complete a 48 hour course approved by the Director of the Department; or~~.~~

iii) Complete the 48 hour course or an equivalent college or university course (a course, at least 48 hours in length, designed to provide individuals with the knowledge, methods and procedures specific to conducting driver education instructional courses, that has been approved by the Director of the Department) and provide written documentation verifying ~~he or she has had~~ 2 months of experience teaching the behind-the-wheel segment of driver education to persons age 18 or older; or~~adults~~.

iv) Hold a valid State teaching certificate and complete a 48 hour behind-the-wheel and classroom course approved by the Director of Driver Services.

2) Behind-the-wheel Instructor~~Teacher~~ Qualifications – Each teen accredited driver training school must employ at least one behind the wheel instructor licensed by the Secretary of State to teach the behind-the-wheel portion of driver education to persons under the age of 18.~~Behind-the-wheel teachers of driving shall be those who have passed an objective typewritten examination based upon current textbooks and the Motor Vehicle Code; a practical test regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in IVC Section 6-411(a) through (f) and supplementary regulations. Each teen accredited driver training school must have at least one behind-the-wheel instructor who meets the standards of IVC Section 6-411 pertaining to behind-the-wheel instructors who teach approved driver education courses to students under 18 years of age.~~

A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.120 and 1060.130.

B) The instructor must possess good physical and mental health. An application/physical exam form, provided by the Secretary of State, must be completed by the instructor and a physician.

C) The instructor must satisfy~~qualify under~~ one of the following requirements:

i) Hold a valid teaching certificate issued by the Illinois State Board of Education that is endorsed for both secondary grades and safety and driver education pursuant to 23 Ill. Adm. Code 25.100 (Endorsing Teaching Certificates (2004))~~Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40.~~; or

ii) Hold a baccalaureate degree and have 2 months of experience in teaching the behind-the-wheel segment of driver education to ~~adults~~ persons age 18 and older; or~~.~~

iii) Have 7 years of uninterrupted teaching experience in a commercial driver training school; or~~.~~

iv) Be licensed by the Secretary of State, complete the 48 hour course (48 Hour Course – a course, at least 48 hours in length, designed to provide individuals with the knowledge, methods and procedures specific to conducting driver education instructional courses that has been approved by the Department Director) or an equivalent college or university course approved by the Director of Driver Services, and provide written documentation verifying ~~he or she has had~~ 2 months of experience teaching the behind-the-wheel portion of driver education to persons age 18 and older; or ~~to adults.~~

v) Hold a valid State teaching certificate and complete a 48 hour course approved by the Director of Driver Services.

3) Classroom and/or behind-the-wheel instructors shall not ~~driver education teachers are to~~ be assigned ~~not~~ more than 12 clock hours of instructional work daily. No teen instruction, either classroom or behind-the-wheel, may~~can~~ take place between the hours of 10:00 p.m. and 6:00 a.m.

d) Student Qualifications

1) A driver training school or driver training instructor licensed by the Secretary of State shall comply with all of the requirements of IVC Section 6-408.5 prior to requesting a certificate of completion from the Secretary of State.

2) A superintendent or chief school administrator may waive the requirements contained within IVC Section 6-408.5 if he/she deems it to be in the best interests of the student or dropout. The State Board of Education may, at its discretion, by rule or regulation, establish guidelines for the waiver of the requirements of IVC Section 6-408.5.

3) Prior to a driver training school or driver training school instructor requesting a certificate of completion for a student, the driver training school or driver training instructor must verify that the student is enrolled in school and has received a passing grade in at least 8 courses during the 2 semesters. Verification of a student's eligibility to obtain a certificate of completion from the Secretary of State shall be by one of the following methods:

A) obtain written documentation on a form prepared or approved by the Secretary of State stating the student has received a passing grade in at least 8 courses during the previous 2 semesters;

B) obtain written waiver from a superintendent or school administrator on a form prepared or approved by the Secretary of State;

C) obtain written verification on a form prepared or approved by the Secretary of State stating the student is enrolled in a home school;

D) obtain copies of the student's report card and/or transcript for the

previous 2 semesters indicating a passing grade in at least 8 courses during the previous 2 semesters.

4) Verification of eligibility for any person who has dropped out of school and has not yet attained the age of 18 years shall be by one of the following methods:

A) obtain written documentation verifying the dropout's enrollment in GED or an alternative education program or obtain a copy of the dropout's GED certificate;

B) obtain written verification that the student prior to dropping out, had received a passing grade in at least 8 courses during the 2 previous semesters last ending prior to requesting a certificate of completion; or

C) obtain written consent on a form prepared or approved by the Secretary of State from the dropout's parents or guardian and the regional superintendent.

5) Students enrolled in a driver training school shall be informed in writing of the eligibility requirements of IVC Section 6-408.5 at the time of registration that shall be documented in the student's file.

6) The driver training school and/or driver training school instructor shall maintain a copy and make available for inspection all written documentation required by this Section.

7) The driver training school may not enroll any students who will not be at least 15 years of age prior to the end of the classroom portion of the course.

~~e) Classroom Instruction – For Persons under Age 18 Years~~

~~1) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than 2 hours daily with meetings distributed regularly throughout the minimum of 4 complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction, except that, if the size of the classroom exceeds 350 square~~

~~feet, a maximum of 35 students shall be allowed.~~

~~2)~~ ~~Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.~~

~~3)~~ ~~Each classroom course must have a definite starting date and completion date. No more than one classroom course may be taught during any same time period in the same classroom. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.~~

~~4)~~ ~~Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit the student to be absent from more than 4 class sessions without requiring the student to re-enroll in a later course and to start over.~~

~~5)~~ ~~The teaching facilities must provide adequate, comfortable seating for students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.~~

~~6)~~ ~~A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.~~

~~7)~~ ~~Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.~~

~~8)~~ ~~A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.~~

9) ~~Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.~~

10) ~~Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.~~

11) ~~A listing of students enrolled in each and every classroom course shall be sent to the Department of Driver Services Blue Slip Unit within 3 days after the third day of classroom instruction on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form, signed by an authorized official of the school.~~

f) ~~Laboratory Instruction – For Persons under Age 18 Years~~

1) ~~Laboratory instruction shall not begin until the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least 4 hours of classroom instruction must be given before behind-the-wheel lessons are started.~~

2) ~~Each student must have in his or her possession, when engaged in vehicle operation, a valid instruction permit issued by the Secretary of State.~~

3) ~~No fewer than 2 nor more than 4 students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than 90 minutes for each student per day. The accumulation of 6 hours of practice driving shall be distributed regularly throughout a minimum of 2 complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of 6 hours is required. The only exception shall be when a parent requests that observers be excluded because the parent has chosen an alternate formula. The alternate formula may substitute 1 additional~~

~~hour of behind-the-wheel instruction for 3 hours of observation; or 2 additional hours of behind-the-wheel instruction for 6 hours of observation. If an alternate formula is chosen, the student may drive alone with an instructor. The school must maintain on file a parental signature authorizing the student to take an alternate formula for the behind-the-wheel portion of instruction.~~

~~4)~~ ~~Each student shall receive a minimum of 6 full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.~~

~~5)~~ ~~Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick-up points.~~

~~6)~~ ~~Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering and emergency situation procedure in a vehicle equipped according to IVC Section 6-410.~~

e~~g~~) Records

1) Records shall be maintained by the driver training schools that substantiate daily attendance, lesson time, and detailed descriptions of each lesson provided for ~~periodic evaluation of~~ each student, which must include each topic that was taught during the lesson, as well as any videos, DVDs or other materials utilized during the lesson. The~~Also recorded shall be the~~ beginning and ending dates of classroom and behind-the-wheel~~, as well as laboratory,~~ instruction shall also be recorded. Students are to be identified by name and~~,~~ address~~ and other personal information~~. The records are to be on file in the office of the driver training school~~management~~ for a period of 3 years.

2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized representative~~official~~ of the driver training school.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.181 Teen Accreditation Classroom and Behind-the-Wheel Requirements

a) Course Objectives. The educational objectives of driver education shall include, but not be limited to, promoting respect for and encouraging observance of traffic laws and traffic safety responsibilities of drivers and citizens, reducing traffic violations, reducing traffic-related injuries, deaths and economic losses, and motivating continuing development of traffic related competencies through education, including, but not limited to, Illinois traffic law, risk management, driver attitudes, courtesy skills, evasive driving techniques and informing participants about the effects of alcohol and other drugs on driving ability.

b) Classroom Instruction – For Persons under the Age of 18

1) General Provisions

A) Classroom instruction shall consist of a minimum of 30 hours of instruction.

B) Classroom courses are limited to two hours per day, per student.

C) No classroom course shall contain more than 30 students, except that, if the size of the classroom exceeds 350 square feet, a maximum of 35 students shall be allowed.

D) Each classroom course must be distributed regularly over a minimum period of four complete weeks and must have definite starting and completion dates. No more than one classroom course may be taught during the same time period in the same classroom. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

E) A Secretary of State enrollment form listing all students enrolled in each and every classroom course, including the times and dates the class will meet, shall be sent to the Commercial Driver Training School Division within 3 days after the third day of classroom instruction. A certificate will not be issued to any student whose

name has not been submitted on this form, signed by an authorized representative of the commercial driving school.

F) Instruction for each student in the classroom course shall take place on the dates, times and locations designated on the Secretary of State enrollment form unless the course is cancelled and the student is refunded any fees already paid.

G) Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit a student to be absent from more than 4 class sessions without requiring the student to re-enroll in a later course and to start over.

H) Each student shall be informed prior to the time instruction begins of any fees or charges made for enrollments or registration, tuition, use of equipment, text and reference materials, supplies, and any service, equipment or materials provided by the commercial driving school.

2) Required Course of Instruction − General

A) Each teen-accredited driver training school shall submit to the Secretary of State a copy of its classroom course content, which must, at a minimum, include the course content set forth in subsection (b)(4), which shall be reviewed by the Commercial Driver Training School Division of the Department of Driver Services. If the classroom course content meets the requirements, it will be approved by the Department.

B) Accredited teen driver training schools must follow the approved classroom course content submitted to the Director of the Department at the time of application for licensure. The Department shall determine compliance with this provision by unannounced inspections of the driver training schools, which shall occur, at a minimum, once every two months.

C) If a driver training school wishes to substantially change the classroom course content, a copy of its revised course content must be submitted in duplicate to the Commercial Driver Training

School Division for approval. After review, the Commercial Driver Training School Division will send a letter to the driver training school informing the school of whether its revised classroom course content has been approved.

D) A regular schedule of classroom testing shall be followed to measure the comprehension level of students. Students may not be given credit for the driver education course unless they score an average of 75% or more on all tests. Test questions may be short answer, multiple choice, essay or a combination of these. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

3) Instructional Materials

A) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content.

B) Audio-visual materials may be used as a supplement to the instructor's presentation, but not as a replacement, so long as the material relates to driver education. Materials may include, but are not limited to, videos, DVDs and CDs. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

4) Classroom Course Content. The following topics shall be included in classroom instruction:

A) Your License to Drive. Objective: familiarization with the process of obtaining an instruction permit and driver's license and the obligations and responsibilities that exist with holding a license:

i) classifications of driver's licenses;

ii) testing required to obtain a driver's license;

iii) suspensions and revocations of driver's licenses;

iv) mandatory insurance laws; and

v) organ/tissue donation.

B) Getting Under Way. Objective: locating and identifying the location, purpose and operation of each indicator, gauge and control, thereby operating safely and conserving fuel:

i) the view from behind the wheel, learning the controls − instrument panel, indicators, gauges, controls, lights and other signals;

ii) controls for safety − safety belts, passive restraints, head restraints and rearview mirrors; and

iii) getting ready to drive, adjusting seat and mirrors and starting the engine.

C) Basic Driving Maneuvers. Objective: defensive driving:

i) steering;

ii) accelerating;

iii) braking;

iv) changing lanes;

v) turning;

vi) backing;

vii) changing direction;

viii) parking;

ix) passing; and

x) railroad crossings.

D) Traffic Safety Laws. Objective: familiarization with traffic and vehicle laws and influencing drivers to comply with laws on a voluntary basis:

i) basic driving rules;

ii) right-of-way;

iii) speed laws;

iv) traffic signs and signals;

v) pavement markings;

vi) highway markings;

vii) how to respond to emergency vehicles, including Scott's Law and how to interact with law enforcement;

viii) distracted driving, including, but not limited to, cell phone use, texting, eating;

ix) GDL laws, including nighttime driving restrictions and passenger limitations;

x) special safety laws − driving under the influence, implied consent, zero tolerance, post-accident responsibilities and duties; and

xi) construction and school zones.

E) Laws of Nature and Driving. Objective: learning about forces that act upon a vehicle and predicting how a vehicle will respond:

i) understanding gravity, center of gravity, friction, energy of motion, centrifugal force and hydroplaning;

ii) stopping distance − perception time and distance, reaction time and distance, and braking distance; and

iii) force of impact − factors affecting force of impact, energy-absorbing features in cars and passenger restraint.

F) Strategy for Driving. Objective: using the Smith System, IPDE process, Zone Control System or any other recognized process for:

i) identifying problems, predicting outcomes, deciding action and executing decisions;

ii) avoiding, separating and handling hazards, managing time, speed and space, and following and stopping distance; and

iii) trouble spots, limited visibility, traction and space.

G) Driving in City Traffic. Objective: identifying and handling city driving hazards:

i) characteristics of city driving − congestion, reduced speed and cross traffic;

ii) incoming traffic, following traffic, tailgaters, intersections, multi-lane roads and one-way streets; and

iii) right-of-way situations − pedestrians, emergency vehicles and school buses.

H) Driving on Highways − objective: adjusting to a variety of traffic patterns, speeds and road conditions:

i) characteristics of highway driving − less congestion, increased speeds and road conditions;

ii) junctions, bridges, railroad crossings and hills;

iii) driving on the interstate system − minimum/maximum speeds, entering and exiting the interstate, and opposing or cross traffic; and

iv) driving to conserve fuel.

I) Sharing the Road with Other Users. Objective: learning special characteristics and needs of other highway users and what to do to avoid conflicts:

i) pedestrians, animals and bicyclists;

ii) motorcycles and mopeds; and

iii) other vehicles, e.g., large trucks and recreational vehicles.

J) Road Hazards and Vehicle Failures. Objective: identifying hazards and acting to avoid them:

i) potential problems − visibility, weather and traction;

ii) other emergencies − controlling the vehicle, swerving, skids, collisions and counterskids; and

iii) vehicle equipment failure − tires, brakes, accelerators, steering, engine and lights.

K) Driver Fitness and Highway Safety. Objective: driving maneuvers based on physical and mental condition:

i) physical condition − age, fatigue, coordination, vision, disabilities and hearing; and

ii) mental condition − alertness, awareness and emotions.

L) Alcohol, Other Drugs and Driving. Objective: to identify the effects of alcohol and other drugs relating to driving ability:

i) drug use and abuse − dangers, cautions and effects;

ii) alcohol and the driver − effects;

iii) responsibilities as a driver and passenger;

iv) driving under the influence, zero tolerance, implied consent, and underage drinking not involving a motor vehicle; and

v) possessing, obtaining or using a fraudulent or fictitious driver's license or identification card.

M) Maintaining a Motor Vehicle. Objective: a well maintained vehicle is safer:

i) vehicle inspection;

ii) preventive maintenance − brakes, tires, steering, suspension and checking under the hood; and

iii) fuel economy − vehicle choice, maintenance and driving habits.

c) Behind-the-Wheel Instruction – For Persons under Age 18

1) Each teen-accredited driver training school shall submit to the Secretary of State a copy of its behind-the-wheel course content, which must, at a minimum, include the course content set forth in subsection (c)(10). The course content shall be reviewed by the Commercial Driver Training School Division of the Department of Driver Services. If the classroom course content meets the requirements, it shall be approved by the Department.

2) Behind-the-wheel instruction shall consist of a minimum of six hours of instruction during which the student is the operator of a dual controlled vehicle while the instructor is occupying the front seat and six hours of observation time.

3) Behind-the-wheel instruction shall not begin until the student has completed four hours of the classroom portion of driver education and possesses the basic information required for safe operation of a vehicle in traffic.

4) When engaged in behind-the-wheel instruction, each student must have in his or her possession a valid instruction permit issued by the Secretary of State.

5) At least two, but not more than 4, students may occupy the car with an instructor when behind-the-wheel instruction is in progress. Behind-the-wheel instruction shall not exceed 90 minutes per student, per day. (Exception: Students participating in the alternate behind-the-wheel formula set forth in subsection (c)(6) may be provided one two-hour session of behind-the-wheel instruction). Behind-the-wheel lessons must be distributed regularly over a minimum period of two complete weeks.

6) Observation time in the car may not be counted as student driving. A parent may requests that observers be excluded if the parent has chosen an alternate formula. The alternate formula may substitute one additional hour of behind-the-wheel instruction for 3 hours of observation or 2 additional hours of behind-the-wheel instruction for 6 hours of observation. If an alternate formula is chosen, the student may drive alone with an instructor. The school must maintain on file a parental signature authorizing the student to take an alternate formula for the behind-the-wheel portion of instruction.

7) Each student shall receive a minimum of 6 full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel. Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

8) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick-up points.

9) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering and emergency

situation procedures in a vehicle equipped according to IVC Section 6-410.

10) Behind-the wheel instruction shall include demonstration of and instruction in:

A) Stopping;

B) Starting;

C) Turning;

D) Backing;

E) Parking;

F) Steering.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 1060.190 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License, Teen Accreditation, CDL Accreditation, and Instructor's License

a) The Secretary of State may deny, suspend, or revoke a commercial driver training school license, teen accreditation, CDL accreditation, or commercial driver training school instructor license for:

1) Any violation of 625 ILCS 5/Ch. 6, Art. IV.

2) Any violation of this Part.

3) A school that desires to have a license reinstated following suspension shall reapply and pay the application fee of $500 as required by Section 6-402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(h)].

4) An instructor who desires to have a license reinstated following suspension shall reapply and pay $70 as required by Section 6-411(g) of

the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)].

b) The Secretary of State may cancel a commercial driver training school license, teen accreditation and/or CDL accreditation for:

1) Any violation of Section 6-402 of the Illinois Vehicle Code [625 ILCS 5/6-402].

2) Any violation of Section 1060.20(a), (b), (c), and (e) of this Part.

3) In order to be eligible to be reinstated following cancellation, the school shall reapply for a license, pay the required application fee of $500 for a school as required by Section 6-402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-402(h)] and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g., proof of insurance).

c) The Secretary of State may cancel a commercial driver training school instructor license, teen accreditation and/or CDL accreditation for:

1) Any violation of Section 6-411 of the Illinois Vehicle Code [625 ILCS 5/6-411].

2) Any violation of Section 1060.120 of this Part.

3) In order to be eligible to be reinstated following cancellation, the instructor shall reapply for a license; pay the required fee of $70 for an instructor as required by Section 6-411(g) of the Illinois Vehicle Code; and demonstrate compliance with the provisions of this Part for which cancellation was issued (e.g., proof of insurance).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1060.200 Commercial Driver's License and/or Endorsement and/or Accreditation

a) Accreditation of the Program – Each commercial driver training school that desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State

through the Department of Driver Services before instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in Section 1060.190(b) through (f) in addition to all other applicable Sections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit, if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

2) The accreditation of each school is renewable upon the expiration date of the school license, provided all qualifications and standards are met and the school has been in compliance with this Part.

3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification may teach the drive portion of instruction.

b) Required Facilities – All CDL, endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment prescribed in IVC Chapter 6, Article IV and Section 1060.50 of this Part. Those who desire to provide instruction to persons who wish to obtain a CDL, endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers.

1) Required Course of Instruction:

A) CDL accredited driving schools must administer driving instruction that corresponds to a curriculum provided to the school by the Secretary of State. Each CDL accredited driving school must provide the minimum of 160 hours of instruction in not less

than a 4 week period to each student, as indicated in the curriculum.

B) The following curriculum must be offered to each first time CDL student in a minimum of 4 weeks. Each student must receive 160 hours of CDL instruction as outlined in this subsection (b)(1)(B). The training schedule outlined must follow the Illinois Occupational Skill Standards, Entry-Level Truck Driver Manual (March 1999) endorsed for Illinois by the Illinois Occupational Skill Standards and Credentialing Counsel. This manual is available from the Secretary of State Driver Facility, 650 Roppolo Drive, Elk Grove Village IL 60007.

i) Classroom. 40 hours of classroom instruction; this includes, but is not limited to, preparation for the Secretary of State's written examinations and all chapters of this curriculum.

ii) Range. 16 hours of vehicle training area behind-the-wheel instruction. This requires one-on-one instruction with a properly licensed CDL instructor and vehicle on an approved vehicle training area.

iii) Over the Road. 16 hours of behind-the-wheel instruction on public streets and highways. This requires one-on-one instruction with a properly licensed CDL instructor and vehicle.

iv) Observation. 10 hours of observation experience composed of observation of the vehicle training area and over-the-road training.

v) Remedial Training. 78 hours of additional classroom training, observation, and vehicle training area/over-the-road training based on each CDL student's specific needs.

C) Instructional materials shall be available and shall include a form of video delivery.

D) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications, including but not limited to the CDL Study Guide, available for the use of students and teachers.

E) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL issued under the requirements of 49 CFR 383, as incorporated in Section 1060.5. The school must maintain records that verify students qualify for a brush-up course. This course may be offered on an hourly basis. No brush-up course may be offered to any individual who has never held a CDL or its equivalent.

F) Classroom Instruction – CDL, endorsement and/or restriction classification instruction.

i) Each classroom course must have a definite starting date and completion date. A listing of students enrolled in each course shall be sent to the Secretary of State, within 3 days after the third day of classroom instruction, on forms provided by the Secretary of State.

ii) Classroom instruction shall include subject matter relating to the rules of the road as contained in the CDL Study Guide, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards (49 CFR 383), vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

iii) Practice driving instruction must comply with the curriculum provided by the Office of the Secretary of State.

iv) Audio-visual materials shall be used as a supplement to the teacher's presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and shall include outside reading as

well as preparation for testing.

v) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.

vi) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL, endorsement and/or restriction accredited driver training program.

vii) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designed period, unless the course is cancelled and the student is refunded any fees already paid.

G) Laboratory Instruction – For persons taking instruction for CDL, endorsement and/or restriction classification.

i) Behind-the-wheel instruction shall not begin until the student is enrolled in a classroom program of CDL, endorsement and/or restriction classification driver training and obtains the required knowledge for the safe operation of a vehicle in traffic as provided in 49 CFR 383.110-121.

ii) Each student must have in his/her possession, when engaged in vehicle operation, a valid and properly classified instruction permit or driver's license.~~issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.~~

iii) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering and emergency situation procedures.

iv) CDL skills testing for classification A must be given in a representative power unit with a multi-range transmission with no fewer than 9 forward gears and a representative trailer at least 48 feet long with a tandem axle.

2) Student Ratio Per Course

A) The total number of students enrolled in each CDL accredited course in any 30-day period shall not exceed 5 students per each currently licensed instructor.

B) The total number of students enrolled in each CDL accredited course in any 30-day period shall not exceed 6 students for each currently registered CDL vehicle.

c) Classroom Teacher Qualifications

1) Each CDL, endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school who meets the standards of IVC Section 6-411.

2) Required Classroom Teacher Qualifications:

A) A driver training instructor teaching the classroom portion of a CDL, endorsement and/or restriction accredited course must comply with Sections 1060.120 and 1060.130.

B) The instructor must possess good physical and mental health, as determined by a physician. An application/physical examination form, provided by the Secretary of State, shall be completed by the instructor and a physician.

C) A classroom instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, this Part and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704). The written examination shall consist of 125 questions (90 multiple choice and 35 true/false) and the instructor must correctly answer 106 questions to pass.

d) CDL, Endorsement and/or Restriction Behind-the-Wheel Teacher Qualifications

1) Each CDL, endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school who meets the standards of IVC Section 6-411.

2) Required Behind-the-Wheel Teacher Qualifications:

A) A driver training instructor teaching the behind-the-wheel portion of a CDL, endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.120 and 1060.130 and be licensed in a classification representative of the vehicle in which he or she intends to teach for at least 3 consecutive years immediately prior to application (a one month lapse in renewal will not negate the 3 consecutive years requirement).

B) The instructor must possess good physical and mental health, as determined by a physician. An application/physical examination form, provided by the Secretary of State, shall be completed by the instructor and a physician.

C) The instructor shall give instruction only in the classification, endorsement and/or restriction in which he/she is licensed.

D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2704), as provided for in subsection (c)(1)(C) of this Section. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL, endorsement and/or restriction classification (92 Ill. Adm. Code 1030.85).

e) Student Instruction Records

1) Records shall be maintained by schools that document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the dates of classroom instruction, behind-the-wheel instruction and observation time. Students are to be identified by their name, address and

other personal information. A driver license number also must be entered on the student record. The records are to be on file in the office of the management for a period of 3 years.

2) The driver school with a CDL, endorsement and/or restriction accreditation must meet all requirements of Section 1060.60.

3) The school and each student must maintain separate but identical logs of the student's behind-the-wheel instruction and observation time. The logs must include the dates of instruction, type of instruction, student/instructor signatures and odometer readings of the vehicles used for instruction.

4) A Secretary of State form shall be used for submitting names of those students who have satisfactorily fulfilled the CDL accreditation course. The form shall be signed by an authorized official of the school.

f) The Secretary of State shall suspend, revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor if the school or instructor fails to comply with this Part or 49 CFR 383.

g) The Secretary of State may reduce the amount of scheduled skills testing for CDL Accredited schools that have a student failure rate of 45% or greater in the preceding 2 calendar months.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Information, Rulemaking, and Organization

2) Code Citation: 2 Ill. Adm. Code 5050

3)

Section Numbers:	Adopted Action:
5050.10	Amendment
5050.40	New
5050.50	New

4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]

5) Effective date of rulemaking: December 6, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments is on file in the Board of Higher Education's office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: Prior publication of an internal rule in the *Illinois Register* is not required pursuant to Section 5-15 of the Illinois Administrative Procedure Act.

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

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

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

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

15) Summary and Purpose of Rulemaking: Recent legislative changes to the Open Meetings Act suggest the proposed changes and additions to the Board's internal rules. The three

areas are as follows: (1) add rules to govern the right of any person to record the proceedings of an open meeting; (2) amend existing rules to facilitate a request an opportunity to address public officials; and (3) add rules to allow a member to attend a meeting via conference call or other electronic means. These changes are in sections 5050.10, 5050.40, and 5050.50 of the attached rules.

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

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404

Telephone: 217/557-7358
Email: helland@ibhe.org
Fax: 217/782-8548

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER III: BOARD OF HIGHER EDUCATION

PART 5050
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5050.10 Individual or Group Requests for Making Presentations to the Board
5050.20 Proposals for New Board Policies or Amendments to Existing Policy
5050.30 Information Requests
5050.40 Recording Meetings
5050.50 Attendance of a Board Member by Means Other Than Physical Presence

SUBPART B: RULEMAKING

Section
5050.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
5050.200 Organization of Illinois Board of Higher Education

5050.APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05].

SOURCE: Adopted and codified at 8 Ill. Reg. 16822, effective August 30, 1984; amended at 29 Ill. Reg. 2713, effective February 3, 2005; amended at 34 Ill. Reg. 12794, effective August 18, 2010; amended at 36 Ill. Reg. 17847, effective December 6, 2012.

SUBPART A: PUBLIC INFORMATION

Section 5050.10 Individual or Group Requests for Making Presentations to the Board

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

a) General Public

1) A representative of the general public may request the opportunity to make a presentation, provided that his/her request is made to the Board Secretary no later than ~~three (~~3~~)~~ business days prior to the Board meeting for which the request to make a presentation is made, except as an emergency might require.

2) Any person shall be permitted an opportunity to address the Board provided that the subject is pertinent to the jurisdiction, authority, duties or obligations of the Board. Any other appearances are at the discretion of and must be approved by the Chairperson. Each appearance~~Appearance, if approved by the Chairperson,~~ will be subject to reasonable time limits. The party whose request for appearance is approved will be notified in advance of the appointed time and place.

3) The time of appearances that~~which~~ have been approved will be scheduled as the Board agenda permits or as the Chairperson deems appropriate.

b) Institutional Staff

1) All communications to the Board regarding matters of institutional concern (only those~~such~~ matters that~~which~~ are not resolved by the institution) from faculty, staff, and students of the institutions will be submitted simultaneously to the institutional president or appropriate institutional office, to the Chairperson of the Board and Executive Director in order that they may be informed of the nature of the communications. Exceptions to this communications pattern will occur only under extraordinary circumstances.

2) The Chairpersons of the Faculty Advisory Council, the Student Advisory Committee, the Independent College and University Advisory Committee, the Council of Community College Presidents and the Proprietary Advisory Committee shall have the opportunity to speak at each Board meeting.

3) Special guests in attendance at Board meetings may be introduced with the permission of the Board Chairperson.

(Source: Amended at 36 Ill. Reg. 17847, effective December 6, 2012)

Section 5050.40 Recording Meetings

Subject to the provisions of Section 2.05 of the Open Meetings Act [5 ILCS 120], any person may record the proceedings of any open meeting by tape, film or other means. No equipment used for this purpose shall obstruct the view between any Board members or between any member and the speaker's rostrum. If a power source is necessary for the recording of a meeting, the requestor shall notify the Board Secretary of his or her requirements at least 3 business days prior to the meeting, and the Board will make every reasonable effort to assure that a power source is provided, taking into consider that the Board has no meeting facilities and typically meets at guest sites.

(Source: Added at 36 Ill. Reg. 17847, effective December 6, 2012)

Section 5050.50 Attendance of a Board Member by Means Other Than Physical Presence

Pursuant to the minimum requirements of Section 7 of the Open Meetings Act, a majority of the Board may allow a member to attend any meeting by video or audio conference provided adequate equipment can reasonably be made available and that participation is audible to all other Board members.

(Source: Added at 36 Ill. Reg. 17847, effective December 6, 2012)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Grow Your Own Teacher Grants

2) Code Citation: 23 Ill. Adm. Code 1085

3)

Section Numbers:	Adopted Action:
1085.10	New
1085.20	New
1085.25	New
1085.30	New
1085.40	New
1085.50	New
1085.60	New
1085.70	New
1085.80	New
1085.90	New
1085.100	New
1085.110	New
1085.120	New

4) Statutory Authority: 110 ILCS 48/13 and 110 ILCS 205/9.17

5) Effective Date of Rules: December 10, 2012

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

7) Does this rulemaking contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

8) A copy of the adopted rule is on file in the Board of Higher Education's office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: August 10, 2012, 36 Ill. Reg. 12666

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

11) Differences between Proposal and Final Version:

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

The State Board of Education recently adopted a new policy to allow candidates for entry into educator preparation programs and applicants for Illinois educator licenses to use a minimum composite scored received on the ACT® or SAT® in lieu of passing the Illinois test of basic skills (i.e., Test of Academic Proficiency or TAP). The proposed rules for the GYO Teacher program required candidates to pass the TAP before enrolling in coursework beyond 60 semester hours. The proposed rules were inconsistent with the new policy and would impose a higher standard on the GYO candidates. The higher standard was removed and the adopted rules are consistent with the new policy.

The State Board of Education has also recently adopted a new policy that a teacher will be issued a license rather than a certificate. This change in terminology is included in the State Board of Education's recent proposed amendments to rules (23 Ill. Adm. Code 25). To assist with the transition, the staff members of the Joint Committee on Administrative Rules (JCAR) recommend the use of "license/certificate" in the rules for the GYO Teacher Grants. The adopted rules are consistent with JCAR's recommendation.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

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

15) Summary and Purpose of the Rule: This Part provides for the administration of the Grow Your Own (GYO) Teacher Grants. Pursuant to Public Act 96-1393, this program was transferred from the State Board of Education (SBE) to the Board of Higher Education (BHE) in July 2010. The legislation authorized the BHE to administer the program under the existing SBE rule until a new rule could be promulgated.

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

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, 2nd Floor
Springfield, Illinois 62701

Telephone: 217/557-7358
E-Mail: helland@ibhe.org
Facsimile: 217/782-8548

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

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

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1085
GROW YOUR OWN TEACHER GRANTS

Section
1085.10 Purpose
1085.20 Definitions
1085.25 Roles and Responsibilities
1085.30 Eligibility
1085.40 Grant Applications
1085.50 Planning Grant
1085.60 Implementation Grant
1085.70 Continuation Grant
1085.80 Candidates
1085.90 Forgivable Loan Program
1085.100 Grant Agreement
1085.110 Audit Guidelines
1085.120 Grant Funds Recovery Act

AUTHORITY: Implementing and authorized by Section 13 of the Grow Your Own Teacher Education Act [110 ILCS 48/13] and by Section 9.17 of the Board of Higher Education Act [110 ILCS 205/9.17].

SOURCE: Adopted at 36 Ill. Reg.17852, effective December 10, 2012.

Section 1085.10 Purpose

The purpose of this Part is to provide for the distribution of grant funds through a competitive process *to prepare highly skilled, committed teachers who will teach in hard-to-staff schools, including within the Department of Juvenile Justice School District, and hard-to-staff teaching positions and who will remain in these schools for substantial periods of time. The initiative shall ensure educational rigor by effectively preparing candidates in accredited bachelor's degree programs in teaching, through which graduates shall meet the requirements to secure an Illinois initial teaching* license/*certificate.* (Section 5 of the Act)

Section 1085.20 Definitions

"Accredited teacher preparation program" means, for the purposes of this Part, *a regionally accredited, Illinois approved teacher education program authorized to prepare individuals to fulfill all of the requirements to receive an Illinois initial teaching* license/*certificate* (Section 10 of the Act).

"Act" means the Grow Your Own Teacher Education Act [110 ILCS 48].

"Board" means the Board of Higher Education (Section 10 of the Act).

"Candidate" means a person who is eligible to receive or is receiving assistance through a program offered by a consortium. *A candidate must hold a high school diploma or its equivalent, must meet either the definition of "parent and community leader" or the definition of "paraeducator", must not have attended college right after high school or must have experienced an interruption in his or her college education, and does not hold a bachelor's degree* (Section 20 of the Act).

"Paraeducator" means an individual with a history of demonstrated accomplishments in school staff positions (such as teacher assistants, school-community liaisons, school clerks, and security aides) in schools that meet the definition of a hard-to-staff school (Section 10 of the Act).

"Parent and community leader" means an individual who has or had a child enrolled in a school or schools that meet the definition of a hard-to-staff school under the definition of "eligible school" *and who has a history of active involvement in the school or who has a history of working to improve schools serving a substantial percentage of low-income students, including membership in a community organization* (Section 10 of the Act).

"Student with a non-traditional background" means a student who does not hold a bachelor's degree and who begins a baccalaureate program at a point in time other than immediately following graduation from high school or one who began a baccalaureate program after high school, did not complete it, and re-enters a baccalaureate program after some passage of time.

"Cohort" means a group of teacher education candidates who are enrolled in and share experiences in the same program and are linked by their desire to become Illinois teachers in hard-to-staff schools and by their need for the services and supports offered by the Initiative (Section 10 of the Act).

"Community organization" means a nonprofit organization that has a demonstrated capacity to train, develop, and organize parents and community leaders into a constituency that will hold the school and the school district accountable for achieving high academic standards; in addition to organizations with a geographic focus, "community organization" includes general parent organizations, organizations of special education or bilingual education parents, and school employee unions (Section 10 of the Act).

"Consortium" means, for the purposes of this Part, an association of entities pooling their resources to offer a program. *A consortium shall be composed of at least one 4-year institution of higher education with an Illinois* accredited *teacher* education *program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education, a school employee union, or a regional office of education.* (Section 20 of the Act)

"Continuation grant" means an award of grant funds to a consortium for a program if an implementation grant or a continuation grant was awarded in the prior fiscal year pursuant to this Part and all requirements of the prior grant agreement were met.

"Counsel out" means a systematic approach to identify a candidate who may be struggling in the program, and to determine if the candidate is performing at an acceptable level to continue without intervention or if the candidate should discontinue the program.

"Developmental classes" means classes in basic skill areas, such as mathematics and language arts, that are prerequisite to, but not counted towards, degree requirements of a teacher preparation program (Section 10 of the Act).

"DFPR" means the Illinois Department of Financial and Professional Regulation or its successor.

"Eligible school" means a public elementary, middle, or secondary school in this State that serves a substantial percentage of low-income students and that is either hard-to-staff or has hard-to-staff teaching positions (Section 10 of the Act).

"Hard-to-staff school" means a public elementary, middle, or secondary school in this State that, based on data compiled by the State Board of Education in conjunction with the Board of Higher Education, serves a substantial percentage of low-income students, as defined by the State Board (Section 10 of the Act).

"Hard-to-staff teaching position" means a teaching category (such as special education, bilingual education, mathematics, or science) in which statewide data compiled by the State Board of Education in conjunction with the Board of Higher Education indicates a multi-year pattern of substantial teacher shortage or that has been identified as a critical need by the local school board (Section 10 of the Act).

"Schools serving a substantial percentage of low-income students" means schools that maintain any of grades pre-kindergarten through 8, in which at least 35% of the students are eligible to receive free or reduced-price lunches, and schools that maintain any of grades 9 through 12, in which at least 25% of the students are eligible to receive free or reduced price lunches (Section 10 of the Act).

"Fiscal agent" means the Illinois public institution pursuant to the Board of Higher Education Act [110 ILCS 205] or a private not-for-profit institution authorized to operate within the State of Illinois pursuant to the Private College Act [110 ILCS 1005] and/or the Academic Degree Act [110 ILCS 1010]; or has been in continuous operation and granted degrees within the State of Illinois before the effective date of those Acts and has not modified the business entity since the effective dates of those Acts. This definition does not apply to consortia established before 2010.

"Initiative" means the Grow Your Own Teacher Education Initiative created under the *Act* (Section 10 of the Act).

"Institution" means an institution of higher education.

"Implementation grant" means an award of grant funds to a consortium for a program only if a planning grant was received in the prior fiscal year pursuant to this Part. This award may also be available to a consortium in which the composition of the membership has changed.

"Planning grant" means a one-time award of grant funds to a potential consortium that will enable the group to work with the Board to organize, coordinate and submit an application for an implementation grant.

"Potential consortium" means a consortium that has not received a planning grant pursuant to this Part.

"Program" means a Grow Your Own Teacher preparation program established by a consortium under the *Act* (Section 10 of the Act).

"Year of service" means, for the purposes of this Part, full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:

A public school that, at the time the individual becomes employed, is either one of the schools targeted by the program completed by the individual with assistance under this Part or another school that is hard to staff; or

A teaching position that, at the time the individual becomes employed, is a hard-to-staff teaching position.

Section 1085.25 Roles and Responsibilities

a) The Board of Higher Education is responsible for administration of the Grow Your Own (GYO) Initiative. Responsibilities include, but are not limited to, developing and releasing applications, fiscal monitoring, maintaining a candidate database system, development and review of contracts to support the initiative, reviewing of consortia annual reports and consultant reports, coordination and communication of expectations to all consortia members, and developing and appointing an advisory board with members representative of all consortia.

b) The consortium is responsible for pooling all its collective resources and providing a variety of support services to increase the success rate of candidates

graduating from an Illinois accredited teacher education program to become and to be placed as teachers in hard-to-staff schools.

c) The fiscal agent is responsible for providing direction and oversight for the consortium. Responsibilities include, but are not limited to, submitting grant applications and annual reports, meeting with program evaluators, monitoring grant expenditures and the budget, serving as liaison and primary contact person for the consortium, participating in cohort meetings, locating and hiring tutors, conducting meetings with academic counselors, collecting and reporting assessment and performance data, and attending consortium meetings.

d) A cohort coordinator is responsible for direct support and counseling to candidates. Responsibilities include, but are not limited to, assisting students with class schedules, helping candidates register and answer questions about registration, answering questions about teacher education programs and entrance requirements, helping candidates solve individual problems related to their classes, basic skills tests and other college requirements, conducting cohort meetings, conducting meetings with academic counselors, meeting with program evaluators, coordinating tutorial support, monitoring academic progress of candidates, assisting the consortium by providing information regarding the anticipated completion dates of candidates to assist with placement where positions may be available, and attending consortium meetings.

e) The community based organization has unique responsibilities to support the success of the candidates. Responsibilities include, but are not limited to, helping improve the life outcomes of disadvantaged children and families, increasing parental involvement in schools, developing parent and candidate leadership and addressing commonly identified issues related to the school, carrying out community-school improvement activities, assisting in developing after school programs, applying for grants to support the consortium, meeting with program evaluators, identifying unique needs of candidates and providing support for those needs, working with higher education partners to locate and hire tutors to help candidates with coursework, and attending consortium meetings.

f) An independent program evaluator is responsible for reporting the extent of candidate persistence in program enrollment, acceptance as an education major in a 4 year institution of higher education, completion of a bachelor's degree in teaching, obtaining a teaching position in a target school or similar school, subsequent effectiveness as a teacher, and persistence in teaching in a target

school or similar school. The evaluation shall assess the Initiative's overall effectiveness and shall identify particular program strategies that are especially effective (Section 35 of the Act). The evaluation process will include monitoring site visits, providing technical assistance to consortia, and providing other support services to the Board as needed. The evaluator will produce an annual report that includes individual project and overall program data, identification of effective practices, and recommendations for program improvements.

g) An accredited Illinois teacher preparation program, housed within an Illinois institution of higher education, is responsible for providing high quality undergraduate coursework and clinical experiences that will prepare beginning teachers to work in hard-to-staff schools. The programs offered will align with the areas of need derived from the GYO consortium's needs assessment of the community's K-12 schools.

h) The hard-to-staff schools (elementary, middle and high school) are responsible for providing data (needs assessment) to the consortium on those areas that experience a multi-year pattern of substantial teacher shortage or have been identified as a critical need by the local school board, providing sites for clinical experiences for GYO participants/candidates and providing employment opportunities for GYO graduates when possible.

Section 1085.30 Eligibility

a) A potential consortium, as defined in Section 1085.20, shall be eligible to apply for a planning grant.

b) A consortium, as defined in Section 1085.20, shall be eligible to apply for an implementation grant or a continuation grant.

Section 1085.40 Grant Applications

The Board will release applications for planning, implementation and continuation grants when sufficient funding is made available to the Board during any given fiscal year and the Board determines a need for grants. Each release will include information about the application requirements, the categories of allowable expenditures, the information required, and such certifications, assurances and program-specific terms of the grant required by the Board. Applications will be signed by each member of the potential consortium or consortium.

a) Applications for grant funds shall be made on prescribed forms developed by the Board and shall include, but not be limited to, the following provisions and information:

1) The names, addresses, chief officers and general description of each member of the potential consortium or recognized consortium;

2) Name and contact information of the fiscal agent, as defined in Section 1085.20; and

3) Certification that the grant funds will be used for planning activities pursuant to Section 1085.50, implementing a program pursuant to Section 1085.60, or continuing a program pursuant to Section 1085.70.

b) Applications shall also include additional information and documentation as specified by the type of grant:

1) Planning grant requirements in Section 1085.50;

2) Implementation grant requirements in Section 1085.60; or

3) Continuation grant requirements in Section 1085.70.

c) Grant applications may be obtained from the Illinois Board of Higher Education, 431 East Adams Street, Second Floor, Springfield, Illinois 62701-1404 or the Board's website at www.ibhe.org.

d) Completed applications must be submitted to the Board at the address indicated in subsection (c) and must be received by the announced deadline for the submission of applications, which shall not be less than 45 days after the announcement and release of application materials. Completed applications will not be accepted after the announced deadline for the submission of applications within any fiscal year.

e) Board staff shall review application documents for compliance with the application and eligibility requirements. The Board may request additional documentation and/or a meeting between its staff and institutional representatives to resolve questions about application documents. In the event that material submitted by an applicant institution is incomplete or not of sufficient detail to

provide an understanding of the proposed projects, the Board will request additional information.

f) After the review is complete, the Board shall provide written notification to an applicant indicating whether the applicant is eligible to receive a grant award.

Section 1085.50 Planning Grant

The Board may, if it chooses, award a small number of planning grants during any fiscal year to potential consortia (Section 30 of the Act). The Board shall indicate the maximum amount to be reserved for planning grants and the maximum amount available per grant.

a) In addition to the application requirements of Section 1085.30, the application for a planning grant must include the following:

1) Proposal

A) Describes a plan of work for developing a consortium and a Grow Your Own program that will be eligible for an implementation grant under this Part;

B) Provides evidence that at least a subset of the teachers typically prepared by the institution seeks employment in communities where hard-to-staff schools are located;

C) Demonstrates that the institution is not applying for funding on behalf of an existing consortium that is currently serving a group of candidates under a model substantially similar to that described in the Act and that further information is needed about the specific barriers that exist with respect to enabling individuals with a long-term commitment to those communities to complete teacher preparation; and

D) Demonstrates need by a hard-to-staff K-12 district for teachers in hard-to-staff positions.

2) Supporting Documentation

A) Letters of interest from one or more school districts or schools indicating willingness to collaborate in offering opportunities for candidates in the program to complete pre-student teaching clinical experiences in hard-to-staff schools or positions; and

B) If additional community organizations are being considered for membership in the consortium, letters of invitation that the applicant has sent to one or more relevant community organizations proposing a role for the organizations in the proposed consortium, along with a rationale provided by the applicant for inclusion of these organizations.

3) The Board shall provide the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget breakdown that provides a detailed explanation of each line item of expenditure. Allowable uses of planning grant funds shall include services and goods necessary to:

A) Secure the participation and commitment of the required members and the optional members of a consortium to develop a plan for collective decision-making that involves all partners and provides a mechanism for candidate input;

B) Attract or identify viable potential candidates for teacher preparation who are paraeducators or parent and community leaders as contemplated by the Act, including assistance that will permit potential candidates to complete developmental coursework during their first four semesters of participation that will verify their academic readiness for enrolling in teacher preparation; and

C) Identify barriers to teacher certification for potential members of a given cohort, and the strategies and resources for mitigating those barriers and successfully ameliorating them within the programmatic, time and funding constraints of the program.

b) *In awarding grants, the Board shall select programs that successfully address initiative criteria and that reflect a diversity of strategies in terms of serving urban,* suburban, and *rural areas, the nature of the participating institutions of*

higher education, and the nature of hard-to-staff schools and hard-to-staff teaching positions on which a program is focused (Section 20 of the Act).

c) Each proposal that is submitted by a potential consortium and meets the requirements of this Section shall be considered qualified for funding.

d) Funding decisions shall be made by balancing the goals of geographic distribution and accessibility with the level of need and the potential number of candidates to be served.

e) In the event that an audit or other evidence establishes that the consortium failed to perform and/or the expenditure of grant funds was not consistent with the consortium's proposal, a full or partial reimbursement to the State shall be required. For example, if an auditor finds that any amount of funds were not used or were used in a manner inconsistent with the proposal, the Board will seek reimbursement for that amount of funds.

Section 1085.60 Implementation Grant

New implementation grants shall be offered in years when the level of available funding allows one or more new programs or cohorts of candidates to be supported, given the requirements of Section 25 of the Act for ongoing support of cohorts that have begun their preparation in previous years. The Board shall indicate the maximum amount to be reserved for implementation grants and the maximum available amount per grant.

a) In addition to the application requirements of Section 1085.30, the application for an implementation grant must include the following:

1) The responsibility and roles of each partner in the consortium shall be set forth in a written agreement signed by each partner to be submitted with the application. The written agreement shall address at least the following:

A) The process and responsibilities of each partner for the recruitment, selection and assessment of candidates;

B) The establishment of support systems and the specific roles of each partner in providing those supports. This may include, but shall not

be limited to, tutoring, peer mentoring, professional development workshops and placement supports; and

C) The process to develop an evaluation plan to measure the progress and success of individual candidates, as well as an evaluation of the partnership, and the role of each partner in making improvements based on the results of the evaluations.

2) Information on the consortium participants, service targets and candidates.

A) The teacher preparation programs involved and their qualifications relevant to the requirements of the Act, including specific information on the institution's success in preparing teachers for positions in schools that serve a substantial percentage of low-income students;

B) The hard-to-staff schools and positions that are targeted;

C) The demographic make-up of the area served by the targeted schools;

D) Plans for recruiting candidates to the program;

E) Selection criteria and process for admitting candidates into the program;

F) Evidence that the candidates of the cohort are paraeducators or parent and community leaders;

G) Plans for providing support to the candidates;

H) Plans for ensuring each candidate successfully progresses through the program. These plans will include strategies such as tutoring, study skills training, and other strategies to ensure candidates pass the Illinois basic skills test in accordance with the rules adopted by the State Board of Education for the licensure/certification of educators (see 23 Ill. Adm. Code 25.750(b)).

I) Preparation status of existing candidates, if a cohort is already engaged in the program;

J) Procedures to use when a candidate fails to make an adequate rate of progress as specified in Section 1085.80(b), and the candidate is counseled out of the program;

K) A plan for contingency funding if State funding is discontinued or diminished; and

L) Procedures for placement supports for candidates, including identified roles and responsibilities of the consortium members in assisting with placement.

3) The Board shall provide the categories of allowable expenditures pursuant to the Act and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget breakdown that provides a detailed explanation of each line item of expenditure and covers the entire period of time during which the identified cohort is expected to be enrolled in the teacher preparation program.

A) *Where necessary, program budgets shall include the costs of child care and other indirect expenses, such as transportation, tutoring, technology, and technology support, necessary to permit candidates to maintain their class schedules. Grant funds may be used by any member of a consortium to offset such costs, and the services may be provided by the community organization or organizations, by any other member of the consortium, or by independent contractors.* (Section 25(d) of the Act)

B) *Grant funds may also be expended to pay directly for required developmental classes for candidates beginning a program.* (Section 25(i) of the Act)

C) *The community organization or organizations may receive a portion of the grant money for the expenses of recruitment, community orientation, and counseling of potential candidates, for providing space in the community, and for working with school*

personnel to facilitate individual work experiences and support of candidates. (Section 25(f) of the Act)

D) *The school district or school employee union or both may receive a portion of the grant money for expenses of supporting the work experiences of candidates and providing mentors for graduates. Notwithstanding the provisions of Section 10-20.15 of the School Code, school districts may also use these or other applicable public funds to pay participants in programs under the initiative for student teaching required by an accredited teacher preparation program.* (Section 25(g) of the Act)

E) *One or more members of the consortium may expend funds to cover the salary of a site based cohort coordinator.* (Section 25(h) of the Act)

F) *No funds under the initiative may be used to supplant the average per-capita expenditures by the institution of higher education for candidates. The institution of higher education may expend grant funds to cover the additional costs of offering classes in community settings and for tutoring services.* (Section 25(c) and (e) of the Act)

G) A consortium shall implement a program of forgivable loans to cover any portion of tuition, books and fees charged of students preparing for teaching licenses/certificates in excess of grants-in-aid received.

H) Applicants shall be required to describe the steps that will be taken to decrease the need for GYO State funds for the consortium and its program over time.

b) Proposals for implementation grants shall be evaluated in accordance with the following criteria:

1) Feasibility, Impact and Cost-Effectiveness

A) The proposal identifies a need for teachers in hard-to-staff schools and hard-to-fill positions and describes either a cohort that is available to enroll in the identified preparation program or time-

specific plans for identifying and attracting the members of such a cohort;

B) The proposal describes strategies that will be used to reach members of underrepresented groups that reflect the diversity of the students enrolled in the participating schools and outlines plans for serving additional cohorts in future years;

C) The proposal demonstrates that:

i) Coursework and experiences required for certification will be scheduled and located to be accessible to members of the cohort; and

ii) Supportive services (e.g., child care, counseling, tutoring) that have been identified as necessary will be offered to enable candidates to progress through the program and attain certification;

D) The proposal establishes a timetable and performance level for candidates as a condition for their continued receipt of assistance under this program;

E) The plan to evaluate the program by members of the consortium is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes;

F) The proposal describes commitments and dedications of monetary and in-kind resources of each member of the consortium that will enable the consortium to sustain the program over time with a reduction in the need for GYO State funds;

G) The budget clearly describes the proposed use of grant funds as allowable, reasonable and cost-effective; and

H) The plan for recruiting and screening potential candidates will ensure that those individuals admitted will have a high likelihood

of successfully completing the program in a reasonable length of time.

2) Quality of the Plan

A) The proposal describes the role of each entity that is a member of the consortium, including the resources each entity will devote to this initiative, the major areas requiring collaboration among the members, and how decisions will be made with input from the members and the participants;

B) The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the consortium;

C) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the cohort in its approved teacher preparation program. If a two-year institution is involved in the consortium, the proposal delineates how coursework, other requirements, and services will be coordinated between the institutions;

D) The proposal describes the needs of the participating schools and demonstrates that the consortium's plan for certification under the program is relevant to those needs and will have an impact on the availability of qualified staff;

E) The plan of work for the program includes specific strategies for overcoming known barriers faced by the participating schools in retaining qualified teachers and for addressing and overcoming the barriers faced by the individuals who make up the cohort to be enrolled in the program; and

F) The proposal describes the consortium's plans for extending support to candidates for at least their first 2 years of teaching. This includes such activities and services as mentoring (if the district does not already offer a teacher mentoring program) and group meetings of the cohort. If the district offers a teacher mentoring program, the consortium should work with the existing

district mentoring program to provide mentoring support to the new teacher.

3) Experience and Qualifications

A) The proposal provides evidence that faculty and relevant staff of the institution are knowledgeable regarding the needs of hard-to-staff schools and the specific issues that candidates from non-traditional backgrounds encounter when attempting to complete preparation for teaching careers;

B) The proposal demonstrates that the community organization that is a member of the consortium has a record of success in conducting projects or initiatives with a specific focus on involving parents and others in school improvement, either in the participating schools or schools with similar characteristics, and has the capacity (including staff and other resources) to recruit candidates for and support them as they progress through the program; and

C) The individual who is identified as coordinator for the cohort has experience in education and/or community organizing and in supporting individuals in the collegiate environment and is knowledgeable about group dynamics, support services and cultural issues relevant to the cohort.

4) Evaluation Plans

A) The proposal relates plans for the evaluation of candidates' teaching skills to the relevant portions of the institution's educational unit assessment system (see 23 Ill. Adm. Code 25.140) and demonstrates that candidates in the program will be expected to meet the standards applicable to the approved program; and

B) The proposal includes a plan for the evaluation of the program by the members of the consortium that will provide:

i) Information on the progress of candidates within the preparation program; and

ii) When applicable, information on this initiative's outcomes in terms of candidates' placement into hard-to-staff teaching positions or hard-to-staff schools and their retention in those positions.

c) *In awarding grants, the Board shall select programs that successfully address initiative criteria and that reflect a diversity of strategies in terms of serving urban,* suburban, and *rural areas, the nature of the participating institutions of higher education, and the nature of hard-to-staff schools and hard-to-staff teaching positions on which a program is focused.* (Section 20 of the Act)

d) The Board shall approve proposals for funding and make final determinations regarding the amounts to be provided based upon:

1) The total funds appropriated for this initiative;

2) The needs and resources described and the amounts requested in the top-ranked proposals identified in accordance with the criteria set forth in subsection (b); and

3) The need to make programs under this Part accessible on a geographic basis in a manner that will increase the availability of candidates to serve in hard-to-staff schools and positions in all areas of the State.

e) In the event that an audit or other evidence establishes that the consortium failed to perform and/or the expenditure of grant funds was not consistent with the consortium's proposal, a full or partial reimbursement to the State shall be required. For example, if an auditor finds that any amount of funds were not used or were used in a manner inconsistent with the proposal, the Board will seek reimbursement for that amount of funds.

Section 1085.70 Continuation Grant

a) A consortium that has received an implementation grant award or a continuation grant pursuant to this Part for a cohort of candidates in the prior fiscal year shall be subject to the requirements of this Section with respect to continued funding for that cohort in subsequent years.

1) The responsibility and roles of each partner in the consortium shall be set forth in a written agreement signed by each partner to be submitted with the application annually. The written agreement shall address at the least the following:

A) The process and responsibilities of each partner for the recruitment, selection and assessment of candidates;

B) The establishment of support systems and the specific roles of each partner in providing those supports. This may include, but shall not be limited to, tutoring, peer mentoring, professional development workshops, etc.; and

C) The process to develop an evaluation plan to measure the progress and success of individual candidates, as well as an evaluation of the partnership, and the role of each partner in making improvements based on the results of the evaluations.

2) In addition to the application requirements of Section 1085.40, the application for a continuation grant must include the following:

A) An end-of-year report from the project director on the following:

i) Current status of the program and the status of each cohort member;

ii) The activities and support provided to date, including monetary and in-kind; and

iii) The degree to which candidates are achieving the program's objectives.

B) An updated proposal including:

i) Objectives, activities, timelines and evaluation procedures for the renewal year, showing that it continues to meet all of the requirements set forth in Section 1085.60;

ii) Results/outcomes that have been achieved to date; and

iii) The relationship of results to any changes proposed for program operations from the previous year.

C) An updated budget including:

i) Budget summary;

ii) Payment schedule; and

ii) Narrative budget breakdown that describes any needed variances from the budget proposed in the prior year of funding.

b) When the consortium membership has changed or there is a plan in place to replace one or more of the partners, the consortium must contact the Board prior to submitting an application for a continuation grant. The consortium must submit written notification of the membership change. The Board will prescribe the form or format when releasing the Request for Proposals (RFP). The Executive Director of the Board shall review the notifications consistent with the following:

1) If the 4-year institution of higher education with an Illinois accredited teacher education program is replaced or the school district or group of schools is replaced, the consortium is not eligible for a continuation grant. The newly formed consortium may be eligible for a planning or implementation grant and may be eligible for continuation grants in the years following the receipt of a planning or implementation grant.

2) If the partners want to add a school district or group of schools to the consortium, the Executive Director shall consider whether this change is viable and what impact this will have on the candidates. If the re-organization appears viable and there is no apparent risk that this change will interfere with the progression of candidates through the program, the Executive Director shall recognize the re-organized consortium. The re-organized consortium may be eligible for a continuation grant.

3) A consortium may replace or add community organizations as it deems appropriate. If there is no apparent risk that the re-organization will

interfere with the progression of candidates through the program or harm the consortium, the Executive Director shall deem that the re-organized consortium is eligible for a continuation grant.

c) A consortium that has received an implementation grant award or a continuation grant pursuant to this Part for a cohort of candidates in the prior fiscal year shall be subject to the requirements of this Section with respect to continued funding for that cohort in subsequent years.

1) The responsibility and roles of each partner in the consortium shall be set forth in a written agreement signed by each partner to be submitted with the application annually. The written agreement shall address at the least the following:

A) The process and responsibilities of each partner for the recruitment, selection and assessment of candidates;

B) The establishment of support systems and the specific roles of each partner in providing those supports. This may include, but shall not be limited to, tutoring, peer mentoring, professional development workshops, etc.; and

C) The process to develop an evaluation plan to measure the progress and success of individual candidates, as well as an evaluation of the partnership, and the role of each partner in making improvements based on the results of the evaluations.

2) In addition to the application requirements of Section 1085.40, the application for a continuation grant must include the following:

A) An end-of-year report from the project director on the following:

i) Current status of the program and the status of each cohort member;

ii) The activities and support provided to date, including monetary and in-kind; and

iii) The degree to which candidates are achieving the program's objectives.

B) An updated proposal including:

i) Objectives, activities, timelines, and evaluation procedures for the renewal year, showing that it continues to meet all of the requirements set forth in Section 1085.60;

ii) Results/outcomes that have been achieved to date; and

iii) The relationship of results to any changes proposed for program operations from the previous year.

C) An updated budget including:

i) Budget summary;

ii) Payment schedule; and

ii) Narrative budget breakdown that describes any needed variances from the budget proposed in the prior year of funding.

d) The Board shall, contingent upon appropriation or allocation of funds for this initiative, provide continuation funding to consortia that:

1) Demonstrate that a majority of the candidates in the cohort served have completed coursework required under the teacher preparation program during at least one semester of the preceding year, as described in Section 1085.50(b);

2) Demonstrate success in providing the supports necessary to retain candidates in the program; and

3) Demonstrate that their programs continue to comply with the provisions of the Act and this Part.

e) If, for any reason, the amount of funds available for release is not sufficient to distribute the continuation grants in a given fiscal year, the Board shall distribute prorated shares to grantees.

f) In the event that an audit or other evidence establishes that the consortium failed to perform and/or the expenditure of grant funds was not consistent with the consortium's proposal, a full or partial reimbursement to the State shall be required. For example, if an auditor finds that any amount of funds were not used or were used in a manner inconsistent with the proposal, the Board will seek reimbursement for that amount of funds.

Section 1085.80 Candidates

a) Candidate Eligibility

1) Meets the definition of a candidate in Section 1085.20;

2) Meets the selection criteria determined by the consortium; and

3) Eligible for student financial aid and *takes advantage of existing financial aid resources before using funds* from the Forgivable Loan Program described in Section 1085.90. (Section 20(8)(L) of the Act)

b) Performance Plan for Each Candidate. The Board shall *provide a level of performance to be maintained by candidates as a condition of continuing in the program.* (Section 20(8)(K) of the Act) Measures to be implemented to ensure that each candidate makes adequate progress to complete the coursework required under the teacher preparation program shall include at least the following:

1) Any developmental classes that are prerequisites to a candidate being fully admitted into an Illinois education preparation program are to be completed within the first 4 semesters of a candidate's participation in the program;

2) The candidate successfully completes a minimum of 15 hours of coursework required under the teacher preparation program each academic year; and

3) Any candidate not completing coursework required under the teacher preparation programs for 2 consecutive semesters due to extenuating circumstances, including, but not limited to, military leave, health, etc., shall apply for a temporary leave from the GYO program. This application must be approved by the consortium partners. If the application is not approved or none is submitted, the candidate shall be deemed exiting the program without cause and subject to loan repayment.

c) Information on Each Candidate. The Board shall identify the information that each consortium will be required to collect and update, including, but not limited to, the following:

1) Data by candidate, to be reported or updated at least once per academic year:

A) Name, address and demographics;

B) Eligibility criteria;

C) Date of enrollment, anticipated date of graduation, anticipated date of program completion, date of completion or exit;

D) If candidate exits before completion, provide explanation;

E) Developmental courses and tutoring;

F) Basic skills, teacher licensure and other test scores;

G) Grade point average (GPA) for all courses and for courses that compose the degree requirements of a teacher preparation program;

H) Annual amount of program loans, cumulative amount of program loans, and each year of teaching service; and

I) Information on the position taken by the graduate.

2) Data by cohort, to be reported or updated each academic year:

A) Pass rates on basic skills test, content test, Assessment Professional Test, and/or other tests identified by the Board;

B) Number who intentionally exit voluntarily or do not register for two consecutive semesters;

C) Percentage who progress at the expected rate through the program; and

D) Percentage of candidates within the original cohort that start and complete the program.

Section 1085.90 Forgivable Loan Program

Every program under the initiative shall implement a program of forgivable loans to cover any portion of tuition, books, and fees of candidates under the program in excess of the candidates' grants-in-aid. All students admitted to a cohort shall be eligible for a forgivable student loan. Loans shall be fully forgiven if a graduate completes 5 years of service in hard-to-staff schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service. The Board shall establish standards for the approval of requests for waivers or deferrals from individuals to waive this obligation. The Board shall also define standards for the fiscal management of these loan funds. (Section 25(a) of the Act) Any candidate in a program administered under this Part may receive a forgivable loan for tuition, books and fees associated with completion of the teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid or other resources of the consortium. Any amount expended for an individual's tuition, books and fees shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The cumulative total amount of any candidate's loan shall not exceed $25,000.

a) Pursuant to Section 25(a) of the Act, loan funds provided to candidates as part of this program *shall be fully forgiven if a graduate completes 5 years of service in hard-to-staff schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service.* Forgiveness and repayment of loans shall be determined as provided in this Section.

b) An individual may accrue the service required for forgiveness of loans under this Part in one or more eligible schools or positions.

c) If an individual has not assumed employment in an eligible school or position within 2 years after receiving a teaching license/certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply.

d) An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing coursework required under the teacher preparation program for 2 consecutive semesters.

e) If a graduate has not completed 5 years of service within 10 years after receiving a teaching license/certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. The amount due shall be the total amount borrowed, less a percentage reflecting the relationship that any time taught by the individual in eligible schools or positions bears to the total 5 year commitment. Loan amounts shall be reduced in increments of 10% for each semester completed.

f) Repayment of loans shall be made in no more than 60 equal installments. The minimum monthly payment will be determined by dividing the total amount due by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty.

g) In addition to the loan forgiveness permitted under Section 25 of the Act, the Board may defer or waive an individual's obligation to repay an amount due as provided in this subsection (g).

1) The Board shall waive the repayment obligation for an individual who is counseled out of a preparation program or found ineligible to continue, provided that the individual's exit from the program is not due to a violation of law or of applicable institutional policies.

2) The Board shall waive the repayment obligation for an individual who drops out of a preparation program or demonstrates that he or she is unable to complete a portion of the required teaching service due to:

A) The onset or exacerbation of a disability;

B) The need to care for an immediate family member during serious illness or disability;

C) Destruction of the individual's residence; or

D) Other circumstances that require the individual to assume responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).

3) The Board shall waive the repayment obligation for a candidate who does not complete a preparation program due to the unavailability of a State appropriation for this initiative for at least 2 consecutive years.

4) The Board shall waive the repayment obligation for any candidate in good standing who cannot complete the preparation program due to the consortium's ineligibility for funds under Section 1085.70.

5) The Board shall defer the repayment obligation for a period of time specifically related to the circumstances when an individual:

A) Is unemployed or is working for fewer than 30 hours per week;

B) Is experiencing a financial hardship (e.g., receiving public assistance, earning an amount per month that is no greater than 200% of the amount of the loan payment, or experiencing circumstances such as those outlined in subsection (g)(2) of this Section);

C) Has re-enrolled as a full-time student in an institution of higher education (for example, to pursue a master's degree) or in a program under this Part (for example, to obtain program training by attending a teacher education program for a specialized area, such as math or science); or

D) Is deployed for active duty as a member of the U.S. Armed Services, reserve forces of the United States or as a member of the Illinois National Guard.

6) Each request for a waiver or deferral of repayment shall be submitted in a format specified by the Board. The affected individual shall describe the specific circumstances that apply. This description shall be accompanied by evidence such as a physician's statement, insurance claim or other documentation of the relevant facts.

h) When a teaching license/certificate is issued to an individual who received assistance under this Part, the license/certificate shall be accompanied by:

1) A statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under this Section; and

2) A claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in eligible schools or positions and the school administrators who can verify the individual's service.

i) Management of Loans

1) It shall be the responsibility of each 4 year institution of higher education, and of any 2 year institution that participates in a consortium, to assist the Board with the forgivable loan process in the following manner:

A) By keeping records of the amounts provided to or on behalf of each individual for tuition, fees and books;

B) By keeping up-to-date contact information regarding the address and telephone number of each individual during the individual's preparation at that institution; and

C) By notifying the Board within 30 days after a candidate fails to enroll in coursework as expected or otherwise ceases to participate in the program and informing the Board of the total amount of the candidate's loan for direct expenses as of that point in time.

2) When a candidate leaves a 2 year institution and enters a 4 year institution to continue in a program under this Part, the 2 year institution shall inform

both the Board and the 4 year institution of the total amount of the candidate's loan for direct expenses as of that point in time. Each 2 year institution shall ensure that the affected 4 year institution continues to receive any information that subsequently affects the amount of a candidate's loan.

3) Each institution shall notify the Board as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.

j) It shall be the responsibility of the Board to take such actions as may be necessary to secure repayment when necessary.

Section 1085.100 Grant Agreement

a) Grant funds may not be expended except pursuant to a written grant agreement, and disbursement of grant funds without a grant agreement is prohibited. At a minimum, a grant agreement shall:

1) Describe the purpose of the grant and be signed by authorized representatives of the Board and each member of the consortium;

2) Name and contact information of the project director;

3) Specify how payments shall be made and the financial controls applicable to the grant, including an agreement to file quarterly reports describing the progress of the activities and the expenditure of the related grant funds pursuant to the Illinois Grant Funds Recovery Act [30 ILCS 705];

4) Specify that the use of grant funds will be consistent with Section 1085.50 for a planning grant, Section 1085.60 for an implementation grant or Section 1085.70 for a continuation grant;

5) Specify the period of time for which the grant is valid and the period of time during which grant funds may be expended by the grantee;

6) Contain a provision that all funds remaining at the end of the grant agreement, or at the expiration of the period of time grant funds are

available for expenditure or obligation by the grantee, shall be returned to the State within 45 days;

7) Contain a provision that any grantees receiving grant funds are required to permit the Board, the Auditor General or the Attorney General to inspect and audit any books, records or papers related to the projects for which grant funds were provided;

8) Contain a provision in which the grantee certifies under oath that all information in the grant agreement is true and correct to the best of the grantee's knowledge, information and belief, that the funds shall be used only for the purposes described in the grant agreement, and that the award of grant funds is conditioned upon that certification;

9) Provide that the institution shall contract with an external auditor who is a certified public accountant licensed by DFPR to conduct an audit of the expenditure of grant funds provided under this program at the end of the grant period to verify that grant funds were expended pursuant to the grant agreement and not for unauthorized purposes; and

10) Require the grantee to use the interest earned on any grant funds for eligible projects. The interest earned on grant funds shall not change the amount of the grant.

b) The Board may withhold or suspend the distribution of grant funds for failure to file required quarterly reports.

c) Upon the execution of a grant agreement, the Board will process a voucher to the grantee in accordance with the terms of the grant agreement, provided that the funds have been appropriated and have been made available to the Board.

Section 1085.110 Audit Guidelines

a) To fulfill the audit requirements of this Part, the grantees shall contract with an external auditor who is a certified public accountant licensed by DFPR to perform an audit as specified in subsection (b).

b) The external auditor shall:

1) Receive copies of the institution's application, a certified grant agreement and a copy of this Part;

2) Verify the expenditure of funds as provided for in this Part, and ensure that funds were expended on authorized expenditures listed in the grant agreement; and

3) Provide an audit report to the Board including a description of the tests performed and the audit findings.

c) In the event that an audit or other evidence establishes that an overpayment was made in a grant to an institution, a reimbursement to the Board shall be required. A reimbursement is required in the following situations:

1) Grant funds were not expended within the grant period; or

2) Grant funds were expended for purposes not authorized under the grant agreement.

d) In the event that no audits are submitted, an institution shall reimburse the State for the total amount of the grant.

Section 1085.120 Grant Funds Recovery Act

Grant funds are subject to the Illinois Grant Funds Recovery Act and all other applicable laws governing contracts and agreements in the State of Illinois. Pursuant to the Illinois Grant Funds Recovery Act, grants may be revoked and misspent grant funds recovered.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Obligations of Retail Electric Suppliers

2) Code Citation: 83 Ill. Adm. Code 412

3)

Section Numbers:	Adopted Action:
412.10	New Section
412.20	New Section
412.30	New Section
412.100	New Section
412.110	New Section
412.120	New Section
412.130	New Section
412.140	New Section
412.150	New Section
412.160	New Section
412.170	New Section
412.180	New Section
412.190	New Section
412.200	New Section
412.210	New Section
412.220	New Section
412.230	New Section
412.240	New Section
412.250	New Section
412.300	New Section
412.310	New Section
412.320	New Section

4) Statutory Authority: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501]

5) Effective Date of Rules: January 1, 2013

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

7) Does this rulemaking contain incorporations by reference? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: August 12, 2011, at 35 Ill. Reg. 12996

10) Has JCAR issued a Statement of Objection to this rulemaking? Yes

A) Statement of Objection: June 29, 2012; 36 Ill. Reg. 9453
B) Agency Response: October 5, 2012; 36 Ill. Reg. 14881
C) Date Agency Response Submitted for Approval to JCAR: September 14, 2012

11) Differences between Proposal and Final Version: Table of Contents: Delete original heading for Section 412.110 and replace with "Minimum Contract Terms and Conditions".

Table of Contents: Delete "412.190 Affiliate Name and Logo Use".

Table of Contents: Renumber "412.195" to "412.190".

Change the Authority Note to add reference to Section 8-501 of the Public Utilities Act.

Section 412.10: Definition of "Alternative retail electric supplier": Replace "the same as that term is defined in Section 16-102 of the Act" with "an entity *that offers for sale or lease or delivers or furnishes power or energy to retail customers*. (See 220 ILCS 5/16-102.)".

Section 412.10: Definition of "Customer": Replace the definition with statutory language.

Section 412.10: Delete definition of "Do Not Market List".

Section 412.10: Definition of "Electric utility": Replace the definition with statutory language.

Section 412.10: Definition of "Residential customer": Replace the definition with new language.

Section 412.10: Definition of "Retail electric supplier": Change "pursuant to Section 16-116 of the Act" to "outside their service areas or providing competitive non-tariffed service (see Section 16-116 of the Act)."

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 412.10: Add a definition of "Send" or "Sent".

Section 412.10: Definition of "Third party verification": Correct statutory citation and replace "referenced in Section 16-115A of the Public Utilities Act" with "required to be used to verify that the customer wants to make a change in electric supplier".

Section 412.20(a): Add "non-RES" before "electric utility".

Section 412.30: Replace "the effective date of this Part" with "January 1, 2013" and after "control." add "Electric utility tariffs approved after January 1, 2013 shall comply with that Part.".

Section 412.100(a): Delete "In addition, Section 412.170(d) (Do Not Market List) shall apply to electric utilities."

Section 412.100(b): After "exceptions" add "to Subpart B".

Section 412.110: Replace original Section heading with "**Minimum Contract Terms and Conditions**".

Section 412.110: Change original prefatory language to "The sales contract must disclose the following information to the customer, regardless of the form of marketing used. The sales contract must use 10 point font or larger, and, it if is a separate document, it must not exceed two pages in length. The sales contract shall include:".

Section 412.110(f): Delete ", and shall not exceed $50".

Section 412.110(l): After "bodies" add "(unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements)".

Section 412.110(p): In the last sentence, after "usage" add "and the fixed monthly charge does not include delivery service charges".

Section 412.120(a): Change the subsection to:

"a) An RES agent shall state that he or she represents an independent seller of power and energy service certified by the Illinois Commerce Commission.

An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of the electric utility, a governmental body ((unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group."

Section 412.120: Delete subsections (j) and (k).

Section 412.130(a): Change "if available" to "if the RES has assigned one to the agent. The RES agent shall state that he or she represents an independent seller of power and energy service, certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group.

Section 412.130(d): Change "include the applicable items contained in Section 412.110 (d) through (p)" to "require the customer to verbally acknowledge that he or she understands items (d) through (p) of the uniform disclosure statement in Section 412.110.".

Section 412.130(f): After "confirmation" add "to the RES".

Section 412.150(a): After "being solicited." Add "Direct mail material shall not make any statement so representation of, endorsement by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) or a consumer group".

Section 412.160(a): After "service sought" add "The RES internet and electronic material shall not make any statements of representation of, endorsement by or acting on behalf of the utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) or a consumer group.".

Section 412.170(d): Delete subsection in its entirety.

Section 412.190: Delete Section in its entirety.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

Section 412.195: Renumber Section as "412.190"; after "RES" add "under Section 16-115D of the Act".

Section 412.200: Before "electric utilities" add "non-RES".

Section 412.210: Reformat with subsection designations.

Section 412.230: Delete ", provided that any early termination fee or penalty shall not exceed $50 total regardless of whether or not the contract is a multiyear contract".

Section 412.300: Before "electric utilities" add "non-RES".

Section 412.310(a)(1): After "billing)" add "(combined billing for RES services and electric utility services)".

Section 412.320(a): Delete "A RES shall not require a residential or small commercial retail customer, as part of the terms of service, to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties."

Section 412.320(c)(1): After "Complaints" add "(see 83 Ill. Adm. Code 200.160)".

Section 412.320(c)(1)(A): Before "complaint" and "complaints" add "informal".

Section 412.320(c)(1)(B): Change "resolve a" to "resolve an informal"; before "utility" in phrase "or utility consolidated billing" add "electric".

Section 412.320(c)(1)(C), (c)(1)(E)(i) and (c)(1)(F): Change "the complaint" to "the informal complaint".

Section 412.320(c)(2): After :Act: add "and 83 Ill. Adm. Code 200.170".

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

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

15) Summary and Purpose of Rules: The rules establish the requirements for consumer education and protection involving programs for electric customer choice. The rules include definitions of terms, regulations for marketing practices, regulation of contract provisions, and dispute resolution.

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTLITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section
412.10 Definitions
412.20 Waiver
412.30 Construction of this Part

SUBPART B: MARKETING PRACTICES

Section
412.100 Application of Subpart B
412.110 Minimum Contract Terms and Conditions
412.120 Door-to-Door Solicitation
412.130 Telemarketing
412.140 Inbound Enrollment Calls
412.150 Direct Mail
412.160 Online Marketing
412.170 Training of RES Agents
412.180 Records Retention and Availability
412.190 Product Descriptions

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section
412.200 Application of Subpart C
412.210 Rescission of Sales Contract
412.220 Deposits
412.230 Early Termination of Sales Contract
412.240 Contract Renewal
412.250 Assignment

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section
412.300 Application of Subpart D
412.310 Required RES Information
412.320 Dispute Resolution

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 36 Ill. Reg. 17886, effective January 1, 2012.

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means an entity *that offers for sale* or *lease, or delivers or furnishes power or energy to retail customers.* (See 220 ILCS 5/16-102.)

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an RES, by a customer or other entity, as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer" means:

a *single entity using electric power or energy at a single premises and that either is receiving or is eligible to receive tariffed services from an electric utility or is served by a municipal system or electric cooperative; or*

an entity that, *on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy*

building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]

"Electric utility" means *a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.* [220 ILCS 5/16-102]

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

"Pending enrollment" means a valid direct access service request that has been accepted by an electric utility, for which the meter read switch has not yet occurred.

"Rescind" means the cancellation of a contract with an RES and/or pending customer enrollment to an RES, without the incurrence of an early termination fee.

"Residential customer" means a person receiving gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers outside their service areas or providing competitive non-tariffed service (see Section 16-116 of the Act).

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for power and energy service on behalf of an RES.

"Send" or "Sent", when used in this Part to describe the action to be taken by a Retail Electric Supplier of sending a document to a residential customer or small commercial retail customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kilowatt-hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RES as to a customer's status as a small retail commercial customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" means the process described in Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE(b)] and required to be used to verify that the customer wants to make a change in electric supplier.

Section 412.20 Waiver

a) The Commission, on application or petition of an RES or non-RES electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:

1) the provision from which the waiver is granted is not statutorily mandated;

2) no party will be injured by the granting of the waiver; and

3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

Section 412.30 Construction of this Part

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

In the event of any conflict between this Part and the requirements provided in electric utility tariffs on file with the Commission as of January 1, 2013, this Part shall control. Electric utility tariffs approved after January 1, 2013 shall comply with this Part.

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

a) The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small retail commercial customers, and only to the extent that the RES provide services to residential or small retail commercial customers.

b) The following exceptions to Subpart B apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to RES serving or seeking to serve any retail customer, other than RES certified under Subpart E of, or under the applicable of Subpart B or C of, 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

Section 412.110 Minimum Contract Terms and Conditions

The sales contract must disclose the following information to the customer, regardless of the form of marketing used. The sales contract must use 10 point font or larger, and, if it is a separate document, it must not exceed two pages in length. The sales contract shall include:

a) The legal name of the RES and the name under which the RES will market its products, if different;

b) The RES' business address;

c) The RES' toll-free telephone number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints;

d) The charges for the service for the length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;

e) The length of the contract, including any possible automatic renewal clause;

f) The presence or absence of early termination fees or penalties, applicable amounts or the formula pursuant to which they are calculated;

g) Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;

h) Any fees assessed by the RES to a customer for switching to the RES;

i) The name of the power and energy service for which the customer is being solicited;

j) A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;

k) A statement that the customer may rescind the contract and the pending enrollment, within 10 calendar days after the electric utility processes the enrollment request, by contacting the RES. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility. The statement shall provide both toll-free phone numbers;

l) A statement that the RES is an independent seller of power and energy service certified by the Illinois Commerce Commission and that the agent is not representing or acting on behalf of the electric utility, governmental bodies (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) or consumer groups;

m) A statement that the electric utility remains responsible for the delivery of power and energy to the customer's premises and will continue to respond to any service calls and emergencies and that switching to an RES will not impact the customer's electric service reliability;

n) A statement that the customer will receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;

o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and in-bound enrollment calls, the statement shall be provided in accordance with Sections 412.130(e) and 412.140(c); and

p) A price per kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide an estimated price per kWh for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.

Section 412.120 Door-to-Door Solicitation

a) An RES agent shall state that he or she represents an independent seller of power and energy service certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group.

b) If any sales solicitation, agreement, contract or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language.

c) RES agents who engage in door-to-door solicitation for the purpose of selling power and energy service offered by the RES shall display identification. This identification shall be visible at all times and prominently display the following:

1) The RES agent's full name in reasonable size font;

2) A photograph of the RES agent; and

3) The trade name and logo of the RES the agent is representing. If the agent is selling power and energy services from multiple RES to the customer, the identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.

d) The RES agent shall leave the premises at the customer's, owner's or occupant's request.

e) The RES agent shall ensure that, during the sales presentation to the customer, items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. An RES agent may disclose the items in any order as long as all applicable items are explained to the customer during the sales presentation.

f) The RES agent shall require the customer to initial the RES agent's copy of the uniform disclosure statement. A copy of the uniform disclosure statement is to be left with the customer at the conclusion of the visit. The minimum list of items to be included in the uniform disclosure statement is contained in Section 412.110.

g) If a customer's enrollment is authorized by third party verification during door-to-door solicitation, the third party verification shall require the customer to verbally acknowledge that he or she understands the applicable items in items (d) through (p) of the uniform disclosure statement.

h) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.

i) Upon a customer's request, the RES shall refrain from any further marketing to that customer.

Section 412.130 Telemarketing

a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an RES agent who contacts customers by telephone for the purpose of selling power and energy service shall provide the agent's name and, on request, the identification number if the RES has assigned one to the agent. The RES agent shall state that he or she represents an independent seller of power and energy service, certified by the Illinois Commerce Commission. An RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group.

b) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, and the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.

c) An RES agent shall ensure that, during the sales presentation to the customer, items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.

d) If an RES agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must require the customer to verbally acknowledge that he or she understands items (d) through (p) of the uniform disclosure statement in Section 412.110.

f) The uniform disclosure statement and contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

g) Upon a customer's request, the RES shall refrain from any further marketing to that customer.

Section 412.140 Inbound Enrollment Calls

If a customer initiates a call to an RES agent in order to enroll for service, the agent must:

a) Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act;

b) Verbally disclose to the customer items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)). An RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; and

c) Send the uniform disclosure statement and contract to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.150 Direct Mail

a) RES agents contacting customers for enrollment for power and energy service by direct mail shall include the items of the uniform disclosure statement (Section 412.110) for the service being solicited. Direct mail material shall not make any statements of representation of, endorsement by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) or a consumer group.

b) If a written Letter of Agency is being used to authorize a customer's enrollment, it shall contain a statement that the customer has read and understood the items contained in the uniform disclosure statement in Section 412.110. The document containing the items of the uniform disclosure statement must remain with the customer.

c) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.160 Online Marketing

a) Each RES offering power and energy service to customers online shall display the items of the uniform disclosure statement (Section 412.110) for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or

type of service sought. The RES internet and electronic material shall not make any statements of representation of, endorsement by or acting on behalf of the electric utility, a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) or a consumer group.

b) The document containing the items of the uniform disclosure statement must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.

c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act, an authorization to change RES that confirms and includes appropriate verification data by encrypted customer input on the RES website.

d) The enrollment website of the RES shall, at a minimum, include:

1) All items within the uniform disclosure statement (Section 412.110);

2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;

3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and

4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

Section 412.170 Training of RES Agents

a) An RES agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.

b) All RES agents should be familiar with power and energy services that they sell, including the rates, payment and billing options, the customers' right to cancel,

and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.

c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.

Section 412.180 Records Retention and Availability

a) RES must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.

b) Throughout the duration of the contract, and for two years thereafter, the RES shall retain the customer's contract. Upon the customer's request, the RES shall provide the customer a copy of the contract via e-mail, U.S. mail or facsimile within seven business days. The RES shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

Section 412.190 Product Descriptions

Only power and energy service that includes power and energy purchased entirely separate and apart from the renewable portfolio standard requirements applicable to RES under Section 16-115D of the Act can be marketed as "green", "renewable energy" or "environmentally friendly".

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to non-RES electric utilities.

Section 412.210 Rescission of Sales Contract

a) The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing power and energy service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment and provide contact information for the RES.

b) A residential customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility processes the enrollment request.

c) A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request.

d) If the 10th calendar day falls on a non-business day, the rescission period will be extended through the next business day.

e) In the event the residential customer provides notice of rescission to the electric utility, the electric utility shall notify the RES.

Section 412.220 Deposits

An RES shall not require a customer deposit if the RES is selling the receivables for power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

Section 412.230 Early Termination of Sales Contract

Any contract between an RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee. Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer

terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.

Section 412.240 Contract Renewal

a) Non-Automatic Renewal. The RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";

2) The anticipated bill cycle in which the existing contract will expire;

3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided; and

4) A statement, in at least 12 point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.

b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract

renewal separately from the bill at least 30 but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";

2) The bill cycle in which service under the new term will begin;

3) A statement in bold lettering, in at least 12 point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;

4) If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term; and

5) A clear disclosure of the contract terms, including a full description of any renewal offers available to the customer.

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

a) The new supplier is an RES;

b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;

c) The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided,

however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract;

d) The customer is given 15 calendar days prior written notice of the assignment by the current RES; and

e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to non-RES electric utilities.

Section 412.310 Required RES Information

a) Prior to the RES initiating marketing to residential and small commercial retail customers, the RES shall provide the following to the Commission's Consumer Services Division (CSD):

1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing) (combined billing for RES services and electric utility services);

2) Standard customer contract;

3) Customer complaint and resolution procedures; and

4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.

b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.

c) If the RES has declared force majeure within the past 10 years on any contracts to deliver power and energy services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

Section 412.320 Dispute Resolution

a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right.

b) A customer or applicant for power and energy service may submit a complaint by U.S. mail, facsimile transmission, e-mail or telephone to an RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer's complaint verbally, the RES shall inform the customer of the ability to request and obtain the RES' response in writing. A customer who is dissatisfied with the RES' response shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.

c) Complaints to the Commission

1) Informal Complaints (see 83 Ill. Adm. Code 200.160)

A) If a complainant is dissatisfied with the results of an RES' complaint investigation, the RES shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer's informal complaint includes:

i) The customer's name, mailing and service addresses, and telephone number;

ii) The name of the RES;

iii) The customer's electric utility and RES account numbers;

iv) An explanation of the facts relevant to the complaint;

v) The complainant's requested resolution; and

vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.

B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES' receivables or electric utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.

C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the RES.

D) The CSD shall review the complaint information and the RES' response and notify the complainant of the results of the Commission's investigation.

E) While an informal complaint process is pending:

i) The RES (or the electric utility in the case of the electric utility having purchased the RES' receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has taken final action on the informal complaint; and

ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES' receivables or the utility presenting the RES' charges on a consolidated

bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.

F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.

2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act and 83 Ill. Adm. Code 200.170.

3) Disclosure of RES' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative

2) Code Citation: 23 Ill. Adm. Code 60

3)

Section Numbers:	Proposed Action:
60.10	Repeal
60.20	Repeal
60.30	Repeal
60.40	Repeal
60.50	Repeal
60.60	Repeal
60.70	Repeal
60.90	Repeal
60.100	Repeal

4) Statutory Authority: 110 ILCS 48

5) Effective Date of Repealer: December 10, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: July 6, 2012; 36 Ill. Reg. 9591

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

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.

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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Repealer: PA 96-1393, effective July 1, 2010, transferred the authority of The "Grow Your Own" Teacher Education Initiative to the Board of Higher Education (IBHE), which now is responsible for rulemaking. Under the legislation, the rules of the State Board of Education remained in force until IBHE could promulgate its own rules to govern the program (re: 23 Ill. Adm. Code 1085).

16) Information and questions regarding this repealer shall be directed to:

Kellee Sullivan, Division Administrator
Division of Educator Licensure
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777

217/557-6763

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Arbitration

2) Code Citation: 50 Ill. Adm. Code 7030

3) Section Number: 7030.30 — Adopted Action: Amendment

4) Statutory Authority: Section 1.1 of the Workers' Compensation Act [820 ILCS 305/1.1]

5) Effective date of the rulemaking: December 4, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*? August 17, 2012; 36 Ill. Reg. 13005

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

11) Differences between Proposal and Final Version: In subsections (f)(1)(B) and (f)(2)(B), the Final Version specifies that the assignment of a petition to disqualify either an Arbitrator or Commissioner shall be made randomly by the Commission.

The Final Version adds a new subsection (f)(3), which specifies that a petition for substitution may be made to the Commission if reasonable notice of the application has been given to the adverse party or his or her attorney.

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

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

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: The amendment addresses an audit finding set forth by Auditor General William Holland in the audit directed pursuant to House Resolution 131 of the 97th General Assembly. Specifically, the audit found that the current version of Section 7030.30 conflicts with the changes of Public Act 97-18. Public Act 97-18 provided that the Canons of Judicial Conduct as adopted by the Illinois Supreme Court apply to the hearing and non-hearing conduct of the Arbitrators and Commissioner. Thus, these changes to Section 7030.30 align the bases for disqualification and also the remittal of a disqualification by and Arbitrator or Commissioner with the provisions of Canon 3 of the Canons of Judicial Conduct.

In addition, the amendment creates a formalized process for the filing of a Petition for Substitution of an Arbitrator or Commissioner. There is one published Appellate Court opinion that calls on the Commission to promulgate such a rule, Preston v. Industrial Comm'n, 332 Ill. App. 3d 708 (3rd Dist. 2002). In that case, a Commissioner who was subject to a petition to disqualify sat on the panel that ruled on the petition. While the majority found no error in the hearing process, the Court recommended that the Commission promulgate a rule to address the procedural handling of petitions to disqualify Commissioners.

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

Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601

Phone: 312/814-6559
kimberly.janas@illinois.gov
Fax: 312/814-3520

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER II: INDUSTRIAL COMMISSION

PART 7030
ARBITRATION

Section
7030.10 Arbitration Assignments
7030.20 Setting a Case for Trial
7030.30 Disqualification of Commissioners and Arbitrators
7030.40 Request for Hearing
7030.50 Subpoena Practice
7030.60 Depositions
7030.70 Rules of Evidence
7030.80 Briefs, Arbitrators' Decisions
7030.90 Opening and/or Closing Statements
7030.100 Voluntary Arbitration under Section 19(p) of the Workers' Compensation Act and Section 19(m) of the Workers' Occupational Diseases Act

AUTHORITY: Implementing and authorized by the Workers' Compensation Act [820 ILCS 305] and of the Workers' Occupational Diseases Act [820 ILCS 310].

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency amendment at 5 Ill. Reg. 8547, effective August 3, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency amendment at 6 Ill. Reg. 5820, effective May 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency amendment at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days; emergency expired August 6, 1990; amended at 14 Ill. Reg. 13141, effective August 1, 1990; amended at 15 Ill. Reg. 8214, effective May 17, 1991; amended at 20 Ill. Reg. 4053, effective February 15, 1996; amended at 36 Ill. Reg. 17913, effective December 4, 2012.

Section 7030.30 Disqualification of Commissioners and Arbitrators

a) Except as otherwise provided in the Workers' Compensation Act, *the Canons of Judicial Conduct as adopted by the Supreme Court of Illinois govern the hearing and non-hearing conduct of members of the Commission and Arbitrators. The Commission may set additional rules and standards, not less stringent than those*

rules and standards established by the Code of Judicial Conduct, for the conduct of Arbitrators. [820 ILCS 305/1.1]~~No Arbitrator or Commissioner financially or otherwise interested in the outcome of any litigation, or any question connected therewith, shall participate in any manner in the adjudication of said cause, including the hearing of settlement contracts for lump sum petitions~~.

b) An Arbitrator or Commissioner shall disqualify himself or herself in a proceeding, including the consideration of a settlement contract, in which the Arbitrator's or Commissioner's impartiality might reasonably be questioned, including but not limited to instances in which~~Examples of instances where disqualification by an Arbitrator or Commissioner should occur include, but are not limited to the following~~:

1) he or she has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings;

2) he or she served as an attorney in the matter in controversy, or an attorney with whom the Arbitrator or Commissioner previously practiced law served during that association as an attorney concerning the matter;

3) he or she is a material witness concerning the matter;

4) he or she was, within the preceding three~~two~~ years, associated in the private practice of law with any law firm or attorney currently representing any party in the controversy (provided that referral of cases when no monetary interest was retained shall not be deemed an association for the purposes of this subsection (b)(4)) or, for a period of seven years following the last date on which the Commissioner or Arbitrator represented any party to the controversy while the Commissioner or Arbitrator was an attorney engaged in the private practice of law;

5) he or she was, within the preceding three~~two~~ years, employed by any party to the proceeding or any insurance carrier, service or adjustment company, medical or rehabilitation provider, labor organization, or investigative service involved in the matter~~claim~~;

6) he or she or his or her spouse, or a person within the third degree of

relationship (pursuant to the civil law system) to either of them, or the spouse of that~~such~~ person:

A) is a party to the proceeding~~,~~ or an officer, director or trustee of a party;

B) is acting as an attorney in the proceeding;

C) is known by the Arbitrator or Commissioner to have a more than de minimis interest that could be substantially affected by the proceeding~~substantial financial interest in the subject matter in controversy~~;

D) is to the Arbitrator's or Commissioner's knowledge likely to be a material witness in the proceeding;

7) he or she negotiated for employment with a party, a party's attorney or insurance carrier or service or adjustment company, in a matter in which the Arbitrator or Commissioner is presiding or participating in an adjudicative capacity;~~.~~

8) the Arbitrator or Commissioner knows that he or she, individually or as a fiduciary, or the Arbitrator's spouse, parent or child wherever residing, or any other member of the Arbitrator's or Commissioner's family residing in the Arbitrator's or Commissioner's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more that de minimis interest that could be substantially affected by the proceeding.

c) An Arbitrator or Commissioner shall keep informed about the Arbitrator's or Commissioner's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the Arbitrator's or Commissioner's spouse and minor children residing in the Arbitrator's or Commissioner's household.

d~~c~~) Remittal of Disqualification
An Arbitrator or Commissioner disqualified under subsection (b)~~subsections (b)(5), (b)(6) or (b)(7) above,~~ may disclose on the record the basis of the disqualification and may ask the parties and their lawyers to consider, out of the

presence of the Arbitrator or Commissioner, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party~~. If, based on such disclosure~~, the parties and attorneys, without participation by the Arbitrator or Commissioner~~independently of the Arbitrator's or Commissioner's participation~~, all agree in writing that the Arbitrator or Commissioner should not be disqualified, and the Arbitrator or Commissioner is then willing to participate~~Arbitrator's or Commissioner's interest is immaterial~~, the Arbitrator or Commissioner may participate in the proceeding. The agreement signed by all parties and all attorneys shall be made a part of the record of the proceeding.

e~~d~~) Reassignment

1) Cases on Arbitration

A) When~~Where~~ an Arbitrator withdraws from a case and the venue of the~~said~~ case arises in Cook County, it shall be the duty of the Arbitrator to notify the ~~Industrial~~ Commission, whose function it shall be to reassign the~~transfer said~~ case to a new Arbitrator chosen randomly from all the Arbitrators in Cook County.

B) When~~Where~~ an Arbitrator withdraws from a case and the venue of the~~said~~ case arises outside Cook County, it shall be the duty of the Arbitrator to notify the ~~Industrial~~ Commission, whose function it shall be to reassign the~~transfer said~~ case to a new Arbitrator in the arbitration zone~~nearest contiguous geographical territory~~.

2) Cases on Review
When a Commissioner withdraws from a case, it shall be the duty of the Commissioner to notify the ~~Industrial~~ Commission, whose function it shall be to transfer the case to a Commissioner, representative of the same statutorily designated class, sitting on a panel other than that on which the withdrawing Commissioner sits.

f) Petitions for Substitution

1) Cases on Arbitration

A) Every application for a substitution of Arbitrator shall be made by a petition setting forth the specific cause for substitution. The petition shall be verified by the affidavit of the applicant.

B) Upon filing of a petition for substitution of Arbitrator, a hearing to determine whether cause exists shall be conducted as soon as possible by an Arbitrator other than the Arbitrator named in the petition, randomly assigned by the Commission. The Arbitrator named in the petition need not testify but may submit an affidavit if the Arbitrator wishes. If the petition is granted, the case shall be reassigned as set forth in subsection (e)(1) of this Section. If the petition is denied, the case shall be assigned back to the Arbitrator named in the petition.

2) Cases on Review

A) Every application for a substitution of Commissioner shall be made by a petition setting forth the specific cause for substitution. The petition shall be verified by the affidavit of the applicant.

B) Upon filing of a petition for substitution of Commissioner, a hearing to determine whether cause exists shall be conducted as soon as possible by a Commissioner of the same designation as the Commissioner named in the petition, randomly assigned by the Commission. The Commissioner named in the petition, need not testify but may submit an affidavit if the Commissioner wishes. If the petition is granted, the case shall be reassigned as set forth in subsection (e)(2). If the petition is denied, the case shall be assigned back to the original panel including the Commissioner named in the petition.

3) A petition for substitution may be made to the Commission if reasonable notice of the application has been given to the adverse party or his or her attorney.

(Source: Amended at 36 Ill. Reg. 17913, effective December 4, 2012)

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Commission Review Board Procedures

2) Code Citation: 50 Ill. Adm. Code 7500

3)

Section Numbers:	Adopted Action:
7500.10	Amendment
7500.20	Amendment
7500.30	Amendment
7500.40	Amendment
7500.50	Amendment

4) Statutory Authority: Section 14.1 of the Workers' Compensation Act [820 ILCS 305/14.1]

5) Effective Date of the Amendments: December 4, 2012

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection

9) Notice of Proposal published in the *Illinois Register*? August 17, 2012, 36 Ill. Reg. 13029

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

11) Differences between Proposal and Final Version: Throughout the rule, references to the "Commission" are replaced with "WCC" to improve the clarity of the rule.

Other changes correct typographical errors throughout the rule.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

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

14) Are there any other proposed rulemaking pending on this Part? No

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The amendments address an audit finding set forth by Auditor General William Holland in the audit directed pursuant to House Resolution 131 of the 97th General Assembly. Specifically, the audit stated that the Commission Review Board has failed to comply with Section 7500.10 of the Commission's rules, which requires the Commission Review Board to call a meeting within 15 days after receipt of any complaint against an Arbitrator or Commissioner.

In its response to the audit, the Commission pointed to the logistical challenge of both posting and holding a meeting for every complaint received by the Commission, as many of the communications received by the Commission Review Board do not constitute complaints as defined in the rule. The amendments require the General Counsel of the Commission to evaluate all communications received and determine whether the communication is a complaint within the meaning of the rule. Any complaints will then be considered by the Board during its next regularly scheduled meeting. Other changes include the correction of outdated statutory references, typographical errors and clarification of confusing and redundant language.

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

Kimberly B. Janas
Secretary of the Commission
Illinois Workers' Compensation Commission
100 W. Randolph Street Suite 8-200
Chicago, IL 60601

Phone: 312/814-6559
kimberly.janas@illinois.gov
Fax: 312/814-3520

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

ILLINOIS WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER III: COMMISSION REVIEW BOARD

PART 7500
COMMISSION REVIEW BOARD PROCEDURES

Section
7500.10 Function
7500.20 Chairman of the Commission Review Board
7500.30 Complaints
7500.40 Hearings on Complaints
7500.50 Decisions of the Board

AUTHORITY: Implementing and authorized by Section 14.1 of the Workers' Compensation Act [820 ILCS 305].

SOURCE: Emergency rules and adopted at 10 Ill. Reg. 3309, effective January 27, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3495, effective February 9, 1987; amended at 36 Ill. Reg. 17920, effective December 4, 2012.

Section 7500.10 Function

a) Authority of the Commission Review Board (~~herein the~~ Board) shall consist of the following:

1) to receive complaints concerning conduct that occurred after June 30, 1984~~,~~ by a Workers' Compensation Commission (WCC)~~an Industrial Commission~~ Commissioner or WCC~~Industrial Commission~~ Arbitrator (respondent) when~~ either~~:

A) allegations of misconduct committed as part of the respondent's~~Commissioner's or Arbitrator's~~ duties have been made that~~which~~ would factually support an indictment under the criminal law of Illinois; ~~or~~

B) allegations that the respondent's~~Arbitrator's or Commissioner's~~ conduct demonstrates favoritism toward one party in the conduct of the proceeding; ~~or~~

C) allegations that the respondent~~Arbitrator or Commissioner~~ did not follow the procedures and rules of WCC~~set by the Illinois Industrial~~ Commission or the provisions of~~procedures set forth in~~ the Workers' Compensation Act [820 ILCS 305] (Act); or

D) allegations that a respondent~~an Arbitrator or Commissioner~~ had a conflict of interest and did not recuse himself or herself from that matter.

2) to conduct investigations of ~~such~~ complaints;

3) to conduct hearings on ~~such~~ complaints to determine if there is sufficient evidence:

A) to advise the respondent~~Commissioner or Arbitrator~~ of necessary corrective action, which shall consist of an oral or written reprimand sent to the respondent~~Commissioner or Arbitrator~~ by the Board stating that the respondent~~Commissioner or Arbitrator~~ should not repeat the conduct stated in the complaint; or

B) in matters of serious concern to the State, to recommend to the Governor ~~the dismissal of an Arbitrator or~~ the non-reappointment of a Commissioner or an Arbitrator. A matter of serious concern may include, but not limited to,~~is~~ misconduct in a proceeding by a Commissioner or Arbitrator ~~such~~ that ~~it~~ would support an indictment under Illinois criminal~~Criminal~~ law, ~~or~~ a pattern of complaints requiring corrective action consisting of three~~3~~ oral or written reprimands for favoritism toward a party, or failure to follow rules or procedures of WCC~~the Industrial Commission~~.

b) Complaints against Board Members~~Membership~~
No member of the Board may participate~~, except to hear and defend against the complaint,~~ in any proceedings before the Board involving a complaint as to his or her own conduct, except to defend against the complaint.

c) Meetings
~~1)~~Regular meetings of the Board will be scheduled to be held at least once per calendar year quarter. Additional meetings will be held pursuant to the call of the Chairman or at the request of three or more members. The meetings of the Board

shall conducted in accordance with the provisions of the Open Meetings Act [5 ILCS 120]~~The Board will call a meeting within (15) days or receipt of any complaint~~.

~~2) Members of the Board shall receive written notice of the scheduling, rescheduling, or cancellation of meetings at least five business days prior to any such meeting.~~

~~3) Five members shall constitute a quorum for the transaction of business.~~

~~4) The Board will vote to close all or any portion of that meeting whenever the meeting is to consider information regarding appointment, employment or dismissal of an Arbitrator or Commissioner or is to hear testimony on a complaint lodged against an Arbitrator or Commissioner to determine its validity. (Ill. Rev. Stat. 1985, ch. 102, par. 42). The motion requesting a closed meeting and the vote of each member on that motion will be recorded in the minutes of the meeting.~~

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)

Section 7500.20 Chairman of the Commission Review Board

The Chairman of ~~the~~ WCC~~Industrial Commission~~ shall~~will~~ serve as Chairman of the Commission Review Board;~~, will~~ receive, compile, audit~~,~~ and retain complaints filed against Commissioners and Arbitrators~~ of the Industrial Commission~~;~~,~~ and will perform such ~~other~~ duties as a~~re set forth in this Part or~~ may be designated~~designed~~ by a majority of the members from time to time.

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)

Section 7500.30 Complaints

a) All complaints received by WCC~~filed~~ against a Commissioner or Arbitrator shall~~must~~ be in writing, shall identify the respondent and the complainant, and shall be sufficiently clear to apprise the respondent of the misconduct charged~~set forth by a complainant in written form and must contain a concise statement of essential facts specifically describing misconduct listed in Section 7500.10(a)~~.

b) The Executive Director of WCC shall~~Chairman will~~ acknowledge in writing receipt of each written communication to the Board~~which constitutes a complaint~~

~~under Section 14.1 of the Worker's Compensation Act (the Act) (Ill. Rev. Stat. 1985 ch. 48, par. 138.14.1)~~. The Executive Director shall forward all communications received to the WCC General Counsel. The General Counsel shall determine whether the communication constitutes a complaint setting forth sufficient evidence that a respondent engaged in any misconduct set forth in Section 7500.10(a)(1). If a communication does not constitute a complaint, ~~then~~ the Executive Director shall~~Board will~~ send the complainant a letter explaining that the communication does not meet the requirements of this Part~~a complaint and why the communication is defective~~. The Executive Director shall supply a copy of all correspondence to the to the Board members at regularly scheduled meetings. The Executive Director shall provide a monthly report of all communications to the Chairman. If a communication constitutes a complaint, it shall be forwarded to the Board for consideration at its next regularly scheduled meeting.

c) The Executive Director shall inform the complainant that, if a hearing is held by the Board on the complaint, it is the duty of the complainant to testify and, if the complainant does not testify, the complaint *shall be considered null and void* and will be dismissed by the Board (Section 14.1 of the Act). The Board will preserve the identity of any complainant who has not revealed his or her own identity to the respondent either directly or through publication~~ subject to the statutory requirement of Ill. Rev. Stat. 1985, ch. 48, par. 138.14.1 that if complainant does not appear and testify at a hearing scheduled on the complaint, the complaint shall be dismissed~~.

d) If~~, on preliminary examination or injury,~~ the Board~~Chairman~~ determines that the complaint does not allege misconduct as stated in Section 7500.10(a)(1), the Chairman~~or does not set forth allegations which would constitute a basis for a complaint under section 7500.10(a)(1) of this Part he~~ may, with the concurrence of a majority of the Board members, dismiss the complaint, in which case the Executive Director~~he~~ shall notify the complainant of the dismissal. If the matter is not ~~so~~ dismissed, the Chairman will notify the respondent~~Commissioner or Arbitrator~~, within 15~~fifteen (15)~~ business days after the Board meeting at which the complaint was considered~~of receipt of the complaint~~, that a complaint has been filed against him or her, with written notice served by personal delivery or by certified mail with ~~a~~ return receipt requested. The notice shall include a copy of the complaint filed, with the deletion of the identity of the complainant.

e) If the respondent~~responding Commissioner or Arbitrator~~ elects to respond in

writing to the complaint, his or her response must be filed with the Chairman within 30 ~~thirty (30)~~days from receipt of the notice from the Chairman, unless, prior to the time for filing of the response, a written request for extension of the time to respond has been filed with and granted by the Chairman, for good cause shown. Only one 30 day extension may be granted by the Chairman.~~An extension is for 30 days and only one will be granted.~~ The Respondent shall respond, in specific detail, to the charges of the complaint.

f) The proceedings of the Board and all information and written or oral material ~~written or oral,~~ pertaining to the proceedings, and all information or materials relating to any investigation and hearing held on specific complaints filed pursuant to Section 14.1 of the Act, shall not be available to the public pursuant to Sections 7(b-5)~~(b)(v)~~ and (m) of the Freedom of Information Act [5 ILCS 140/7] ~~(Ill. Rev. Stat. 1985 ch. 116, par. 207 (b) (v) and (m))~~.

g) After examination of the complaint and response by the respondent, the Board may, by written or oral vote of the majority of its members, determine whether to dismiss the complaint or order its investigation. The Board's standard for determining whether to dismiss a complaint is if there is any credible evidence to support the complainant's allegations. An investigation may be conducted by Board~~such~~ members~~,~~ or by ~~such~~ other persons~~, as may be~~ designated by the Board from time to time to conduct these~~such~~ investigations.

h) After consideration of the complaint and any response and investigation, the Board may, by written or oral vote of a majority of its members, determine whether to dismiss the complaint or hold a hearing on the complaint. The Board's standard for determining whether to dismiss a complaint or hold a hearing is whether evidence exists to sustain the complainant's allegation that~~which~~ has not been rebutted by the respondent. When the Board has voted to dismiss a complaint without a hearing, it shall so notify the complainant and the respondent~~involved Arbitrator or Commissioner~~ in writing.

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)

Section 7500.40 Hearings on Complaints

a) Time and Notice of the Hearing

1) If the Board determines that a hearing on a complaint shall be held, it shall

set a hearing date~~on a complaint~~ that is within 60 ~~sixty (60)~~ days from the date of that determination, or as soon as possible thereafter.

2) Written notice of the date, time and place of the hearing shall be served on the complainant and on the respondent~~responding Arbitrator or Commissioner~~, or on their designated counsel, if any, by personal service or by certified mail with return receipt requested, not less than 15~~fifteen (15)~~ days prior to the date set for hearing.

3) Hearings before the Board shall be continued only upon written motion supported by good cause. Good cause includes, but shall not be limited to,~~shall consist of~~ illness of family, death in a party's family, or the need for additional time to gather evidence.

b) Conduct of Hearings

1) All available members of the Board will sit en banc at all hearings on complaints, subject to non-participation of a member when the proceedings involve his or her own conduct~~,~~ or the Board member is involved in the events related in the complaint such that he or she could be called as a witness in the complaint.

2) Hearings on a complaint shall proceed from day to day until the taking of any evidence and the hearing of any arguments has been completed.

3) The Board shall have present at each hearing a qualified court reporter for the purpose of making a permanent and complete record of proceedings. The original transcript of the proceedings shall be filed with the Board and will be available for inspection at the WCC~~Commission's~~ offices by or on behalf of members of any party to the proceedings. Upon request and at his or her own expense, any party to the proceedings may obtain a copy of the~~said~~ report from the court reporter at the fair market rate of compensation.

4) The Illinois Rules of Evidence and statutory~~common law~~ rules of evidence will not be applicable for purpose of excluding offered evidence, but they will be considered by the Board in weighing the evidence received.

5) If any complainant fails to testify at a proceeding scheduled before the

Board regarding his or her previously filed complaint, the complaint shall~~will~~ be dismissed.

6) The respondent~~responding Arbitrator or Commissioner~~, personally or through ~~his~~ designated counsel, if any, may waive in writing his or her right to appear before the Board to respond to charges.

7) The respondent~~responding Arbitrator or Commissioner~~ or the complainant may retain counsel to represent him or her at the hearing. The Board may grant, on motion, permission to a witness to have counsel present; the~~such~~ counsel may not question or cross-examine witnesses, or otherwise participate in the hearing, except by permission of the Board.

8) The respondent~~responding Arbitrator or Commissioner and complainant~~ may be questioned by the Board concerning the allegations of the complaint and will be given the opportunity to make such statements, offer such evidence, or give such information, including the names of any witnesses he or she may wish to have heard by the Board, relevant to the complaint as he or she may desire, subject to the Board's authority to place reasonable restrictions on duration of any statement or direct or cross-examination and the volume and nature of any non-testimony evidence.

c) The Board will provide a public notice of all meetings pursuant to Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02].~~(Ill. Rev. Stat. 1985, ch. 102, par. 42.02).~~

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)

Section 7500.50 Decisions of the Board

a) Subsequent to the hearing on any complaint, the Board~~members~~ will confer to determine the disposition of the matter. The Board will find an Arbitrator or Commissioner unfit to serve when an allegation that~~which~~ is a matter of serious concern to the State is sustained by the preponderance of the evidence. In conformance with Section 14.1 of the Act, in matters of serious concern to the State as defined by Section 7500.10(a)(3)(B), the Board may recommend that the Governor:

1) not reappoint an~~dismiss any~~ Arbitrator who is found unfit to serve; or

2) not reappoint a Commissioner who it finds unfit to serve.

b) All decisions of the Board shall be preserved in the permanent records of the Board. The Board will issue copies of its decisions by certified mail with return receipt requested to the Board members~~,~~ and to the complainants and ~~the~~ respondent~~involved Arbitrator or Commissioner,~~ or their counsel~~, by certified mail, with return receipt~~.

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

1) Heading of the Part: Meat and Poultry Inspection Act

2) Code Citation: 8 Ill. Adm. Code 125

3) Section Number: 125.80 Proposed Action: Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 77 FR 59291 (2012)

5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]

6) Effective Date: December 21, 2012

7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act, the Department is adopting an amendment to the federal meat and poultry products in section rules.

The Food Safety and Inspection Service (FSIS) is amending the meat and poultry product regulations pertaining to the schedule of operations. FSIS is amending these regulations to define the 8-hour workday as including time that inspection program personnel need to prepare the inspection station, if necessary, or retrieve and return lot tally sheets; the time necessary for FSIS inspection program personnel to sharpen knives, if necessary; and the time necessary to conduct duties scheduled by FSIS, including administrative activities. The activities are integral and indispensable to inspectors' work and are part of the continuous workday as defined by the Fair Labor Standards Act. Therefore, they are activities that need to be part of the Agency's regulatory definition for the 8-hour workday.

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

9) Date Filed with the Index Department: December 21, 2012

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.

12) Are there any other proposed rulemakings pending to this Part? No

13) Statement of Statewide Policy Objectives: This peremptory amendment does not affect units of local government.

14) Information and questions regarding this peremptory amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/524-9050
217/557-5887 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section

125.10 Definitions
125.20 Incorporation by Reference of Federal Rules
125.30 Application for License; Approval
125.40 Official Number
125.50 Inspections; Suspension or Revocation of License
125.60 Administrative Hearings; Appeals (Repealed)
125.70 Assignment and Authority of Program Employees
125.80 Schedule of Operations; Overtime
125.90 Official Marks of Inspection, Devices and Certificates
125.100 Records and Reports
125.110 Exemptions
125.120 Disposal of Dead Animals and Poultry
125.130 Reportable Animal and Poultry Diseases
125.140 Detention; Seizure; Condemnation
125.141 Sanitation Standard Operating Procedures (SOP's)
125.142 Hazard Analysis and Critical Control Point (HACCP) Systems
125.143 Imported Products
125.144 Preparation and Processing Operations
125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146 Consumer Protection Standards: Raw Products
125.147 Rules of Practice
125.148 Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

SUBPART B: MEAT INSPECTION

Section

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.150 Livestock and Meat Products Entering Official Establishments
125.160 Equine and Equine Products
125.170 Facilities for Inspection
125.180 Sanitation (Repealed)
125.190 Ante-Mortem Inspection
125.200 Post-Mortem Inspection
125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220 Humane Slaughter of Animals
125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250 Marking Products and Their Containers
125.260 Labeling, Marking and Containers
125.270 Entry into Official Establishment; Reinspection and Preparation of Product
125.280 Meat Definitions and Standards of Identity or Composition
125.290 Transportation
125.295 Imported Products (Repealed)
125.300 Special Services Relating to Meat and Other Products
125.305 Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section
125.310 Application of Inspection
125.320 Facilities for Inspection
125.330 Sanitation
125.340 Operating Procedures
125.350 Ante-Mortem Inspection
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380 Labeling and Containers
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400 Definitions and Standards of Identity or Composition
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; peremptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; peremptory amendment at 24 Ill. Reg. 5699, effective

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

March 14, 2000; peremptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; peremptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; peremptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; peremptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; peremptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; peremptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; peremptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; peremptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; peremptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; peremptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; peremptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; peremptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; peremptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; peremptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; peremptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; peremptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; peremptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; peremptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; peremptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; peremptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; peremptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; peremptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; peremptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; peremptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; peremptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; peremptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; peremptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; peremptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; peremptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; peremptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; peremptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; peremptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; peremptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; peremptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012.

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section 125.80 Schedule of Operations; Overtime

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

a) The Department incorporates by reference 9 CFR 307.4(a), 307.4(c), 307.4(d), and 381.37(a), (c) and (d) (1997); FR 59291, effective November 26, 2012. References to 9 CFR 307.6(b) and 381.39(b) in the incorporated language shall be interpreted according to this Section.

b) The basic workweek and workday shall be those days and hours on file and approved by the Department of Central Management Services in accordance with the Personnel Code [20 ILCS 415] and the rules for that Act (80 Ill. Adm. Code 303.300). The work schedule of the licensee and any requests for changes in the work schedule shall be submitted in writing by the licensee to the supervisor. A grant of overtime shall be at the sole discretion of the Department and shall be based on inspector availability, efficacious and efficient use of resources and budget considerations. However, minor deviations (one hour or less) from the daily operating schedule shall be approved by the supervisor and/or the regional administrator if the request is received by the regional office on the day before the change is to occur and the change is only for that particular day.

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 17930, effective December 21, 2012)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air is accepting public comment on variances granted by the Illinois Pollution Control Board (Board) to Midwest Generation, LLC - Waukegan Generating Station (Midwest Generation) and Ameren Energy Resources (Ameren) for the purpose of submitting such variances to the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act (CAA), 42 USC § 7401 *et seq*. In order for a variance to be considered for approval as a revision to the SIP, the State must submit it in accordance with the requirements of 40 Code of Federal Regulations (CFR) § 51.104.

On April 10, 2012, Midwest Generation requested a variance from the provisions of the Illinois Combined Pollutant Standard (CPS), 35 Ill. Adm. Code 225.296(a)(l) and (c)(1), for the 12-month period beginning December 31, 2013, and ending December 31, 2014, thereby allowing Midwest Generation an extra year to install pollution controls on Unit 7 at its Waukegan Generating Station. *Midwest Generation, LLC – Waukegan Generating Station v. Illinois Environmental Protection Agency*, PCB 12-121. On August 23, 2012, the Board granted the variance to Midwest Generation, subject to certain conditions.

On May 3, 2012, Ameren, with power plants in Montgomery County, Fulton County, Peoria County, Massac County, Crawford County, Morgan County, and Jasper County filed a Petition for Variance with the Board. *Ameren Energy Resources v. Illinois Environmental Protection Agency*, PCB 12-126. Ameren requested a variance from both the 2015 and 2017 sulfur dioxide (SO_2) emission rate provisions of the Illinois Multi-Pollutant Standard (MPS), 35 Ill. Adm. Code 225.233, specifically the SO_2 emission standards set forth in Section 225.233(e)(3)(C)(iii) and (iv). On September 20, 2012, the Board granted the variance for the electrical generating units in Ameren's MPS Group from the applicable requirements of 35 Ill. Adm. Code 225.233(e)(3)(C)(iii) for a period beginning January 1, 2015, through December 31, 2019, and 35 Ill. Adm. Code 255.233(e)(3)(C)(iv) for a period beginning January 1, 2017, through December 31, 2019, subject to certain conditions.

The CPS and MPS are a multi-pollutant comprehensive approach to reduce emissions of nitrogen oxides, SO_2, and mercury. Sections 225.233(e) and 225.296(a) and (c) are approved rules of the Illinois SIP. On July 6, 2012, the USEPA approved the Illinois plan submitted to address the visibility protection requirements of Section 169A of the CAA, 42 U.S.C. § 7491, and the Regional Haze Rule, as codified in 40 CFR § 51.308. *See*, 77 Federal Register 39943 (July 6, 2012). The Illinois plan includes Sections 225.233(e) and 225.296(a) and (c). Accordingly, since the petitions for variance sought relief from provisions of the CPS and MPS and such relief was granted by the Board, the variances must be submitted to the USEPA for approval as a SIP revision addressing the visibility requirements under the CAA and the Regional Haze Rule.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois EPA will accept written comments from the public. The written comments must be postmarked by January 21, 2013, unless a public hearing is requested. Comments and requests for hearing should be mailed to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a public hearing is received by January 21, 2013, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed SIP revision. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by January 21, 2013, no hearing will be scheduled. Verification of a public hearing will be posted on January 28, 2013, on the Illinois EPA's website at http://www.epa.state.il.us/public-notices/. Interested persons may also contact Dean Studer, the Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed SIP revision may be viewed by the public on Illinois EPA's website at http://www.epa.state.il.us/public-notices/ or during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison St., Des Plaines, Illinois; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

If a hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. This notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 USC § 7410(l) (public notice for SIP revisions)).

ATTORNEY GENERAL

JANUARY 2013 REGULATORY AGENDA

a) Part (Heading and Code Citations): Attorney General's Procurement (44 Ill. Adm. Code 1300)

1) Rulemaking: Proposed amendment

A) Description: The Attorney General intends to propose amendments that will update and clarify the office's procurement rules to make them consistent with the amendments made to the Illinois Procurement Code [30 ILCS 500] by Public Act 97-895, effective August 3, 2012. The amendments will permit the State Purchasing Officer 30 months in which to become certified as a professional public buyer or a public purchasing officer, will require the holding of a public hearing regarding a sole source procurement only upon a written request by an interested party, and will clarify the procedure for the submission of a bid or proposal by a business entity required to register with the State Board of Elections.

B) Statutory Authority: Illinois Procurement Code [30 ILCS 500/1-30(b)]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: January 2013

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 doing business with or seeking to do business with the Attorney General's Office for sole source procurements and which are required to register with the State Board of Elections.

F) Agency contact person for information:

Melissa Mahoney
Deputy Chief of Staff, Administration
Office of the Illinois Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601

312/814-3950

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Compliance with Freedom of Information Act (2 Ill. Adm. Code 576)

1) Rulemaking: Proposed amendment

A) Description: The Attorney General's rules 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 2013

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

ATTORNEY GENERAL

JANUARY 2013 REGULATORY AGENDA

c) Part (Heading and Code Citations): This will be a new part to be headed "Hospital Financial Assistance under the Fair Patient Billing Act" and assigned to 77 Ill. Adm. Code 4500.

1) Rulemaking: Proposed rules

A) Description: The Attorney General intends to propose rules to implement section 27 of the Fair Patient Billing Act [210 ILCS 88/27], as amended by Public Act 97-690, effective June 14, 2012. The proposed rules will identify informational items that must be included in the application for financial assistance provided by Illinois hospitals to patients and will identify items that may not be included in the application. The proposed rules will also establish appropriate methodologies for the determination of "presumptive eligibility" for financial assistance from hospitals where a patient has not submitted documentation for financial assistance or where the documentation is lacking. Other criteria will be identified that a hospital may use as an alternative means for finding a patient to be eligible for financial assistance.

B) Statutory Authority: Fair Patient Billing Act [210 ILCS 88/27]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time.

D) Date agency anticipates First Notice: January 2013

E) Effect on small businesses, small municipalities or not for profit corporations: The rules will affect small businesses, small municipalities and not for profit corporations that operate hospitals in Illinois by requiring the modification of their patient financial assistance application forms to include and exclude specified information and by establishing an alternative methodology for determining patient eligibility for financial assistance.

F) Agency contact person for information:

David F. Buysse
Deputy Chief, Public Interest Division
Office of the Illinois Attorney General

ATTORNEY GENERAL

JANUARY 2013 REGULATORY AGENDA

100 West Randolph Street, 12th Floor
Chicago, Illinois 60601

312/814-7236

G) Related rulemakings and other pertinent information: None

BOARD OF HIGHER EDUCATION

JANUARY 2013 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Performance Metrics for Budget Recommendations, 23 Ill. Adm. Code 900

1) Rulemaking:

A) Description: The Board proposes the adoption of new IBHE rules to provide the performance metrics for the higher education budget recommendations pursuant to Public Act 97-320.

B) Statutory Authority: Section 8 of the Board of Higher Education Act [110 ILCS 205/8]

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404

Telephone: 217/557-7358
Email: helland@ibhe.org
Fax: 217/782-8548

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Annual Public University Performance Report

1) Rulemaking:

A) Description: The Board may propose the adoption of new IBHE rules to implement Public Act 97-610, effective January 1, 2012. Pursuant to the Act, the Board will compile and submit an annual report with information

on new programs created, existing programs that have been closed or consolidated, and programs that exhibit low performance or productivity. Rules may be used to define terms and timelines for the report.

B) Statutory Authority: Section 7 of the Board of Higher Education Act [110 ILCS 205/7]

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404

Telephone: 217/557-7358
Email: helland@ibhe.org
Fax: 217/782-8548

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citations): Private Business and Vocational Schools, 23 Ill. Adm. Code 1095

1) Rulemaking:

A) Description: The Board may review this part to consider if additional rules are needed for oversight of the schools. Findings of this review may result in proposed amendments to the rules.

B) Statutory Authority: Private Business and Vocational School Act of 2012 [105 ILCS 426]

BOARD OF HIGHER EDUCATION

JANUARY 2013 REGULATORY AGENDA

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

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
431 East Adams Street, Second Floor
Springfield, IL 62701-1404

Telephone: 217/557-7358
Email: helland@ibhe.org
Fax: 217/782-8548

G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

a) Parts (Headings and Code Citations): General Rules (35 Ill. Adm. Code 101)

1) Rulemaking: Docket number R13-9

A) Description: The Board has proposed to amend Section 101.108(d) of its procedural rules to make it clear that the affirmative votes of a 3 Member majority of this 5 Member Board is required to adopt a Board decision.

B) Statutory authority: Implementing Section 5(a) of the Environmental Protection Act [415 ILCS 5(a)].

C) Scheduled meeting/hearing dates: The Board does not intend to hold a hearing on these proposed rules unless requested to do so. The Board is not required to hold a public hearing to amend its procedural rules pursuant to Section 26 and 27 of the Act [415 ILCS 5/26 and 27].

D) Date agency anticipates First Notice: First Notice was published in the *Illinois Register* on October 12, 2012.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will not affect any small business, small municipality, or not-for-profit corporation.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Kathleen Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601
312/814-6929
kathleen.crowley@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kathleen Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601
312/814-6929
kathleen.crowley@illinois.gov

b) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: Docket number R12-24

A) Description: On April 2, 2012, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to amend the Board's regulations for organic material emission standards and limitations. More specifically, the Agency proposed to repeal the Gasoline Volatility Standards, codified at 35 Ill. Adm. Code 215.585 and 219.585, as well as those specific for the Metro East and Chicago areas. These standards have been essentially superseded by the Federal gasoline volatility standards and the federal Reformulated Gasoline (RFG) program. The proposal will also impact Subpart HH of Parts 218 and 219 applicable to motor vehicle refinishing operations. Proposed amendments would allow alternative use of equivalent High Volume Low Pressure (HVLP) spray gun technology for which USEPA has given written approval, and would repeal an Illinois registration program that overlaps with a federal one.

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B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by the Section 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 5/28].

C) Scheduled meeting/hearing dates: Hearings were held on August 23, 2012 in Springfield, and September 20, 2012 in Chicago.

D) Date agency anticipates First Notice: A Notice of Proposed Amendments appeared in the *Illinois Register* on May 11, 2012.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that is currently regulated by 35 Ill. Adm. Code 218.585, 219.585, or Subpart HH of Parts 218 and 219.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6929
kathleen.crowley@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

1021 North Grand Ave. East
Springfield, Illinois 62794-9276
217/782-5544
kent.mohr@illinois.gov

c) Parts (Headings and Code Citations):
Permits and General Provisions (35 Ill. Adm. Code 201)
Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal to file with the Board setting forth regulations that will incorporate the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for certain area sources, including but not limited to gasoline dispensing facilities.

B) Statutory authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that would fall under the classification of a gasoline dispensing facility and other area source NESHAPs.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
217/782-5544

d) Parts (Heading and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would relate to the requirement to install a vapor collection and control system (Stage II system) on motor vehicle fuel dispensers at gasoline dispensing operations subject to 35 Ill. Adm. Code 218.586. This proposal is based on the Unites States Environmental Protection Agency's (USEPA) waiver of the Clean Air Act (CAA) Section 182(b)(3) Stage II requirement and onboard refueling vapor recovery (ORVR) widespread use determination under CAA Section 202(a)(6) (77 Fed. Reg. 28772).

B) Statutory authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency anticipates filing a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of 35 IAC 218.586.

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Kent Mohr
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
kent.mohr@illinois.gov

e) Parts (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)
Open Burning (35 Ill. Adm. Code 237)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking proposal or proposals to file with the Board setting forth regulations that will address recently adopted legislation allowing for the Agency to issue/authorize Permits-by-Rule and General Permits. In addition, as part of proposing Permits-by-Rule for certain types of burning, the Agency is also planning to propose amendments that provide consistency between the Act and Part 237.

B) Statutory authority: Implementing Sections 10, 39.10 and 39.12 of the Environmental Protection Act [415 ILCS 5/10, 39.10 and 39.12] and

authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 and 28].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesseses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that elects to obtain a general permit or permit by rule. The proposal is not anticipated to mandate that an owner or operator obtain either a Permit-By-Rule or a general permit that applies to a particular type of source.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
P.O. Box 19274
Springfield, Illinois 62794
carol.webb@illinois.gov

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Rachel Doctors
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794
217/782-5544
Rachel.doctors@illinois.gov

f) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to add relevant applicability provisions to explicitly address PM2.5 and related precursor compounds.

B) Statutory authority: Implementing Sections 9.1 and 10 and authorized by Section 27 and Section 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27 and 28.5].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

POLLUTION CONTROL BOARD

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 203.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

g) Parts (Headings and Code Citations): Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

1) Rulemaking: No docket presently reserved.

POLLUTION CONTROL BOARD

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A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will establish a "grandfathering" provision for particulate matter less than 2.5 micrometers (PM2.5) in the Federal Prevention of Significant Deterioration (PSD) program. The "grandfathering" provision applies to permit applications submitted before the July 15, 2008, effective date of the new rule, which allows the PM10 surrogate policy to continue to be used as the basis for approving such permits for PM2.5.

B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This proposal may affect any small business, small municipality or not-for-profit corporation that produces the various components of particulate matter.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Charles Matoesian
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

h) Part (Heading and Code Citations): Emissions Reduction Market System (35 Ill. Adm. Code 205)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would sunset the provisions of the Emissions Reduction Market System (ERMS). The ERMS is a market-based cap and trade program designed to reduce emissions of volatile organic material (VOM) in the Chicago area. The program allows trading among participating sources through the use of allotment trading units (ATUs) in order to meet a reduced cap on their overall VOM emissions. In studying the available data, the Agency finds that the ERMS program is operating successfully. The participating sources are performing significantly below the baseline and allotment levels. The ERMS has achieved its goals and is no longer needed for VOM emission reductions in the Chicago area. However, participating

sources are still subject to applicable State and Federal air pollution regulations.

B) Statutory authority: Implementing and authorized by Sections 10, 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the ERMS.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Gina Roccaforte
Division of Legal Counsel
Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
gina.roccaforte@illinois.gov

i) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R13-1

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board reserved this docket number to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA made in the period of January 1, 2012 through July 1, 2012. On June 22, 2012, USEPA amended the definition of VOM to exempt *trans*-1,3,3,3-tetra-fluoropropene (HFO-1234ze)(CAS no. 29118-24-9) from regulation under the state implementation plans for ozone due to negligible photochemical reactivity.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. On October 18, 2012, the Board adopted a proposal for public comment.

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates: A hearing was held on December 20, 2012 in Chicago and Springfield via videoconference as required by Section 118 of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice: The Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-1, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-1, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

j) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R13-10

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of volatile organic material (VOM) to reflect the additions made by the United States Environmental Protection Agency (USEPA) to the list of compounds exempt from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM at 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy. The Illinois definition of VOM is presently codified at 35 Ill. Adm. Code 211.7150.

The Board has reserved this docket to accommodate any federal amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal definition of VOM that occurred during this update period.

The Board will verify the existence of any federal actions that may affect the text of the federal definition of VOM and determine the Board action

required in response to each in coming weeks, by about mid-February 2013. The Board will then either propose corresponding amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R13-10, as necessary and appropriate.

Section 9.1(e) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-10, as follows:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

k) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Visible and Particulate Matter Emissions (35 Ill. Adm. Code 212)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a rulemaking to revise the methods for measuring filterable and condensable PM10 and to add methods for

measuring filterable and condensable PM2.5. The rulemaking may also include necessary clean-up language and updates throughout Part 212.

B) Statutory authority: Implementing Section 10 and authorized by Section 27 and Section 28 of the Environmental Protection Act [415 ILCS 5/10 and 27 and 28].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rule change may affect any small business, small municipality, or not-for-profit corporation subject to provisions set forth in 35 Ill. Adm. Code Part 212.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-3629

Address questions concerning this regulatory agenda:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

l) Parts (Heading and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Sulfur Limitation (35 Ill. Adm. Code 214)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend our current sulfur dioxide (SO_2) emission limitations as needed to address the 2010 SO_2 National Ambient Air Quality Standards (NAAQS).

B) Statutory authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This proposal may affect any small business, small municipality, or not-for-profit corporation subject to the requirements of SO_2 NAAQS.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

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m) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal will modify the definitions of "miscellaneous metal parts and products coating" and "coil coating" for Parts 218 and 219 to clarify that lubricating oils are not considered "coatings" for purposes of Subpart F, Coating Operations, but rather protective oils applied to metal for the purpose of providing lubrication, similar to the treatment of such oils under the Federal National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR 63, Subpart MMMM.

B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This proposal may affect any small business, small municipality or not-for-profit corporation that uses lubricating oil that is applied to metal for purposes of lubrication in a metal fabrication process.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
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carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Gina Roccaforte
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Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

n) Parts (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)
Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal

will "clean up" various errors and outdated portions of the rules found in Parts 218 and 219. The exact changes to be made have not yet been determined, but they shall all be considered routine. Part 211 shall be modified as necessary to accommodate any revised definitions.

B) Statutory authority: Implementing Section 10 of the Act [415 ILCS 5/10] and authorized by Section 27 of the Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This proposal may affect any small business, small municipality or not-for-profit corporation that relies on the portions being amended. Again, however, this rulemaking is designed to be a routine clean up of the rules.

F) Agency contact person for information: Address comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
1021 North Grand Avenue East

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G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

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1021 North Grand Avenue East
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217/782-5544
Charles.matoesian@illinois.gov

o) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

1) Rulemaking: Docket number R13-11

A) Description: P.A. 97-945 added Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] effective August 10, 2012. This new provision mandates that the Board adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQSs) adopted by USEPA pursuant to section 109 of the federal Clean Air Act (42 USC 7409). USEPA has codified the primary and secondary NAAQSs at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQSs, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board has reserved docket number R13-11 to adopt the NAAQSs and any revisions that USEPA may make through December 31, 2012. This

initial identical-in-substance proceeding will ensure that the existing State ambient air quality standards are identical-in-substance to the existing federal standards as codified in the 2102 edition of the *Code of Federal Regulations*. This initial proceeding will also try to include all federal amendments through December 31, 2012 that affect the NAAQSs. At this time, the Board is aware of two federal actions during this update period that affected the NAAQSs:

September 11, 2012 (77 Fed. Reg. 55832)

Description of the USEPA action: USEPA approved a federal equivalent method for $PM_{2.5}$ in ambient air.

Prospective necessary Board action in response: The Board must incorporate the approval into the listing of approvals at 35 Ill. Adm. Code 243.108 when establishing the NAAQS rules.

October 5, 2012 (77 Fed. Reg. 55832)

Description of the USEPA action: USEPA approved a federal equivalent method for $PM_{2.5}$, PM_{10}, and $PM_{10-2.5}$ in ambient air.

Prospective necessary Board action in response: The Board must incorporate the approval into the listing of approvals at 35 Ill. Adm. Code 243.108 when establishing the NAAQS rules.

The Board will verify the existence of any other federal actions that may affect the federal NAAQSs and determine the Board action required in response to each in coming weeks, by about mid-February 2013. The Board will then include that action in this initial proceeding to make the Illinois ambient air quality standards identical-in-substance to the federal NAAQSs in this docket R13-11, as necessary and appropriate.

Section 10(H) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. The initial emphasis of this proceeding, however, is to ensure that the existing Illinois ambient air quality standards are identical-in-substance to the NAAQSs. Thus, the Board will use the August 10, 2012 effective date of P.A. 97-945 as the basis for

completion of rulemaking activity. This means that the Board is assuming that August 10, 2013 is the due date for Board adoption of amendments in this docket R13-11.

B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by mid-February 2013, after which time the Board will either propose any necessary amendments to the Illinois ambient air quality standards that are necessary to ensure that they are identical-in-substance to the federal NAAQSs. If the due date for Board adoption of amendments in this docket is assumed to be August 10, 2013, the Board will vote to propose amendments and cause a Notice of Proposed Amendments to appear in the *Illinois Register* by mid-April 2013. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-11, as follows:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-11, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-6924
Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

p) Part (Heading and Code Citations): Air Quality Standards (35 Ill. Adm. Code 243)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments for proposal to the Board. The proposal would amend Part 243 to reflect new National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental Protection Agency (USEPA). Specifically, the Agency proposes to update

the sulfur dioxide (SO_2) standard and the nitrogen dioxide (NO_2) standard. The Agency will also include a general clean-up of Part 243.

B) Statutory authority: Implementing and authorized by Sections 10, 27, and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, and 28].

C) Scheduled meeting/hearing dates: The Agency has stated that it anticipates filing a rulemaking proposal with the Board within the next six months. No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the requirements established by Section 27 of the Act [415 ILCS 5/27].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that emits the contaminants regulated by Part 243 could be affected by the proposed amendments.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Charles Matoesian
Division of Legal Counsel

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Illinois Environmental Protection Agency
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q) Parts (Heading and Code Citations):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking: No docket presently reserved.

A) Description: The Agency is working toward establishing a new narrative standard for "cultural eutrophication" to protect aquatic life from the adverse impacts of excess algae and aquatic plant growth. Measurable parameters such as dissolved oxygen will be used to identify cultural eutrophication. The proposed standard would prohibit cultural eutrophication and the presence of such would trigger a technology-based phosphorus limit on dischargers that would significantly contribute to cultural eutrophication. The technology based phosphorus limits applicable to such dischargers would be proposed by updating 35 Ill. Adm. Code 304.123. Other technology-based phosphorus effluent standards covering certain dischargers of phosphorus independent of a finding of cultural eutrophication will also be proposed for 35 Ill. Adm. Code 304.123.

B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27]

C) Scheduled meeting/hearing dates: There have been several meetings with stakeholders over the last several years and it is anticipated more meetings will be scheduled before proposing amendments to the Board. No hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice: An Agency submittal to the Board would commence this proceeding, and the Agency anticipates filing a proposal in the spring or summer of 2012. After filing the proposal, the Board will cause a Notice of Proposed rule to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses will be affected in the case they are covered by an NPDES permit and determined to be a significant source.

F) Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
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P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stefanie Diers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
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Springfield, Illinois 62794-9276
217/ 782-5544
stefanie.diers@illinois.gov

r) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

1) Rulemaking: Docket number R08-9 Subdocket C

A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket C will address the issues involving proposed aquatic life uses.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010 and 2011 in Chicago, Joliet, and Des Plains. The Board has held 54 days of hearings.

D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality,

or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-4925
Marie.Tipsord@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Deborah J. Williams
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217/782-5544

s) Part (Heading and Code Citation): Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)

1) Rulemaking: Docket number R08-9 Subdocket D

A) Description: On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal filed by the Illinois Environmental Protection Agency (Agency) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, after the response time to the motion had run out, the Board granted the Agency's request to hold the hearings in this rulemaking in Chicago and Joliet.

In this rulemaking, the Agency proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. These specific designations were for those waters not suited for General Use activities. All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the Agency began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

On March 18, 2010, the Board split this rulemaking into four subdockets. Subdocket D will address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

C) Scheduled meeting/hearing date: The Board has scheduled and held multiple days of hearings in this rulemaking as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. Hearings have been held during calendar years 2008, 2009, 2010, and 2011 in Chicago, Joliet, and Des Plains. The Board has held 54 days of hearing.

D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality,

or not-for-profit corporation that discharges into the Chicago river or the lower Des Plaines River.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

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G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

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Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Il 62794-9276
217/782-5544

t) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R13-7

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period January 1, 2012 through June 30, 2012. On May 18, 2012, USEPA took the following action:

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA modified the testing procedures approved for sampling and analysis in programs established under the Clean Water Act, including rules for wastewater pretreatment.

Prospective necessary Board action in response: Updates will be made to incorporations by reference.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates: The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board anticipates that notice will be published in the *Illinois Register* on March 1, 2013 to allow time for a 45-day public comment period.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small

municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-7, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-7, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other presently known proceeding would affect provisions of 35 Ill. Adm. Code 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

u) Parts (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)

POLLUTION CONTROL BOARD

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Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Docket number R13-17

A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect revisions made to the federal wastewater pretreatment rules made by the United States Environmental Protection Agency (USEPA).

The Board has reserved this docket to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that the USEPA may have made in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal wastewater pretreatment regulations that occurred during this update period.

Section 13.3 of the Act mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required the Board will publish notice in the *Illinois Register* approximately 90 days

before adoption to allow time for a 45 day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-17, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-17, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307or 310 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules.

Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Part (Heading and Code Citation): Testing Fees for Analytical Services (35 Ill. Adm. Code 309)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the permitting requirements for the construction of simple pH adjustment pretreatment systems, cooling towers, oil/water separators and lifetime operating permits for all pretreatment systems and discharges.

B) Statutory authority: Implementing and authorized by Section 13 of the Environmental Protection Act [415 ILCS 5/13].

C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation required to obtain any of the above mentioned permits pursuant to 35 Ill. Adm. Code 309.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

Sara Terranova
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
Sara.Terranova@illinois.gov

w) Part (Heading and Code Citation): Standards for Sludge Management (35 Ill. Adm. Code 313)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently preparing a rulemaking proposal for filing before the Board relating to land application of sewage sludge. The rules would establish pollutant limits, pathogen reduction requirements, and vector control measures applicable to sludge applied to land.

B) Statutory authority: Implementing and authorized by Sections 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 & 27].

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C) Schedule meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: An Agency submittal of a proposal to the Board would commence this proceeding, and the Agency has stated that it expects to file a proposal within the next six months. After the filing of a proposal by the Agency, the Board will cause a Notice of Proposed Rules to appear in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that generates or uses sewage sludge.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: The Agency has stated that it anticipates proposing amendments to its rules entitled "Design Criteria for Sludge Application on Land," 35 Ill. Adm. Code 391, which involve a related subject matter.

For information regarding the Agency's development of this proposal, please contact the following Agency attorney:

POLLUTION CONTROL BOARD

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Stefanie Diers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

Interested persons may also contact the following Agency representative about its prospective rulemaking proposal:

Alan Keller, P.E.
Manager, Northern Municipal Unit
Illinois Environmental Protection Agency
Division of Water Pollution Control
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-0810

x) Parts (Heading and Code Citation): Agriculture Related Water Pollution from Concentrated Animal Feeding Operations (CAFOs) (35 Ill. Adm. Code 501, 502, 504)

1) Rulemaking: Docket number R12-23

A) Description: On March 1, 2012, the Illinois Environmental Protection Agency (Agency) filed a proposal with the Board to amend Parts 501 and 502 so that they are consistent with, and as stringent as, the current federal CAFO regulations. Additionally, USEPA has indicated that Illinois needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.

B) Statutory authority: Implementing and authorized by Sections 11, 13, and 27 of the Environmental Protection Act [415 ILCS 5/11, 13 & 27].

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C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time.

D) Date agency anticipates First Notice: The Board anticipates that a Notice of Proposed Amendments will be published in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule could affect any agri-business that meets the definition of a Concentrated Animal Feeding Operation and discharges to waters of the State.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
Tim.fox@illinois.gov
312/814-6085

G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
tim.fox@illinois.gov
312/814-6085

POLLUTION CONTROL BOARD

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y) Parts (Heading and Code Citation): Permits (35 Ill. Adm. Code 602)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board that seeks to amend the Public Water Supply rules found in 35 Ill. Adm. Code 602. Both the Illinois Pollution Control Board and the Agency have rules in separate parts of the administrative code governing construction permits, operating permits and pesticide permits for community water supplies. The Agency believes combining the permit requirements found in Part 652 of the Agency's rules with the permit requirements in Part 602 will create a single body of rules, making it easier for the regulated community to comply with permitting requirements.

B) Statutory authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]

D) Date agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 28] upon receipt of the proposal, and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for first notice.

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.365 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. However, it is anticipated that the proceeding will not likely have a quantifiable effect on these entities because the substantive permitting requirements will likely remain unchanged. The burden of compliance with the requirements, such

as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794
carol.Webb@illinois.gov

G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
Joanne.olson@illinois.gov

z) Parts (Heading and Code Citation): Ownership and Responsible Personnel (35 Ill. Adm. Code 603)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing a proposal for filing with the Board. The proposal

will seek to amend the public water supply rules found in 35 Ill. Adm. Code 603 to make these rules consistent with the Public Water Supply Operations Act.

B) Statutory authority: Implementing and authorized by Sections 17, 27, and 28 of the Environmental Protection Act [415 ILCS 5/17, 27 & 28].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 and 28]

D) Date agency anticipates First Notice: The Agency submittal of the rulemaking proposal is anticipated within the next six months. The Board will conduct proceedings pursuant to Sections 27 and 28 of the Act [415 ILCS 5/27 and 28] upon receipt of the proposal, and would cause a Notice of Proposed Amendments to appear in the *Illinois Register* when it decides to propose amendments for first notice.

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments may affect small business, small municipalities, and not-for-profit corporations that own or operate a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. However, it is anticipated that the proceeding will not likely have a quantifiable affect on these entities because the substantive permitting requirements will likely remain unchanged. The burden of compliance with the requirements, such as filing documentation, reporting or completion of the necessary forms, likely will not increase.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

Joanne M. Olson
Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/ 782-5544

aa) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R13-2

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved this docket number to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) made in the period January 1, 2012 through June 30, 2012. USEPA amended these regulations on May 2, May 18, and June 28, 2012.

May 2, 2012 (77 Fed. Reg. 26072)

Description of the USEPA action: USEPA adopted the third installment of the Unregulated Contaminants Rule (UCMR 3). USEPA implements the UMCRs, including UMCR 3, with or without the assistance of the state, but not requiring any state to incorporate UCMR elements into the state program. Included with the UCMR 3 rule was a series of updates to analytical methods for regulated contaminants (nitrate, nitrite, and orthophosphate), which are not related to the UCMR.

Prospective necessary Board action in response: The Board must incorporate the analytical methods updates for regulated contaminants (nitrate, nitrite, and orthophosphate) that are not related to the UCMR 3 rules.

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA revised the testing procedures approved for analyses under the Clean Water Act. Included were new and revised USEPA methods and new and revised methods published by voluntary consensus standard bodies, like ASTM Internationals and the Standard Methods Committee. USEPA amended 40 C.F.R. 136.

Prospective necessary Board action in response: The methods of 40 C.F.R. 136 are incorporated by reference in Part 611. Board action will be required on to update the incorporation by reference.

June 28, 2012 (77 Fed.Reg. 38523)

Description of the USEPA action: USEPA approved alternative equivalent analytical methods for use in demonstrating compliance with the drinking water standards. USEPA added 10 alternative methods for analyzing a variety of organic, inorganic, and microbiological contaminants.

Prospective necessary Board action in response: The Board must amend the corresponding segments of 35 Ill. Adm. Code 611 to add the newly approved alternative equivalent methods to appropriate segments of the Illinois drinking water regulations.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments

are based. On October 18, 2012, the Board adopted a proposal for public comment.

B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board anticipates that it will publish notice in the *Illinois Register* on February 15, 2013.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, *i.e.*, it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-2, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601
312/814-6924

Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

bb) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Docket number R13-12

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois drinking water regulations to reflect the USEPA amendments to the federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved this docket to accommodate any amendments to the SDWA national primary drinking water standards, 40 CFR 141 through 143, that the United States Environmental Protection Agency (USEPA) may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal SDWA national primary drinking water regulations that occurred during this update period.

Section 17.5 mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

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B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply," as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-12, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-12, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street Suite 11-500
Chicago, Illinois 60601

312/814-6924
Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

cc) Parts (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
UIC Permit Program (35 Ill. Adm. Code 704)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Docket number R13-13

A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UIC regulations.

The Board has reserved this docket to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 148, during the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal UIC rules that occurred during this update period.

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Section 13(c) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-13, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-13, as follows:

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Michael J. McCambridge, Attorney
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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: The reserved RCRA Subtitle C update docket for the period July 1, 2011 through December 31, 2011 and other, as yet unknown, unrelated Board proceedings may affect the text of 35 Ill. Adm. Code 702, 705, and 720. No other presently known proceeding would affect 35 Ill. Adm. Code 704, 730, 738.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

dd) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)

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Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R13-5

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period January 1, 2012 through June 30, 2012. USEPA amended these regulations on April 13 and May 18, 2012.

April 13, 2012 (77 Fed. Reg. 22226)

Description of the USEPA action: USEPA made a limited number of corrections and clarifications to two diverse hazardous waste requirements. The provisions relate to the standards for (1) recyclable materials used in a manner that constitutes disposal; and (2) the hazardous waste listing for K 107 waste (column bottoms from production of 1, 1-dimethylhydrazine from carboxylic acid hydrazides.

Prospective necessary Board action in response: The Board must update the language to the incorporation by reference in the Illinois regulations.

May 18, 2012 (77 Fed. Reg. 29758)

Description of the USEPA action: USEPA approved new and revised methods for use in demonstrating compliance with the Clean Water Act. The amendments include a revision of an incorporation by reference of one method in the body of the hazardous waste regulations.

Prospective necessary Board action in response: The Board must update language to the incorporation by reference.

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Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. On November 1, 2012, the Board issued a proposal for public comment.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The anticipates that notice will be published in the *Illinois Register* on December 28, 2012 to allow time for a 45-day public comment period.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-5, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board

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Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other presently known proceeding would affect 35 Ill. Adm. Code 702, 703, 720, 721, 722, 723, 724, 725, 726, 728, 733, or 739.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ee) Parts (Headings and Code Citations):

RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures For Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R13-15

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A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois rules implementing Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle C regulations.

The Board has reserved this docket to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 260 through 270, 273, and 279, that USEPA made in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any amendments to the federal RCRA Subtitle C hazardous waste regulations that occurred during this update period.

Section 22.4(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal actions that may affect the text of these rules. The Board will then either propose corresponding amendments to the Illinois rules using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

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E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-15, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-15, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: The reserved UIC update docket for the period July 1, 2012 through December 31, 2012 (R13-13) and other, as yet unknown, unrelated Board proceedings may affect any of 35 Ill. Adm. Code 702, 705, and 720. No other rulemaking that would affect any of 35 Ill. Adm. Code 35 Ill. Adm. Code 702, 703, 721 through 728, 733, and 739 is planned at this time. Receipt of a rulemaking proposal pursuant to 415 ILCS 5/27 and 28, however, could cause the Board to initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear

in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ff) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Docket number R13-16

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the United States Environmental Protection Agency (USEPA) UST regulations. The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

The Board has reserved this docket to accommodate any amendments to 40 CFR 281 through 283 that USEPA may make in the period July 1, 2012 through December 31, 2012 At this time, the Board is not aware of any amendments to the federal UST regulations that occurred during this update period.

Section 22.4(d) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any federal amendments that may require Board action. The Board will then propose corresponding amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

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D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this reserved docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operations USTs.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-16, as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-16, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: No other presently known proceeding would impact the text of Part 731.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35, 40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed

Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

gg) Part (Heading and Code Citations): Petroleum Underground Storage Tanks (Releases Reported On or After June 24, 2002) (35 Ill. Adm. Code 734)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations at Part 734 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO).

B) Statutory authority: Sections 5, 22, 27, and 57.14A of the Environmental Protection Act (Act) [415 ILCS 5/5, 22, 27, 57.14A].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The Illinois EPA may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, or not-for-profit corporations that are addressing a release of petroleum under the Board's Leaking Underground Storage Tank rules or that seek payment from the Underground Storage Tank Fund.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

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Agency contact person for information: Address questions concerning this regulatory agenda to:

Carol Webb
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov
For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/ 782-5544
Stepanie.Flowers@illinois.gov

G) Related rulemakings and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

hh) Part (Headings and Code citation): Site Remediation Program; (35 Ill. Adm. Code 740)

1) Rulemaking: No docket presently reserved.

A) Description: The Site Remediation Program ("SRP") is one of the Illinois Environmental Protection Agency's ("Illinois EPA") primary remediation programs for the cleanup of contaminants released to soil or groundwater. Remediation sites from throughout Illinois participate in the SRP. Periodically, it is necessary to amend program rules to account for new scientific data, updated technical references, and necessary administrative changes to the implementation of the rules. To that end, the proposed amendments are intended to ensure that the rules stay current.

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B) Statutory authority: Sections 4(i), 27, and 28 of the Environmental Protection Act [415 ILCS 5/4(i), 27, 28]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Illinois EPA anticipates submitting its proposal in the Spring or Summer of 2012 after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they perform environmental remediation pursuant to the Site Remediation Program. In most cases, participation in the SRP is voluntary, the exception being participation under Board or court orders arising out of enforcement actions.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these amendments please contact:

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Kim Geving
Illinois Environmental Protection Agency
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Springfield, Illinois 62794-9276
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Kim.Geving@illinois.gov

ii) Part (Headings and Code Citation): Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Docket number R11-9

A) Description: On April 19, 2012, the Board adopted an opinion and order (TACO) rules (35 Ill. Adm. Code 742). The rulemaking is captioned Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, docket R11-9. Since 1997, the TACO rules have provided procedures for developing remediation objectives based upon risks posed to human health by environmental conditions at a variety of sites. TACO is used at sites being remediated under any one of several regulatory programs: Leaking Underground Storage Tank (UST) Program; Site Remediation Program (SRP); and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closure Plans.

The first-notice amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to migrate into buildings from underlying volatile chemicals in soil or groundwater, a process commonly known as "vapor intrusion" or "VI" The Board also proposed adding 13 chemicals to the TACO tables based upon the Board's pending rulemaking on groundwater quality standards, captioned Proposed Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), docket R08-18. Further, the first-notice amendments to TACO update physical and chemical parameters and revise toxicity values in accordance with the new United States Environmental Protection Agency hierarchy for selecting human health toxicity values.

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The R11-9 rulemaking was initiated when the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board on November 9, 2010, under Section 27 of the Environmental Protection Act [415 ILCS 5/27]. After conducting two public hearings and receiving public comments, the Board adopted, for first notice, the amendments proposed or agreed to by IEPA, with minor clarifying changes. In addition, the Board proposed requiring that IEPA be notified if an indoor inhalation building control technology at a school is rendered inoperable. The Board also proposed that the entire set of amendments would become effective on a date certain 60 days after their final adoption. For further information, please refer to the Board's first-notice opinion and order of April 19, 2012, which is available through the Clerk's Office On-Line (COOL) on the Board's Web site at www.ipcb.state.il.us.

B) Statutory authority: These amendments were proposed pursuant to Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Board held two hearings in this rulemaking as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]. The first hearing took place in Springfield on March 29, 2011, and the second hearing took place in Chicago on May 24, 2011.

D) Date agency anticipates First Notice: First notice was published in the *Illinois Register* on May 18, 2012.

E) Effect on small businesses, small municipalities, or not-for-profit Corporations: The amendments could impact any small business, small municipality, or not-for-profit corporation in a regulatory program subject to TACO remediation objectives (i.e., Leaking UST Program; SRP; RCRA Part B Permits and Closure Plans). In addition to the professional skills currently necessary to comply with the existing TACO regulations, compliance with the amendments may involve addressing the indoor inhalation exposure route through the sampling/analysis of soil gas and the design/installation of building control technologies, such as sub-slab depressurization (SSD) systems or vented raised floors. Along with better protecting building occupants from migrating volatile chemicals, the addition of the indoor inhalation exposure route to TACO is expected to facilitate property transactions and provide expanded liability relief to property owners. Also, where a school receives an NFR letter based upon

the use of an indoor inhalation building control technology, the site owner/operator must notify IEPA upon the building control technology being rendered inoperable.

The amendments are proposed to become effective on a date certain 60 days after their final adoption by the Board. The delayed effective date would help to accommodate those entities with sites near closure who wish to submit remediation completion documentation to IEPA in order to receive a No Further Remediation (NFR) letter in accordance with the existing TACO regulations. The Board found that the amendments are technically feasible and economically reasonable and will not have an adverse economic impact on the People of Illinois.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Richard McGill
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6983
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G) Related rulemakings and other pertinent information: For information regarding the development of these amendments, please contact:

Kimberly A. Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
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Springfield, Illinois 62794-9276

POLLUTION CONTROL BOARD

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jj) Part (Headings and Code Citation):

Operation of the Hazardous Waste Fee System (35 Ill. Adm. Code 855)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to remove the requirements for non-hazardous special waste manifests to be sent to the Agency except in the case of non-hazardous special waste containing polychlorinated biphenyls.

B) Statutory authority: These amendments will be proposed pursuant to Sections 21, 22, 22.01, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, and 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit Corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation generating or receiving non-hazardous special waste in Illinois.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board

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100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794
217/524-8509
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules, please contact:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
Stephanie.Flowers@illinois.gov

kk) Parts (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Docket number R13-14

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste

landfill (MSWLF) regulations to reflect the United States Environmental Protection Agency (USEPA) amendments to the federal RCRA Subtitle D MSWLF rules.

The Board has reserved this docket to accommodate any amendments to the RCRA Subtitle D regulations, 40 CFR 258, that USEPA may make in the period July 1, 2012 through December 31, 2012. At this time, the Board is not aware of any federal amendments to the federal MSWLF rules that occurred during this update period.

Section 22.40(a) mandates that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Within the next month, the Board will verify the existence of any additional federal actions that may affect the text of the federal primary drinking water standards. The Board will then propose corresponding amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure, or dismiss this docket if no action is needed.

B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting in accordance with requirements established by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to verify any federal actions within the next month. If amendments are required, the Board will publish notice in the *Illinois Register* approximately 90 days before adoption to allow time for a 45-day public comment period. If no amendment is needed, the Board will dismiss this docket.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R13-14 as follows:

John T. Therriault, Assistant Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda, noting docket number R13-14, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312/814-6924
Michael.Mccambridge@illinois.gov

G) Related rulemakings and other pertinent information: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

ll) Parts (Heading and Code Citation): Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)

1) Rulemaking: Docket number R13-8

A) Description: The Board proposes to amend its solid waste and special waste hauling rules to implement Public Act 97-1081, effective August 24, 2012. The statutory revision amends Section 22.2(l) of the Act by extending the duration of special waste hauling permits from one year to

three years. The Board proposes to amend Section 809.212 to make it consistent with this statutory change, and also proposes to amend Section 809.204(a) to clarify that the special waste hauling permit application fees are established by statute.

B) Statutory authority: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01, 22.2 and 27] (see P.A. 90-219).

C) Scheduled meeting/hearing dates: Hearings are scheduled for October 18, 2012 in Chicago, and November 15, 2012 in Springfield.

D) Date agency anticipates First Notice: A Notice of Proposed Amendments was published in the *Illinois Register* on October 5, 2012.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will affect special waste haulers.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
Tim.fox@illinois.gov
312/814-6085

G) Related Rulemaking and other pertinent information: Interested persons may contact the Board about its prospective rulemaking proposal as follows:

POLLUTION CONTROL BOARD

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Tim Fox
Pollution Control Board
100 W. Randolph St.
Chicago, Illinois 60601
tim.fox@illinois.gov
312/814-6085

mm) Part (Headings and Code Citation): Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) plans to update the Board's regulations to be consistent with legislative amendments to Section 21.1 of the Environmental Protection Act [415 ILCS 5/21.1] resulting from Public Act 97-887.

B) Statutory authority: These amendments will be proposed pursuant to Sections 21.1 22, 22.40 and 27 of the Environmental Protection Act [415 ILCS 5/21.1, 22, 22.40 and 27].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation owning or operating a municipal solid waste landfill or other waste disposal operation.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
Pollution Control Board
1021 North Grand Ave. East
Springfield, Illinois 62794
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules, please contact:

Stephanie Flowers
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
Stephanie.Flowers@illinois.gov

nn) Part (Headings and Code Citation):

Procedural Requirements for Permitting Compost Facilities (35 Ill. Adm. Code 832)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations to extend the permit term for landfills and compost facilities from 5 years to 10 years and requiring a cost estimate for closure, postclosure and corrective action to be evaluated and adjusted as necessary every five years.

POLLUTION CONTROL BOARD

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B) Statutory authority: These amendments will be proposed pursuant to Sections 21, 21.1 22, 22.40, 27 and 39 of the Environmental Protection Act [415 ILCS 5/21, 21.1, 22, 22.40, 27 and 39].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

D) Date agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation operating a landfill or a compost facility in Illinois.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
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1021 North Grand Ave. East
Springfield, Illinois 62794
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Stephanie Flowers
Illinois Environmental Protection Agency

POLLUTION CONTROL BOARD

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1021 N. Grand Avenue East
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Stephanie.Flowers@illinois.gov

oo) Part (Headings and Code Citations): Management of Used and Waste Tires (35 Ill. Adm. Code 848)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is planning to propose amendments to the Board's regulations that will allow better implementation of the used and waste tire management program. The proposal will include, among others, changes necessary to make the Board's rules consistent with amendments to Title XIV of the Act resulting from P.A. 92-0024.

B) Statutory authority: Sections 27 and 55.2 of the Environmental Protection Act [415 ILCS 5/27 and 55.2].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may affect any small business, small municipality or not-for-profit corporation that manages used or waste tires.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board

POLLUTION CONTROL BOARD

JANUARY 2013 REGULATORY AGENDA

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Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Carol Webb
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1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the development of these rules please contact:

Stephanie Flowers
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544
stephanie.flowers@il.gov

pp) Part (Heading and Code Citation): Clean Construction or Demolition Debris Fill Operations and Uncontaminated Soil Fill Operations (35 Ill. Adm. Code 1100)

1) Rulemaking: Docket Number R12-9 Subdocket B

A) Description: At the recommendation of JCAR, the Board opens Subdocket B to continue to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations.

B) Statutory authority: Implementing and authorized by Sections 5, 3.160, 22.51,22.51a, and 27 of the Environmental Protection Act [415 ILCS 5/5, 3.160, 22.51, 22.51a & 27].

C) Scheduled meeting/hearing date: The Board has not scheduled any hearings in this matter.

POLLUTION CONTROL BOARD

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D) Date agency anticipates First Notice: The Board will consider this rulemaking for first notice publication in the *Illinois Register* within the next six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation operates CCDD or uncontaminated soil fill operations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda to:

Marie Tipsord
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-4925
Marie.Tipsord@illinois.gov

G) Related rulemakings and other pertinent information: For information regarding the Agency's development of this proposal, please contact:

Marie Tipsord
Division of Legal Counsel
Illinois Environmental Protection Agency
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-4925
Marie.Tipsord@illinois.gov

POLLUTION CONTROL BOARD

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qq) Part (Headings and Code Citation): Standards and Requirements for Potable Water Supply Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1600).

1) Rulemaking: No docket presently reserved.

A) Description: Subpart C of Part 1600 contains "Standards and Requirements for Community Relations Activities." The purpose of Subpart C is to establish minimum standards and requirements for the development and implementation of community relations activities in accordance with Section 25d-7 of the Environmental Protection Act (Act) [415 ILCS 5/25d-7]. The Illinois Environmental Protection Agency (Illinois EPA) is planning to propose conforming amendments to the Board's regulations at Part 1600 resulting from amendments to the Board's regulations at 35 Ill. Adm. Code 742: Tiered Approach to Corrective Action Objectives (TACO) for threats from indoor inhalation of vapors from certain contaminants.

B) Statutory authority: Section 25d-7 of the Environmental Protection Act [415 ILCS 5/25d-7]

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct hearings as required by Sections 27 and 28 of the Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: The Agency may submit a proposal to the Board within the next six months, after which the Board will cause publication of a Notice of Proposed Rules in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Generally, small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal unless they are addressing a release of contaminants pursuant to Pollution Control Board rules. For those who fall within the criteria for community relations activities and whose release of contaminants poses a threat to human health and safety from the indoor inhalation of vapors, the development and implementation of a community relations plan may be required.

POLLUTION CONTROL BOARD

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F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

John Therriault, Acting Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Address questions concerning this regulatory agenda as follows:

Carol Webb
Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
carol.webb@illinois.gov

For information regarding the development of these amendments please contact:

Mark Wight
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P. O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
Mark.Wight@epa.state.il.us

G) Related rulemakings and other pertinent information: Docket number R11-9: In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742.

PROPERTY TAX APPEAL BOARD

JANUARY 2013 REGULATORY AGENDA

b) Part(s) (Heading and Code Citations): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910

1) Rulemaking:

A) Description: The Property Tax Appeal Board anticipates amending the following rules:

Section 1910.20(b) – Update address of the Des Plaines office.

Section 1910.50 – Provide that the Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer as required by section 16-183 of the Property Tax Code [35 ILCS 200/16-183].

Section 1910.55(b) – Provide that a settlement stipulation agreed to by all interested parties shall be accepted by the Property Tax Appeal Board provided it is fair and reasonable.

Section 1910.60(d) & (e) – Eliminate the requirement of filing a resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene.

Section 1910.75 – Update to reflect requirements of the Freedom of Information Act [5 ILCS 140].

Section 1910.90(l) – Provide that decisions may be sent to all parties by electronic means.

B) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Fall 2012

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

PROPERTY TAX APPEAL BOARD

JANUARY 2013 REGULATORY AGENDA

Louis G. Apostol
Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield, IL 62706

Telephone: 217/785-4456 or 847/294-4399
Fax: 217/785-4425
Email: louis.apostol@illinois.gov

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 4, 2012 through December 10, 2012 and have been scheduled for review by the Committee at its January 8, 2013 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/18/13	Illinois Commerce Commission, Guidelines for Land and Right-of-Way Acquisitions (83 Ill. Adm. Code 300)	7/20/12 36 Ill. Reg. 10558	1/8/13
1/19/13	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	10/19/12 36 Ill. Reg. 15189	1/8/13
1/19/13	Pollution Control Board, Definitions and General Provisions (35 Ill. Adm. Code 211)	5/11/12 36 Ill. Reg. 6913	1/8/13
1/19/13	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)	5/11/12 36 Ill. Reg. 6934	1/8/13
1/19/13	Pollution Control Board, Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)	5/11/12 36 Ill. Reg. 6950	1/8/13
1/19/13	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)	5/11/12 36 Ill. Reg. 6975	1/8/13
1/23/13	Department of Natural Resources, The Taking of Wild Turkeys – Spring Season (17 Ill. Adm. Code 710)	10/5/12 36 Ill. Reg. 14585	1/8/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/23/13	Pollution Control Board, Special Waste Hauling (35 Ill. Adm. Code 809)	10/5/12 36 Ill. Reg. 14600	1/8/13

2012-353
Electoral Proclamation – Constitutional Amendment

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois at which time a Proposed Amendment for the addition of Section 5.1 to Article XIII of the Illinois Constitution was submitted, and*

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare that the Proposed Amendment to the Illinois Constitution has not received either three-fifths of those voting on the question or a majority of those voting in the election.*

NOW, THEREFORE, I, PAT QUINN*, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing results.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-354
Electoral Proclamation – Electoral College Electors

WHEREAS*, on the sixth day of November, 2012, an election was held in the State of Illinois for the election of twenty (20) Electors of President and Vice President of the United States; and,*

WHEREAS*, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on the second day of December, 2012, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:*

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Toni Preckwinkle
Carrie Austin
Andrew R. Madigan
Ricardo Munoz
James DeLeo
Christine Cegelis
Vera Davis
Nancy Shepherdson

William Marovitz
Lauren Beth Gash
Debbie Halvorson
Barb Brown
Julia Kennedy Beckman
Mark Guethle
Lynn Foster
John Nelson
Don Johnston
Shirley McCombs
Barbara Flynn Currie
John R. Daley

***THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-355
Electoral Proclamation – Electoral College

STATE OF ILLINOIS)
) SS
EXECUTIVE DEPARTMENT)

***WHEREAS,** On the 6th day of November, 2012, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty (20) Electors of President and Vice President of the United States; and*

***WHEREAS,** In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 2nd day of December, 2012, at the office of the State Board of Elections, in the City of Springfield, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 6, 2012, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons*

were voted for, for the office of Electors of President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

DEMOCRATIC PARTY

Toni Preckwinkle	*received*	*3,019,512*	*votes*
Carrie Austin	*received*	*3,019,512*	*votes*
Andrew R. Madigan	*received*	*3,019,512*	*votes*
Ricardo Munoz	*received*	*3,019,512*	*votes*
James DeLeo	*received*	*3,019,512*	*votes*
Christine Cegelis	*received*	*3,019,512*	*votes*
Vera Davis	*received*	*3,019,512*	*votes*
Nancy Shepardson	*received*	*3,019,512*	*votes*
William Marovitz	*received*	*3,019,512*	*votes*
Lauren Beth Gash	*received*	*3,019,512*	*votes*
Debbie Halvorson	*received*	*3,019,512*	*votes*
Barb Brown	*received*	*3,019,512*	*votes*
Julia Kennedy Beckman	*received*	*3,019,512*	*votes*
Mark Guethle	*received*	*3,019,512*	*votes*
Lynn Foster	*received*	*3,019,512*	*votes*
John Nelson	*received*	*3,019,512*	*votes*
Don Johnston	*received*	*3,019,512*	*votes*
Shirley McCombs	*received*	*3,019,512*	*votes*
Barbara Flynn Currie	*received*	*3,019,512*	*votes*
John R. Daley	*received*	*3,019,512*	*votes*

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

REPUBLICAN PARTY

Tonia Members	*received*	*2,135,216*	*votes*
Judy Diekelman	*received*	*2,135,216*	*votes*
Steve Daglas	*received*	*2,135,216*	*votes*
Jonathan Callaway	*received*	*2,135,216*	*votes*
Skip Saviano	*received*	*2,135,216*	*votes*
Aaron Del Mar	*received*	*2,135,216*	*votes*
Carol Smith Donovan	*received*	*2,135,216*	*votes*

Ryan Higgins	*received*	*2,135,216*	*votes*
Adam Robinson	*received*	*2,135,216*	*votes*
Mark Shaw	*received*	*2,135,216*	*votes*
Terri Wintermute	*received*	*2,135,216*	*votes*
Deb Detmers	*received*	*2,135,216*	*votes*
Jerry Clarke	*received*	*2,135,216*	*votes*
Jim Oberweis	*received*	*2,135,216*	*votes*
Bob Winchester	*received*	*2,135,216*	*votes*
Dave Syverson	*received*	*2,135,216*	*votes*
Judy Dudek	*received*	*2,135,216*	*votes*
Mike Bigger	*received*	*2,135,216*	*votes*
Roger Claar	*received*	*2,135,216*	*votes*
Bobbi Peterson	*received*	*2,135,216*	*votes*

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

LIBERTARIAN PARTY

Guadalupe Diaz	*received*	*56,229*	*votes*
Matthew Ervin	*received*	*56,229*	*votes*
Kent McMillen	*received*	*56,229*	*votes*
Denise Langnes	*received*	*56,229*	*votes*
Julie Fox	*received*	*56,229*	*votes*
Marjorie Kohls	*received*	*56,229*	*votes*
Jan Stover	*received*	*56,229*	*votes*
Dianna Visek	*received*	*56,229*	*votes*
Don Stover	*received*	*56,229*	*votes*
Jeffrey Jones	*received*	*56,229*	*votes*
Jim Waldron	*received*	*56,229*	*votes*
Damon Dillon	*received*	*56,229*	*votes*
Crystal Jurczynski	*received*	*56,229*	*votes*
Mike Fogelsanger	*received*	*56,229*	*votes*
Ken Prazak	*received*	*56,229*	*votes*
Matthew Skopek	*received*	*56,229*	*votes*
Josh Hanson	*received*	*56,229*	*votes*
Don Langnes	*received*	*56,229*	*votes*
Karen Green	*received*	*56,229*	*votes*
James Pauley	*received*	*56,229*	*votes*

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

GREEN PARTY

Steve Alesch	*received*	*30,222*	*votes*
Paloma Andrade	*received*	*30,222*	*votes*
David Black	*received*	*30,222*	*votes*
Alberto Bocanegra	*received*	*30,222*	*votes*
Robert Braam	*received*	*30,222*	*votes*
Jessica Bradshaw	*received*	*30,222*	*votes*
Paula Bradshaw	*received*	*30,222*	*votes*
Michelle Bray	*received*	*30,222*	*votes*
Gwen Butler	*received*	*30,222*	*votes*
Josephine Campbell	*received*	*30,222*	*votes*
Maegan Gilliland	*received*	*30,222*	*votes*
Dan Kairis	*received*	*30,222*	*votes*
Sandy Lezon	*received*	*30,222*	*votes*
George Milkowski	*received*	*30,222*	*votes*
Andrea Quintanar	*received*	*30,222*	*votes*
Luan Railsback	*received*	*30,222*	*votes*
Bruce S. Samuels	*received*	*30,222*	*votes*
Sheldon Schafer	*received*	*30,222*	*votes*
A. J. Segneri	*received*	*30,222*	*votes*
Nancy Wade	*received*	*30,222*	*votes*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-356
Electoral Proclamation – Congress, Senators and Representatives

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois for the election of the following officers, to-wit:*

Eighteen (18) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the eighteen (18) Congressional Districts of the State for the full term of two years.

Nineteen (19) State Senators, to wit: One (1) State Senator from the 3rd, 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th, 30th, 33rd, 36th, 39th, 42nd, 45th, 48th, 51st, 54th and 57th Legislative District for the full term of two years.

Forty (40) State Senators, to-wit: One (1) State Senator from the 1st, 2nd, 4th, 5th, 7th, 8th, 10th, 11th, 13th, 14th, 16th, 17th, 19th, 20th, 22nd, 23rd, 25th, 26th, 28th, 29th, 31st, 32nd, 34th, 35th, 37th, 38th, 40th, 41st, 43rd, 44th, 46th, 47th, 49th, 50th, 52nd, 53rd, 55th, 56th, 58th and 59th Legislative District for the full term of four years.
One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.*

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 113th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT
Bobby L. Rush
SECOND CONGRESSIONAL DISTRICT
Jesse L. Jackson, Jr.
THIRD CONGRESSIONAL DISTRICT
Daniel William Lipinski
FOURTH CONGRESSIONAL DISTRICT
Luis V. Gutierrez
FIFTH CONGRESSIONAL DISTRICT
Mike Quigley
SIXTH CONGRESSIONAL DISTRICT
Peter J. Roskam
SEVENTH CONGRESSIONAL DISTRICT
Danny K. Davis
EIGHTH CONGRESSIONAL DISTRICT
Tammy Duckworth
NINTH CONGRESSIONAL DISTRICT
Janice D. Schakowsky
TENTH CONGRESSIONAL DISTRICT
Brad Schneider
ELEVENTH CONGRESSIONAL DISTRICT
Bill Foster
TWELFTH CONGRESSIONAL DISTRICT
William L. Enyart
THIRTEENTH CONGRESSIONAL DISTRICT

Rodney Davis
FOURTEENTH CONGRESSIONAL DISTRICT
Randy M. Hultgren
FIFTEENTH CONGRESSIONAL DISTRICT
John M. Shimkus
SIXTEENTH CONGRESSIONAL DISTRICT
Adam Kinzinger
SEVENTEENTH CONGRESSIONAL DISTRICT
Cheri Bustos
EIGHTEENTH CONGRESSIONAL DISTRICT
Aaron Schock

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 98th GENERAL ASSEMBLY OF THE STATE

FIRST LEGISLATIVE DISTRICT
Antonio "Tony" Munoz
SECOND LEGISLATIVE DISTRICT
William "Willie" Delgado
THIRD LEGISLATIVE DISTRICT
Mattie Hunter
FOURTH LEGISLATIVE DISTRICT
Kimberly A. Lightford
FIFTH LEGISLATIVE DISTRICT
Patricia Van Pelt Watkins
SIXTH LEGISLATIVE DISTRICT
John J. Cullerton
SEVENTH LEGISLATIVE DISTRICT
Heather A. Steans
EIGHTH LEGISLATIVE DISTRICT
Ira I. Silverstein
NINTH LEGISLATIVE DISTRICT
Daniel Biss
TENTH LEGISLATIVE DISTRICT
John G. Mulroe
ELEVENTH LEGISLATIVE DISTRICT
Martin A. Sandoval
TWELFTH LEGISLATIVE DISTRICT
Steven Landek
THIRTEENTH LEGISLATIVE DISTRICT
Kwame Raoul

FOURTEENTH LEGISLATIVE DISTRICT
Emil Jones III
FIFTEENTH LEGISLATIVE DISTRICT
Napoleon Harris
SIXTEENTH LEGISLATIVE DISTRICT
Jacqueline "Jacqui" Collins
SEVENTEENTH LEGISLATIVE DISTRICT
Donne E. Trotter
EIGHTEENTH LEGISLATIVE DISTRICT
Bill Cunningham
NINETEENTH LEGISLATIVE DISTRICT
Michael E. Hastings
TWENTIETH LEGISLATIVE DISTRICT
Iris Y. Martinez
TWENTY-FIRST LEGISLATIVE DISTRICT
Michael G. Connelly
TWENTY-SECOND LEGISLATIVE DISTRICT
Michael Noland
TWENTY-THIRD LEGISLATIVE DISTRICT
Thomas E. Cullerton
TWENTY-FOURTH LEGISLATIVE DISTRICT
Kirk W. Dillard
TWENTY-FIFTH LEGISLATIVE DISTRICT
Jim Oberweis
TWENTY-SIXTH LEGISLATIBE DISTRICT
Dan Duffy
TWENTY-SEVENTH LEGISLATIVE DISTRICT
Matt Murphy
TWENTY-EIGHTH LEGISLATIVE DISTRICT
Daniel W. Kotowski
TWENTY-NINTH LEGISLATIVE DISTRICT
Julie A. Morrison
THIRTIETH LEGISLATIVE DISTRICT
Terry Link
THIRTY-FIRST LEGISLATIVE DISTRICT
Melinda (Willen) Bush
THIRTY-SECOND LEGISLATIVE DISTRICT
Pamela Althoff
THIRTY-THIRD LEGISLATIVE DISTRICT
Karen McConnaughay
THIRTY-FOURTH LEGISLATIVE DISTRICT

Steven "Steve" Stadelman
THIRTY-FIFTH LEGISLATIVE DISTRICT
Dave Syverson
THIRTY-SIXTH LEGISLATIVE DISTRICT
Mike Jacobs
THIRTY-SEVENTH LEGISLATIVE DISTRICT
Darin LaHood
THIRTY-EIGHTH LEGISLATIVE DISTRICT
Sue Rezin
THIRTY-NINTH LEGISLATIVE DISTRICT
Don Harmon
FORTIETH LEGISLATIVE DISTRICT
Toi W. Hutchinson
FORTY-FIRST LEGISLATIVE DISTRICT
Christine Radogno
FORTY-SECOND LEGISLATIVE DISTRICT
Linda Holmes
FORTY-THIRD LEGISLATIVE DISTRICT
Pat McGuire
FORTY-FOURTH LEGISLATIVE DISTRICT
Bill Brady
FORTY-FIFTH LEGISLATIVE DISTRICT
Tim Bivins
FORTY-SIXTH LEGISLATIVE DISTRICT
Dave Koehler
FORTY-SEVENTH LEGISLATIVE DISTRICT
John M. Sullivan
FORTY-EIGHTH LEGISLATIVE DISTRICT
Andy Manar
FORTY-NINTH LEGISLATIVE DISTRICT
Jennifer Bertino-Tarrant
FIFTIETH LEGISLATIVE DISTRICT
William "Sam" McCann
FIFTY-FIRST LEGISLATIVE DISTRICT
Chapin Rose
FIFTY-SECOND LEGISLATIVE DISTRICT
Michael W. Frerichs
FIFTY-THIRD LEGISLATIVE DISTRICT
Jason Barickman
FIFTY-FOURTH LEGISLATIVE DISTRICT
Kyle McCarter

FIFTY-FIFTH LEGISLATIVE DISTRICT
Dale A. Righter
FIFTY-SIXTH LEGISLATIVE DISTRICT
William "Bill" Haine
FIFTY-SEVENTH LEGISLATIVE DISTRICT
James F. Clayborne, Jr., II
FIFTY-EIGHTH LEGISLATIVE DISTRICT
David Luechtefeld
FIFTY-NINTH LEGISLATIVE DISTRICT
Gary F. Forby

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS IN THE 98th GENERAL ASSEMBLY OF THE STATE

FIRST REPRESENTATIVE DISTRICT
Daniel J. Burke
SECOND REPRESENTATIVE DISTRICT
Edward J. Acevedo
THIRD REPRESENTATIVE DISTRICT
Luis Arroyo
FOURTH REPRESENTATIVE DISTRICT
Cynthia Soto
FIFTH REPRESENTATIVE DISTRICT
Kenneth "Ken" Dunkin
SIXTH REPRESENTATIVE DISTRICT
Esther Golar
SEVENTH REPRESENTATIVE DISTRICT
Emanuel "Chris" Welch
EIGHTH REPRESENTATIVE DISTRICT
La Shawn K. Ford
NINTH REPRESENTATIVE DISTRICT
Arthur Turner
TENTH REPRESENTATIVE DISTRICT
Derrick Smith
ELEVENTH REPRESENTATIVE DISTRICT
Ann M. Williams
TWELFTH REPRESENTATIVE DISTRICT
Sara Feigenholtz
THIRTEENTH REPRESENTATIVE DISTRICT
Gregory Harris
FOURTEENTH REPRESENTATIVE DISTRICT

Kelly M. Cassidy
FIFTEENTH REPRESENTATIVE DISTRICT
John C. D'Amico
SIXTEENTH REPRESENTATIVE DISTRICT
Lou Lang
SEVENTEENTH REPRESENTATIVE DISTRICT
Laura Fine
EIGHTEENTH REPRESENTATIVE DISTRICT
Robyn Gabel
NINETEENTH REPRESENTATIVE DISTRICT
Robert F. Martwick, Jr.
TWENTIETH REPRESENTATIVE DISTRICT
Michael P. McAuliffe
TWENTY-FIRST REPRESENTATIVE DISTRICT
Silvana Tabares
TWENTY-SECOND REPRESENTATIVE DISTRICT
Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
Michael J. Zalewski
TWENTY-FOURTH REPRESENTATIVE DISTRICT
Elizabeth "Lisa" Hernandez
TWENTY-FIFTH REPRESENTATIVE DISTRICT
Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
Christian L. Mitchell
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
Robert "Bob" Rita
TWENTY-NINTH REPRESENTATIVE DISTRICT
Thaddeus Jones
THIRTIETH REPRESENTATIVE DISTRICT
William "Will" Davis
THIRTY-FIRST REPRESENTATIVE DISTRICT
Mary E. Flowers
THIRTY-SECOND REPRESENTATIVE DISTRICT
André Thapedi
THIRTY-THIRD REPRESENTATIVE DISTRICT
Marcus C. Evans, Jr.
THIRTY-FOURTH REPRESENTATIVE DISTRICT
Elgie R. Sims, Jr.

THIRTY-FIFTH REPRESENTATIVE DISTRICT
Frances Ann Hurley
THIRTY-SIXTH REPRESENTATIVE DISTRICT
Kelly M. Burke
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
Renée Kosel
THIRTY-EIGHTH REPRESENTATIVE DISTRICT
Al Riley
THIRTY-NINTH REPRESENTATIVE DISTRICT
Maria Antonia "Toni" Berrios
FORTIETH REPRESENTATIVE DISTRICT
Deborah L. Mell
FORTY-FIRST REPRESENTATIVE DISTRICT
Darlene Senger
FORTY-SECOND REPRESENTATIVE DISTRICT
Jeanne M. Ives
FORTY-THIRD REPRESENTATIVE DISTRICT
Keith Farnham
FORTY-FOURTH REPRESENTATIVE DISTRICT
Fred Crespo
FORTY-FIFTH REPRESENTATIVE DISTRICT
Dennis M. Reboletti
FORTY-SIXTH REPRESENTATIVE DISTRICT
Deborah O'Keefe Conroy
FORTY-SEVENTH REPRESENTATIVE DISTRICT
Patricia R. "Patti" Bellock
FORTY-EIGHTH REPRESENTATIVE DISTRICT
Sandra M. Pihos
FORTY-NINTH REPRESENTATIVE DISTRICT
Mike Fortner
FIFTIETH REPRESENTATIVE DISTRICT
Kay Hatcher
FIFTY-FIRST REPRESENTATIVE DISTRICT
Ed Sullivan, Jr.
FIFTY-SECOND REPRESENTATIVE DISTRICT
David McSweeney
FIFTY-THIRD REPRESENTATIVE DISTRICT
David Harris
FIFTY-FOURTH REPRESENTATIVE DISTRICT
Tom Morrison
FIFTY-FIFTH REPRESENTATIVE DISTRICT

Martin J. Moylan
FIFTY-SIXTH REPRESENTATIVE DISTRICT
Michelle Mussman
FIFTY-SEVENTH REPRESENTATIVE DISTRICT
Elaine Nekritz
FIFTY-EIGHTH REPRESENTATIVE DISTRICT
Scott Drury
FIFTY-NINTH REPRESENTATIVE DISTRICT
Carol Sente
SIXTIETH REPRESENTATIVE DISTRICT
Rita Mayfield
SIXTY-FIRST REPRESENTATIVE DISTRICT
JoAnn D. Osmond
SIXTY-SECOND REPRESENTATIVE DISTRICT
Sam Yingling
SIXTY-THIRD REPRESENTATIVE DISTRICT
Jack D. Franks
SIXTY-FOURTH REPRESENTATIVE DISTRICT
Barbara Wheeler
SIXTY-FIFTH REPRESENTATIVE DISTRICT
Timothy L. Schmitz
SIXTY-SIXTH REPRESENTATIVE DISTRICT
Michael W. Tryon
SIXTY-SEVENTH REPRESENTATIVE DISTRICT
Charles E. "Chuck" Jefferson
SIXTY-EIGHTH REPRESENTATIVE DISTRICT
John M. Cabello
SIXTY-NINTH REPRESENTATIVE DISTRICT
Joe Sosnowski
SEVENTIETH REPRESENTATIVE DISTRICT
Robert W. Pritchard
SEVENTY-FIRST REPRESENTATIVE DISTRICT
Mike Smiddy
SEVENTY-SECOND REPRESENTATIVE DISTRICT
Patrick Verschoore
SEVENTY-THIRD REPRESENTATIVE DISTRICT
David R. Leitch
SEVENTY-FOURTH REPRESENTATIVE DISTRICT
Donald L. Moffitt
SEVENTY-FIFTH REPRESENTATIVE DISTRICT
Pam Roth

SEVENTY-SIXTH REPRESENTATIVE DISTRICT
Frank J. Mautino
SEVENTY-SEVENTH REPRESENTATIVE DISTRICT
Kathleen Willis
SEVENTY-EIGHTH REPRESENTATIVE DISTRICT
Camille Y. Lilly
SEVENTY-NINTH REPRESENTATIVE DISTRICT
Katherine "Kate" Cloonen
EIGHTIETH REPRESENTATIVE DISTRICT
Anthony DeLuca
EIGHTY-FIRST REPRESENTATIVE DISTRICT
Ron Sandack
EIGHTY-SECOND REPRESENTATIVE DISTRICT
Jim Durkin
EIGHTY-THIRD REPRESENTATIVE DISTRICT
Linda Chapa LaVia
EIGHTY-FOURTH REPRESENTATIVE DISTRICT
Stephanie A. Kifowit
EIGHTY-FIFTH REPRESENTATIVE DISTRICT
Emily McAsey
EIGHTY-SIXTH REPRESENTATIVE DISTRICT
Lawrence "Larry" Walsh, Jr.
EIGHTY-SEVENTH REPRESENTATIVE DISTRICT
Rich Brauer
EIGHTY-EIGHTH REPRESENTATIVE DISTRICT
Keith P. Sommer
EIGHTY-NINTH REPRESENTATIVE DISTRICT
Jim Sacia
NINETIETH REPRESENTATIVE DISTRICT
Tom Demmer
NINETY-FIRST REPRESENTATIVE DISTRICT
Michael D. Unes
NINETY-SECOND REPRESENTATIVE DISTRICT
Jehan Gordon
NINETY-THIRD REPRESENTATIVE DISTRICT
Norine K. Hammond
NINETY-FOURTH REPRESENTATIVE DISTRICT
Jil Tracy
NINETY-FIFTH REPRESENTATIVE DISTRICT
Wayne Arthur Rosenthal
NINETY-SIXTH REPRESENTATIVE DISTRICT

Sue Scherer
NINETY-SEVENTH REPRESENTATIVE DISTRICT
Tom Cross
NINETY-EIGHTH REPRESENTATIVE DISTRICT
Natalie A. Manley
NINETY-NINTH REPRESENTATIVE DISTRICT
Raymond Poe
ONE HUNDREDTH REPRESENTATIVE DISTRICT
Jim Watson
ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT
Bill Mitchell
ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT
Adam Brown
ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT
Naomi D. Jakobsson
ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT
Chad D. Hays
ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT
Dan Brady
ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT
Josh Harms
ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT
John Cavaletto
ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT
Charles E Meier
ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT
David B. Reis
ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Brad Halbrook
ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Daniel V. Beiser
ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Dwight D. Kay
ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Jay Hoffman
ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
Eddie Lee Jackson
ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT
Mike Bost
ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT
Jerry Costello II

ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT
John Bradley
ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT
Brandon W. Phelps

NOW, THEREFORE, I, PAT QUINN, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-357
Electoral Proclamation – Regional Superintendents of Schools

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois for the election of the following officers, to-wit:*

Seven (7) Regional Superintendents of Schools, for an unexpired two year term, to-wit: One (1) Regional Superintendent of Schools from the Bond, Effingham and Fayette Region, one (1) from the Brown, Cass, Morgan and Scott Region, one (1) from the Carroll, JoDaviess and Stephenson Region, one (1) from the Christian and Montgomery Region, one (1) from the Clay, Crawford, Jasper, Lawrence and Richland Region, one (1) from the Iroquois and Kankakee Region. and one (1) from the Marshall, Putnam and Woodford Region.

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:*

REGIONAL SUPERINTENDENT OF SCHOOLS

BOND, EFFINGHAM AND FAYETTE
(For an unexpired two year term)
Julie Wollerman

BROWN, CASS, MORGAN AND SCOTT
(For an unexpired two year term)
Jeffrey R. Stephens

CARROLL, JoDAVIESS AND STEPHENSON

(For an unexpired two year term)
Aaron Mercier

CHRISTIAN AND MONTGOMERY
(For an unexpired two year term)
Marchelle Kassebaum

CLAY, CRAWFORD, JASPER, LAWRENCE AND RICHLAND
(For an unexpired two year term)
Monte A. Newlin

IROQUOIS AND KANKAKEE
(For an unexpired two year term)
Gregg Murphy

MARSHALL, PUTNAM AND WOODFORD
(For an unexpired two year term)
Phyllis J. Glazier

NOW, THEREFORE, I, PAT QUINN, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-358
Electoral Proclamation – Trustees of the Prairie Dupont Levee and Sanitary District

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois for the election of the following officers, to-wit:*

Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:*

TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT
Michael Sullivan

Jule G. Levin
Michael H. Lindhorst
David Walster
Randy C Bolle

NOW, THEREFORE, I, PAT QUINN, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-359
Electoral Proclamation – Judicial Vacancies

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois for the election of the following judges, to-wit:*

Supreme Court Judge to fill the vacancy of the Honorable Thomas R. Fitzgerald, First Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable Robert Cahill, to fill the vacancy of the Honorable Sharon Johnson Coleman, to fill the vacancy of the Honorable Michael J. Gallagher, to fill the vacancy of the Honorable Sheila O'Brien, to fill the vacancy of the Honorable Mary Jane Theis, to fill the vacancy of the Honorable John P. Tully, First Judicial District; to fill the vacancy of the Honorable John M. O'Malley, Second Judicial District; to fill the vacancy of the Honorable Sue E. Myerscough, Fourth Judicial District; to fill the vacancy of the Honorable James K. Donovan, Fifth Judicial District.

Circuit Court Judges to fill the vacancy of the Honorable Claudia G. Conlon, to fill the vacancy of the Honorable Daniel E. Jordan, to fill the vacancy of the Honorable Dorothy Kirie Kinnaird, to fill the vacancy of the Honorable John J. Moran, to fill the vacancy of the Honorable Donald J. O'Brien, Jr., to fill the vacancy of the Honorable Margaret O'Mara Frossard, to fill the vacancy of the Honorable Aurelia Pucinski, to fill the vacancy of the Honorable Henry R. Simmons, Jr., to fill the vacancy of the Honorable Victoria A. Stewart, to fill the vacancy of the Honorable Paul Stralka, to fill the vacancy of the Honorable John A. Ward, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable Michael W. Stuttley, Second Subcircuit; to fill the vacancy of the Honorable Patrick E. McGann, to fill the vacancy of the Honorable Colleen McSweeney Moore, Third Subcircuit; to fill the vacancy of the Honorable

Daniel A. Riley, to fill additional judgeship A, Fourth Subcircuit; to fill the vacancy of the Honorable David Delgado, Sixth Subcircuit; to fill the vacancy of the Honorable Dorothy F. Jones, to fill the vacancy of the Honorable Cheryl A. Starks, to fill the vacancy of the Honorable Lawrence W. Terrell, to fill the vacancy of the Honorable Amanda Toney, Seventh Subcircuit; to fill the vacancy of the Honorable Thomas R. Chiola, to fill the vacancy of the Honorable Melvin J. Cole, to fill the vacancy of the Honorable Maureen Durkin Roy, to fill additional judgeship A, Eighth Subcircuit; to fill the vacancy of the Honorable Gerald C. Bender, to fill the vacancy of the Honorable James R. Epstein, Ninth Subcircuit; to fill the vacancy of the Honorable Daniel Locallo, Tenth Subcircuit; to fill the vacancy of the Honorable Edward P. O'Brien, to fill the vacancy of the Honorable Joseph J. Urso, Eleventh Subcircuit; to fill the vacancy of the Honorable Mary K. Rochford, Twelfth Subcircuit; to fill the vacancy of the Honorable Edward N. Pietrucha, to fill additional judgeship A, Thirteenth Subcircuit; to fill the vacancy of the Honorable Lawrence O'Gara, Fourteenth Subcircuit, Cook County Judicial Circuit.

Circuit Court Judges to fill the vacancy of the Honorable Ronald R. Eckiss, Williamson County, First Judicial Circuit; to fill the vacancy of the Honorable E. Kyle Vantrease, to fill the vacancy of the Honorable Terry H. Gamber, Jefferson County, to fill the vacancy of the Honorable Thomas H. Sutton, White County, Second Judicial Circuit; to fill the vacancy of the Honorable Charles V. Romani, Jr., Third Judicial Circuit; to fill the vacancy of the Honorable Michael P. Kiley, Shelby County, Fourth Judicial Circuit; to fill the vacancy of the Honorable Gary W. Jacobs, Coles County, Fifth Judicial Circuit; to fill the vacancy of the Honorable Theodore E. Paine, Sixth Judicial Circuit; to fill the vacancy of the Honorable Thomas R. Appleton, to fill the vacancy of the Honorable Lois A. Bell, Scott County, Seventh Judicial Circuit; to fill the vacancy of the Honorable Michael R. Roseberry, Pike County, Eighth Judicial Circuit; to fill the vacancy of the Honorable David F. Stoverink, Hancock County, to fill the vacancy of the Honorable Gregory K. McClintock, Warren County, Ninth Judicial Circuit; to fill the vacancy of the Honorable James E. Shadid, to fill the vacancy of the Honorable Richard E. Grawey, Peoria County, Tenth Judicial Circuit; to fill the vacancy of the Honorable G. Michael Prall, to fill the vacancy of the Honorable James E. Souk, McLean County, Eleventh Judicial Circuit; to fill the vacancy of the Honorable James A. Lanuti, LaSalle County, Thirteenth Judicial Circuit; to fill the vacancy of the Honorable Stephen C. Pemberton, Fifteenth Judicial Circuit; to fill the vacancy of the Honorable Michael J. Colwell, to fill additional judgeship A, Second Subcircuit, Sixteenth Judicial Circuit; to fill additional judgeship A, Third Subcircuit, Seventeenth Judicial Circuit; to fill the vacancy of the Honorable Perry R. Thompson, Eighteenth Judicial Circuit; to fill additional judgeship A, Second Subcircuit, to fill additional judgeship A, Third Subcircuit, to fill additional judgeship B, Third Subcircuit, Nineteenth Judicial Circuit; to fill the vacancy of the Honorable Michael J. O'Malley, to fill the vacancy of the Honorable Milton S. Wharton, to fill the vacancy of the Honorable Lloyd A. Cueto, St. Clair County, to fill the vacancy of the Honorable Dennis G. Hatch, Washington County, Twentieth Judicial Circuit; to fill the vacancy of the Honorable Kurt P. Klein, DeKalb County, to fill additional judgeship A, Kendall County, Twenty-Third Judicial Circuit.

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:*

SUPREME COURT JUDGE

FIRST JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Thomas R. Fitzgerald)
Mary Jane Theis

APPELLATE COURT JUDGES

FIRST JUDICIAL DISTRICT
(To fill the vacancy of the Honorable Robert Cahill)
Mathias William Delort

(To fill the vacancy of the Honorable Sharon Johnson Coleman)
Nathaniel Roosevelt Howse, Jr.

(To fill the vacancy of the Honorable Michael J. Gallagher)
P. Scott Neville, Jr.

(To fill the vacancy of the Honorable Sheila O'Brien)
Jesse G. Reyes

(To fill the vacancy of the Honorable Mary Jane Theis)
Maureen Elizabeth Connors

(To fill the vacancy of the Honorable John P. Tully)
Terrence J. Lavin

SECOND JUDICIAL DISTRICT

(To fill the vacancy of the Honorable John M. O'Malley)
Joe Birkett

FOURTH JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Sue E. Myerscough)

PROCLAMATIONS

Carol Pope

FIFTH JUDICIAL DISTRICT
(To fill the vacancy of the Honorable James K. Donovan)
Judy Cates

JUDGES OF THE CIRCUIT COURT

COOK COUNTY JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Claudia G. Conlon)
Karen Lynn O'Malley

(To fill the vacancy of the Honorable Daniel E. Jordan)
Jean Prendergast Rooney

(To fill the vacancy of the Honorable Dorothy Kirie Kinnaird)
Erica L. Reddick

(To fill the vacancy of the Honorable John J. Moran)
Russell W. Hartigan

(To fill the vacancy of the Honorable Donald J. O'Brien, Jr.)
Cynthia Ramirez

(To fill the vacancy of the Honorable Margaret O'Mara Frossard)
Diann Karen Marsalek

(To fill the vacancy of the Honorable Aurelia Pucinski)
Lorna Ellen Propes

(To fill the vacancy of the Honorable Henry R. Simmons, Jr.)
Jessica A. O'Brien

(To fill the vacancy of the Honorable Victoria A. Stewart)
Pamela M. Leeming

(To fill the vacancy of the Honorable Paul Stralka)
Michael Tully Mullen

(To fill the vacancy of the Honorable John A. Ward)
Elizabeth Mary Hayes

SECOND SUBCIRCUIT

(To fill the vacancy of the Honorable Michael W. Stuttley)
Carl B. Boyd

THIRD SUBCIRCUIT

(To fill the vacancy of the Honorable Patrick E. McGann
Maureen Leahy Delehanty

(To fill the vacancy of the Honorable Colleen McSweeney Moore)
Daniel R. Degnan

FOURTH SUBCIRCUIT

(To fill the vacancy of the Honorable Daniel A. Riley)
Terry Gallagher

(To fill additional judgeship A)
Edward M. Maloney

SIXTH SUBCIRCUIT

(To fill the vacancy of the Honorable David Delgado)
Beatriz Santiago

SEVENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Dorothy F. Jones)
Aicha Marie MacCarthy

(To fill the vacancy of the Honorable Cheryl A. Starks)
Tommy Brewer

(To fill the vacancy of the Honorable Lawrence W. Terrell)
William G. Gamboney

(To fill the vacancy of the Honorable Amanda Toney)
Kimberly D. Lewis

PROCLAMATIONS

EIGHTH SUBCIRCUIT

(To fill the vacancy of the Honorable Thomas R. Chiola)
Celia Louise Gamrath

(To fill the vacancy of the Honorable Melvin J. Cole)
John H. Ehrlich

(To fill the vacancy of the Honorable Maureen Durkin Roy)
Deborah Jean Gubin

(To fill additional judgeship A)
Laura Liu

NINTH SUBCIRCUIT
(To fill the vacancy of the Honorable Gerald C. Bender)
Lionel Jean-Baptiste

(To fill the vacancy of the Honorable James R. Epstein)
Larry G. Axelrood

TENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Daniel Locallo)
Thomas R. Allen

ELEVENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Edward P. O'Brien)
Michael R. Clancy

(To fill the vacancy of the Honorable Joseph J. Urso)
Lisa Ann Marino

TWELFTH SUBCIRCUIT

(To fill the vacancy of the Honorable Mary K. Rochford)
Andrea M. Schleifer

THIRTEENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Edward N. Pietrucha)
Paul S. Pavlus

(To fill additional judgeship A)
Martin C. Kelley

FOURTEENTH SUBCIRCUIT

(To fill the vacancy of the Honorable Lawrence O'Gara)
Regina Ann Scannicchio

FIRST JUDICIAL CIRCUIT

WILLIAMSON COUNTY

(To fill the vacancy of the Honorable Ronald R. Eckiss)
Carolyn B. Smoot

SECOND JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable E. Kyle Vantrease)

OFFICIAL VOTE TOTALS IN THIS RACE ARE BEING WITHHELD PURSUANT TO COURT ORDER

JEFFERSON COUNTY

(To fill the vacancy of the Honorable Terry H. Gamber)
Jo Beth Weber

WHITE COUNTY

(To fill the vacancy of the Honorable Thomas H. Sutton)
T. Scott Webb

THIRD JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Charles V. Romani, Jr.)
Kyle Anne Napp

FOURTH JUDICIAL CIRCUIT

SHELBY COUNTY

(To fill the vacancy of the Honorable Michael P. Kiley)
Allen F. Bennett

FIFTH JUDICIAL CIRCUIT

COLES COUNTY

(To fill the vacancy of the Honorable Gary W. Jacobs)
Brien J. O'Brien

SIXTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Theodore E. Paine)
Thomas E. Griffith

SEVENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Thomas R. Appleton)
John Schmidt

SCOTT COUNTY

(To fill the vacancy of the Honorable Lois A. Bell)
David R. Cherry

EIGHTH JUDICIAL CIRCUIT

PIKE COUNTY

(To fill the vacancy of the Honorable Michael R. Roseberry)
Frank McCartney

NINTH JUDICIAL CIRCUIT

HANCOCK COUNTY

(To fill the vacancy of the Honorable David F. Stoverink)
Rodney G. Clark

WARREN COUNTY

(To fill the vacancy of the Honorable Gregory K. McClintock)
James Standard

TENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable James E. Shadid)
Kate Gorman

PEORIA COUNTY

(To fill the vacancy of the Honorable Richard E. Grawey)
Kevin W. Lyons

ELEVENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable G. Michael Prall)
Paul Lawrence

McLEAN COUNTY

(To fill the vacancy of the Hon. James E. Souk)
Rebecca Simmons Foley

THIRTEENTH JUDICIAL CIRCUIT

LaSALLE COUNTY

(To fill the vacancy of the Honorable James A. Lanuti)
Troy Holland

FIFTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Stephen C. Pemberton)
Robert T. Hanson

SIXTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Michael J. Colwell)

John A. Barsanti

SECOND SUBCIRCUIT

(To fill additional judgeship A)
John G. Dalton

SEVENTEENTH JUDICIAL CIRCUIT

THIRD SUBCIRCUIT

(To fill additional judgeship A)
Brendan Maher

EIGHTEENTH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Perry R. Thompson)
Patrick J. O'Shea

NINETEENTH JUDICIAL CIRCUIT

SECOND SUBCIRCUIT

(To fill additional judgeship A)
Patrica Fix

THIRD SUBCIRCUIT

(To fill additional judgeship A)
Daniel B. Shanes

(To fill additional judgeship B)
Thomas Schippers

TWENTIETH JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Michael J. O'Malley)
Vincent J. Lopinot

(To fill the vacancy of the Honorable Milton S. Wharton)
Zina R. Cruse

ST. CLAIR COUNTY

(To fill the vacancy of the Honorable Lloyd A. Cueto)
Andrew J. Gleeson

WASHINGTON COUNTY

(To fill the vacancy of the Honorable Dennis G. Hatch)
Daniel J. Emge

TWENTY-THIRD JUDICIAL CIRCUIT

DeKALB COUNTY

(To fill the vacancy of the Honorable Kurt P. Klein
Ronald G. Matekaitis

KENDALL COUNTY

(To fill additional judgeship A)
Melissa S. Barnhart

NOW, THEREFORE, I, PAT QUINN, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

2012-360
Electoral Proclamation - Retention

WHEREAS, *On the 6th day of November, 2012, an election was held in the State of Illinois for the retention of the following judges, to-wit:*

Supreme Court Judges from the Fourth Judicial District;

Appellate Court Judges from the First, Third, Fourth and Fifth Judicial Districts;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Nineteenth, Twentieth, Twenty-first, Twenty-second and Cook County Judicial Circuits.

WHEREAS, *In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 2nd day of December, 2012, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:*

RETENTION

JUDGE OF THE SUPREME COURT

FOURTH JUDICIAL DISTRICT
Rita B. Garman

JUDGE OF THE APPELLATE COURT

FIRST JUDICIAL DISTRICT
James Fitzgerald Smith

THIRD JUDICIAL DISTRICT
Tom M. Lytton

Daniel L. Schmidt

FOURTH JUDICIAL DISTRICT
John Turner

FIFTH JUDICIAL DISTRICT

Melissa Ann Chapman

JUDGES OF THE CIRCUIT COURT

FIRST JUDICIAL CIRCUIT
Mark H. Clarke
Mark M. Boie
Brad K. Bleyer

PROCLAMATIONS

SECOND JUDICIAL CIRCUIT
Melissa A. Drew
Christopher L. Weber

THIRD JUDICIAL CIRCUIT
Ann E. Callis
John Knight
Barbara L. Crowder
Dave Hylla

FOURTH JUDICIAL CIRCUIT
Ron Spears
Sherri L. E. Tungate
Daniel E. Hartigan
Kimberly G. Koester

FIFTH JUDICIAL CIRCUIT
Craig H. DeArmond
Nancy S. Fahey

SIXTH JUDICIAL CIRCUIT
Dan L. Flannell
Michael Q. Jones
Jeffrey B. "Jeff" Ford
Michael G. Carroll

SEVENTH JUDICIAL CIRCUIT
Patrick Kelley
Leslie J. Graves
John Belz
Eric S. Pistorius
Kenneth R. Deihl

EIGHTH JUDICIAL CIRCUIT
William O. Mays, Jr.

NINTH JUDICIAL CIRCUIT
Edward R. Danner
William "Bill" Davis
Scott Shipplett

TENTH JUDICIAL CIRCUIT
Paul Gilfillan

ELEVENTH JUDICIAL CIRCUIT
Elizabeth A. Robb
Kevin P. Fitzgerald

TWELFTH JUDICIAL CIRCUIT
Daniel J. Rozak

THIRTEENTH JUDICIAL CIRCUIT
Cynthia M. Raccuglia

FOURTEENTH JUDICIAL CIRCUIT
Jeffrey W. O'Connor
Mark A. VandeWiele
F. Michael Meersman

FOURTEENTH JUDICIAL CIRCUIT (cont.)
Stanley B. Steines

FIFTEENTH JUDICIAL CIRCUIT
Michael P. Bald

SIXTEENTH JUDICIAL CIRCUIT
Donald C. Hudson
Thomas E. Mueller

SEVENTEENTH JUDICIAL CIRCUIT
J. Edward Prochaska

NINETEENTH JUDICIAL CIRCUIT
John T. Phillips

TWENTIETH JUDICIAL CIRCUIT
Jan Fiss

TWENTY-FIRST JUDICIAL CIRCUIT
Kendall O. Wenzelman

TWENTY-SECOND JUDICIAL CIRCUIT

Maureen P. McIntyre
Michael J. Chmiel
Charles P. Weech

COOK COUNTY JUDICIAL CIRCUIT
Carole Kamin Bellows
Kathy M. Flanagan
Moshe Jacobius
Stuart F. Lubin
Marvin P. Luckman
Raymond Funderburk
Stuart E. Palmer
Martin S. Agran
Patricia Banks
Ronald F. Bartkowicz
Robert Lopez Cepero
Garritt E. Howard
Joseph G. Kazmierski, Jr.
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Cynthia Brim
Rodney Hughes Brooks
Maureen Elizabeth Connors
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Loretta Eadie-Daniels
Joyce Marie Murphy Gorman
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Daniel Patrick Brennan
Gloria Chevere
Grace G. Dickler
Ellen L. Flannigan
Carol M. Howard
Jill C. Marisie
James Michael McGing
Mike McHale
James Patrick Murphy
Thomas W. Murphy
Patrick W. "Pat" O'Brien
Ramon Ocasio III
Mary Colleen Roberts
Diane M. Shelley

NOW, THEREFORE, I, PAT QUINN, *Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.*

Issued by the Governor December 2, 2012
Filed by the Secretary of State December 3, 2012

ILLINOIS ADMINISTRATIVE CODE
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