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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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013

20	May 6, 2013	May 17, 2013
21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
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31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3)

Section Numbers:	Proposed Action:
1800.570	Amend
1800.820	Amend
1800.830	Amend

4) Statutory Authority: Authorized by Section 78 (a) (3) and (b) of the Video Gaming Act [230 ILCS 40]

5) A Complete Description of the Subjects and Issues Involved: The rulemaking makes the following changes:

Late submission of renewal fees: The Board currently does not have a policy regarding license reinstatement requirements following tardy submission of a renewal fee. A new paragraph (b) of Section 570 follows the statute by providing that a license shall expire if a renewal fee is not received by the Board before the license expiration date. New paragraph (c) provides that, for location, technician and terminal handler licenses only, the Board may renew a license without requiring reapplication if the renewal fee is received within 10 days of the license expiration date and the licensee is otherwise in good standing. For all other categories of licenses, reapplication shall be required in all instances following license expiration.

Rule change to conform with PA 98-31/1738 and PA 98-122/1570: PA 98-31 (effective 6/24/13 removes language in Section 25(h) of the Video Gaming Act providing that a licensed location is ineligible to receive a video gaming location license if it is situated within 1,000 feet of an "inter-track wagering licensee" (i.e., a racetrack where inter-track wagering takes place) or an "intertrack wagering location licensee" (an off-track betting facility). PA 98-112 (effective 7/26/17) removes the 1,000 foot location restriction for "inter-track wagering location licensees" only.

The present rulemaking amends Sections 820 and 830 of the Video Gaming Rules to delete language made obsolete with the enactment of PA 98-31 and PA 98-112. Specifically, the rulemaking does the following:

- Deletes a provision in Section 820 establishing the method for measuring the distance between a location and an inter-track wagering licensee; and

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NOTICE OF PROPOSED AMENDMENTS

- Deletes a provision in Section 830 establishing criteria for the Board to grant waivers to locations located within 1,000 feet of an inter-track wagering licensee or inter-track wagering location licensee.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

Section Numbers	Proposed Action	*Illinois Register* Citation
1800.110	Amend	37 Ill. Reg. 9833; July 12, 2013
1800.810	Amend	36 Ill. Reg. 9833, July 12, 2013
1800.1010	Amend	36 Ill. Reg. 9833, July 12, 2013
1800.1410	Amend	36 Ill. Reg. 9833, July 12, 2013
1800.1420	New	36 Ill. Reg. 9833, July 12, 2013

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this notice in the *Illinois Register* to:

Emily Mattison, General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Phone: 312/814-7137
Fax No. 312/814-7253
emily.mattison@igb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

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NOTICE OF PROPOSED AMENDMENTS

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

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking will impose no additional requirements.

C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because the need for the rulemaking was not anticipated at the time the 2 most recent Agendas were published.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
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1800.115 Gender
1800.120 Inspection

SUBPART B: DUTIES OF LICENSEES

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1800.220 Continuing Duty to Report Violations
1800.230 Duties of Licensed Manufacturers
1800.240 Duties of Licensed Distributors
1800.250 Duties of Licensed Video Terminal Operators
1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
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1800.320 Minimum Standards for Use Agreements
1800.330 Economic Disassociation

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1800.420 Qualifications for Licensure
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1800.570 Renewal of License
1800.580 Renewal Fees and Dates
1800.590 Death and Change of Ownership of Video Gaming Licensee

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1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
1800.660 Evidence
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1800.680 Sanctions and Penalties
1800.690 Transmittal of Record and Recommendation to the Board
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section
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1800.715 Notice of Proposed Disciplinary Action Against Licensees
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1800.770 Prohibition on Ex Parte Communication
1800.780 Sanctions and Penalties
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1800.820 Measurement of Distances from Locations
1800.830 Waivers of Location Restrictions

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1800.930 Prior Registration

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1800.1020 Transportation of Video Gaming Terminals into the State
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1800.1230 Qualification as a Livescan Vendor
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SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36

Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART E: LICENSING PROCEDURES

Section 1800.570 Renewal of License

a) The Board may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Board.

b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

c) A license shall expire if the renewal fee is not received by the Board prior to the expiration of the license.

d) If a licensed video gaming location license, licensed technician license, or licensed terminal handler license has expired due to the non-payment of the renewal fee, and the Board receives the licensee's renewal fee within 10 business days following expiration of the license, the Board may renew the license without requiring reapplication provided the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

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

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED VIDEO GAMING LOCATIONS

Section 1800.820 Measurement of Distances from Locations

In computing the distance between a licensed video gaming location and another facility for purposes of compliance with the location restrictions of Section 25(h) of the Act, a measurement shall be taken of the distance between the respective closest points of the outer walls of the

structure containing the licensed video gaming location and the structure containing any of the following:

a) A facility operated by an organization licensee ~~or an inter-track wagering licensee~~ licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5];

b) The home dock of a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10];

c) A school; or

d) A place of worship under the Religious Corporation Act [805 ILCS 110].

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

Section 1800.830 Waivers of Location Restrictions

a) The Board may waive the requirement that a Licensed Video Gaming Location not be located within 1,000 feet from a facility operated by an organization licensee~~, an inter-track wagering licensee, or an inter-track wagering location licensee~~ licensed under the Illinois Horse Racing Act of 1975~~ [230 ILCS 5]~~ or the home dock of a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10] pursuant to Section 25(h) of the Act upon a proper showing by the applicant. In making its determination, the Board may consider the following:

1) The number and character of other Licensed Video Gaming Locations in the municipality or subdivision of the municipality where the proposed Licensed Video Gaming Location will be located;

2) Whether the proposed Licensed Video Gaming Location applicant has obtained all other necessary governmental licenses and permits;

3) The history of liquor law violations and reported criminal activity at the proposed Licensed Video Gaming Location; and

4) Any other factor that would be relevant to deciding whether public interest, convenience and advantage would be served by approving the waiver.

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b) The Board shall not grant the waiver if there is any common ownership or control, shared business activity or contractual arrangement of any type between the proposed Licensed Video Gaming Location and the organization~~,~~ licensee~~, inter-track wagering licensee, inter-track wagering location licensee~~ or owner~~owners'~~ licensee of a riverboat.

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

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3)

Section Numbers:	Proposed Action:
3000.100	Amend
3000.600	Amend
3000.640	Amend

4) Statutory Authority: Authorized by the Riverboat Gambling Act, specifically Sections 5(c)(2), (3), (6), (7) and (8) of this Act [230 ILCS 10/5 (c)(2), (3), (6), (7) and (8)]

5) A Complete Description of the Subjects and Issues Involved: The rulemaking makes the following changes to the riverboat gambling rules [86 Ill. Admin. Code 3000]:

Inclusion of unredeemed vouchers as part of adjusted gross receipts: adds a definition of "adjusted gross receipts" to Section 100. Under the new definition, "adjusted gross receipts" are defined as gross receipts less winnings paid to wagerers. The definition further provides that the value of expired vouchers shall be included in computing adjusted gross receipts. Including the value of expired vouchers as part of adjusted gross receipts conforms with standard accounting practice in the gaming industry.

Printing of vouchers at a cashier cage: Sections 100 and 640 currently authorize the issuance of vouchers solely by means of a voucher printer connected to an electronic gaming device. In keeping with the practice at some casinos, the proposed change will amend these Sections to allow vouchers also to be printed at a cashier cage.

Use of promotional coupons: This proposed change to Section 600 authorizes the use of promotional coupons in connection with table games and deletes current language allowing the use of match play coupons. The difference between a match play coupon and a promotional coupon is that a match play coupon must be used in conjunction of the play of a chip, whereas a promotional coupon may be used in place of a chip. Under the proposed rulemaking, promotional coupons may only be used as wagers as set forth in an owner licensee's Internal Control System.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

7) Will this proposed 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? Yes

Section Numbers	Proposed Action	*Illinois Register* Citation
3000.140	Amend	37 Ill. Reg. 1837, February 15, 2013
3000.614	Amend	37 Ill. Reg. 1837, February 15, 2013

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

312/814-7137
Fax 312/814-7253
emily.mattison@igb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because the need for this rulemaking was not anticipated at the time the 2 most recent Agendas were published.

The full text of the proposed rulemaking begins on the next page.

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

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3000.103 Organization of the Illinois Gaming Board
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ILLINOIS GAMING BOARD

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3000.1155 Transmittal of Record and Recommendation to the Board

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

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at

22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 3000.241 Renewal of Supplier's License

a) Renewal Requirements
Except as provided in subsection (d), upon the expiration of an initial Supplier's license issued pursuant to Section 3000.240, the license may be renewed subject to the provisions of the Act and this Section 3000.241 for a licensure period of four years. The renewal requirements shall include, but not be limited to, the following:

1) Every fourth year following the initial licensing, the licensee shall provide documentation of the following in lieu of a renewal application:

A) A written statement requesting renewal of the Supplier's license;

B) A written statement verifying past compliance with the annual disclosure affidavit required under Section 3000.240(h)(2)(A);

C) Measures taken by the licensee to assure compliance with the Act and this Part; and

D) Responses to specific questions or concerns raised by the Board in its relicensure investigation and review process.

2) In addition to the information submitted by the licensee pursuant to subsection (a)(1), Key Persons of the licensee who have previously filed Business Entity or Personal Disclosure Forms shall submit disclosure information pursuant to Section 3000.222(e)(2), updating, and attesting to the veracity of, all previously submitted materials and setting forth any required additional or different information from that which has been previously submitted.

3) Materials submitted pursuant to this Section shall be provided at least 90~~sixty~~ days prior to the renewal date, and must be accompanied by the required annual licensing fee.

4) Nothing in this Section shall be interpreted to alter the duty to comply with the annual disclosure and fee requirements as set forth in Section 3000.240 or to disclose changes in information as set forth in Section 3000.140.

b) Board Decision
The Board shall base its renewal of a Supplier's license upon:

1) The timeliness and responsiveness of the information submitted by the licensee as required pursuant to this Section 3000.241;

2) The background, reputation, character and integrity of the Key Persons;

3) The licensee's continuing ability to maintain the quality of its products or

services;

4) The overall adherence of the licensee to all requirements of the Act and this Part; and

5) Any other information the Board deems appropriate and necessary to maintain public confidence in the credibility and integrity of gambling operations, as required by Section 2(b) of the Act.

c) Term of Renewed Licenses
Unless otherwise restricted pursuant to subsection (d)~~ of this Section~~, renewed licenses shall be issued for a term of four years.

d) Licenses Restricted on Renewal

1) Upon issuing a renewal license, the Board may restrict the term of or impose conditions upon a license.

2) A restricted license may be issued on renewal in the event the Board has concerns regarding:

A) The nature or quality of a product provided by the licensee in Illinois;

B) The business experience or background of the licensee's Key Persons;

C) The business practices in Illinois and other jurisdictions of the licensee, its Key Persons or any person who directly or indirectly controls the licensee;

D) The licensee's reputation;

E) The licensee's failure to comply with the Act and this Part.

3) The term of a license restricted on renewal shall be for one year from the date of issuance.

4) If, at the conclusion of the one year period for licenses restricted on renewal, the Board deems that the licensee has addressed and rectified the Board's concerns, the Board may issue a four year renewal license.

5) Failure of the licensee to properly address and rectify the Board's concerns within a one year period may result in the issuance of another license restricted on renewal, the non-renewal of the license or disciplinary action authorized under Section 5 of the Act.

e) Action of the Board

1) The Board shall act at a public meeting on the renewal of a Supplier's license.

2) If the Board decides to deny license renewal, it shall direct the Administrator to issue a Notice of Denial to the supplier licensee by certified mail or personal delivery.

3) If the Board decides to issue a restricted license on renewal, it shall direct the Administrator to issue a Notice of Restricted License by certified mail or personal delivery. Such Notice shall specify the reasons for a restricted license.

f) Request for Hearing

1) A supplier licensee served with a Notice of Denial may request a hearing in accordance with Section 3000.405.

2) A supplier licensee served with a Notice of Restricted License on Renewal may request a hearing in accordance with Section 3000.405.

3) If a hearing is not requested, the Notice of Denial or Notice of Restricted License on Renewal becomes the final order of the Board.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: SURVEILLANCE AND SECURITY

Section 3000.840 Storage and Retrieval

a) All videotape and digital recordings shall be retained as provided in the Records Retention Schedule (see Section 3000.115) promulgated by the Administrator under authority of the Riverboat Gambling Act [230 ILCS 10/5] and shall be listed on a log by surveillance personnel with the date, times, and identification of the person monitoring or changing the tape in the recorder. Original videotape and digital recordings will be released to the Board upon demand.

b) Any videotape or digital recording that records illegal or suspected illegal activity shall, upon completion of the recording, be removed from the recorder and etched or otherwise indelibly marked with date, time and identity of surveillance personnel. Digital recordings that record illegal or suspected illegal activity shall be transferred to a read-only, non-erasable format approved by the Administrator. The videotape or digital recording shall be placed in a separate, secure area and notification given to the Board agent.

c) The viewing of any videotape or digital recording other than by Illinois Gaming Board staff or designated surveillance employees of an owner licensee is prohibited unless specifically approved by the Administrator or his or her designee, or pursuant to a lawful subpoena.

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Housing Appeals Board

2) Code Citation: 47 Ill. Adm. Code 395

3)

Section Numbers:	Proposed Action:
395.103	Amend
395.202	Amend
395.305	Amend
395.312	Amend
395.316	Amend
395.319	Amend

4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 60 of the Affordable Housing Planning and Appeal Act [310 ILCS 67/60]

5) A Complete Description of the Subjects and Issues Involved: These amendments make the Part consistent with recent amendments to the Affordable Housing Planning and Appeal Act. Certain defined terms have been amended. Certain aspects of the eligibility and term lengths for State Housing Appeals Board have been amended. Certain aspects of the hearing and appeal procedures have been amended.

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

7) Will this proposed 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 proposed amendments do not create, expand or modify a State mandate.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:

Kristi S. Poskus, Deputy General Counsel
Illinois Housing Development Authority
401 N. Michigan Avenue, Suite 700
Chicago, Illinois 60611

312/836-5200

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Affordable housing developers and local governments throughout Illinois

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

C) Types of professional skills necessary for compliance: None

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

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 395
STATE HOUSING APPEALS BOARD

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395.101 Authority
395.102 Purpose and Objectives
395.103 Definitions
395.104 Compliance with Federal and State Law
395.105 Forms and Procedures for the Program
395.106 Fees and Charges
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395.110 Titles and Captions

SUBPART B: ORGANIZATION

Section
395.201 Jurisdiction
395.202 Organization of the Board
395.203 Meetings of the Members
395.204 Conduct of the Board

SUBPART C: APPEALS TO THE BOARD BY
AFFORDABLE HOUSING DEVELOPERS

Section
395.301 Service of Documents
395.302 Computation of Time
395.303 Parties
395.304 Consolidation, Severance and Joinder
395.305 Initial Pleadings by Affordable Housing Developers

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

395.306 Notice of Appeal
395.307 Dismissal before Hearing
395.308 Reply to the Initial Pleading by Approving Authority
395.309 Prehearing Conferences, Settlement Conferences, Subpoenas and Depositions
395.310 Conduct of Hearings
395.311 Motions
395.312 Postponement or Continuance of Hearing
395.313 Evidence
395.314 Affordable Housing Developer's Burden of Proof
395.315 Standard of Proof
395.316 Decision
395.317 Enforcement
395.318 Motions to Reconsider the Board's Decision
395.319 Appeals of the Board's Decision

SUBPART D: APPEALS OF LOCAL GOVERNMENT EXEMPT STATUS

Section
395.401 Appeals of IHDA's Determination of a Local Government's Exempt Status

AUTHORITY: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 60 of the Affordable Housing Planning and Appeal Act [310 ILCS 67/60].

SOURCE: Adopted at 37 Ill. Reg. 4901, effective March 29, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 395.103 Definitions

The following terms used in this Part shall have the following definitions:

"Act": The Affordable Housing Planning and Appeal Act [310 ILCS 67].

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

"Affordable Housing": Housing that has a value or cost~~sales price~~ or rental amount that is within the means of a household that may occupy Moderate-Income Housing or Low-Income Housing.

In the case of owner-occupied Dwelling Units~~ for sale~~, Affordable Housing means housing in which mortgage, amortization, taxes, insurance and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the Dwelling Unit.

In the case of Dwelling Units for rent, Affordable Housing means housing for which the rent and utilities constitute no more than 30% of the gross annual household income for a household of the size that may occupy the Dwelling Unit.

"Affordable Housing Developer": A nonprofit entity, limited equity cooperative or public agency, or private individual, firm, corporation, or other entity seeking to build an Affordable Housing Development.

"Affordable Housing Development": Any housing that is subsidized by the federal or State government, or any housing in which at least 20% of the Dwelling Units are subject to covenants and restrictions that require the Dwelling Units to be sold or rented at prices that preserve them as Affordable Housing for a period of at least 15 years, in the case of owner-occupied housing~~ for sale~~, and at least 30 years, in the case of rental housing.

"Affordable Housing Plan": The Affordable Housing Plan to be approved by all Non-Exempt Local Governments as set forth in Section 25 of the Act.

"Approving Authority": The governing body of the Local Government.

"Area Median Household Income": The median household income adjusted for family size for applicable income limit areas as determined annually by HUD under Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Board": The State Housing Appeals Board.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

"Chairman": The chairman of the Board.

"Contumacious Conduct": A willful disobedience of the Board's order.

"Days": Calendar days. Due dates under this Part falling on a Saturday, Sunday or a legal State or federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday or a legal State or federal holiday.

"Development": Any building, construction, renovation or excavation, or any material change in any structure or land, or change in the use of a structure or land, that results in a net increase in the number of Dwelling Units in a structure or on a parcel of land by more than one Dwelling Unit.

"Dwelling Unit": Real property located within the State upon which there is located a structure or structures that are a single family home, a condominium or a multi-unit residential structure that is the principal residence of the Household that resides in the unit.

"Exempt Local Government": Any Local Government in which at least 10% of its total year-round housing units are Affordable Housing, as determined by the Authority pursuant to Section 20 of the Act, or any municipality whose population is less than 1,000.

"Household": The person or persons occupying a Dwelling Unit.

"HUD": The United States Department of Housing and Urban Development.

"IHDA": The Illinois Housing Development Authority.

"IHDA Act": The Illinois Housing Development Act [20 ILCS 3805].

"IHDA Chairman": The chairman of IHDA.

"Initial Pleading": The Initial Pleading submitted by an Affordable Housing Developer as set forth in Section 395.306.

"Local Government": A county or a municipality.

"Low-Income Housing": Housing that is affordable, according to HUD, for either home ownership or rental and that is occupied, reserved or marketed for occupancy by Households with a gross household income that does not exceed 50% of the Area Median Household Income.

"Member": A member of the State Housing Appeals Board.

"Moderate-Income Housing": Housing that is affordable, according to HUD, for either home ownership or rental, and that is occupied, reserved or marketed for occupancy by Households with a gross household income that is greater than 50%, but does not exceed 80%, of the Area Median Income.

"Non-Appealable Local Government Requirements": All essential requirements that protect the public health and safety, including any local building, electrical, fire or plumbing code requirements or those requirements that are critical to the protection or preservation of the environment. Zoning, density and bulk restrictions may count as Non-Appealable Local Government Requirements if the Board finds that they qualify under the Act's definition of Non-Appealable Local Government Requirements.

"Non-Exempt Local Governments": All Local Governments that are not Exempt Local Governments.

"Notice of Appeal": The Notice of Appeal sent to an Approving Authority by the Board as set forth in Section 395.307.

"Offices of IHDA": 401 North Michigan Avenue, Suite 700, Chicago, Illinois 60611.

"Public Building": *Any building or portion thereof owned or leased by* a *Public Body*. [5 ILCS 120/2.01]

"Public Body": All legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts, and all other municipal corporations, boards, bureaus, committees or commissions of the State, and any subsidiary bodies of any of the foregoing, including, but not

limited to, committees and subcommittees supported in whole or in part by tax revenue, or that expend tax revenue, except the General Assembly and committees or commissions of the General Assembly.

"Reply": The Reply sent by the Approving Authority in response to an Initial Pleading.

"State": The State of Illinois.

"Vice-Chairman": The Vice-Chairman of the State Housing Appeals Board.

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

SUBPART B: ORGANIZATION

Section 395.202 Organization of the Board

The duties of the Board are governed by the Act and this Part. The Board shall consist of 7 Members appointed by the Governor.

a) Chairman: A retired Illinois circuit judge or retired Illinois appellate judge who is a Member and who is designated from time to time by the Governor is the chairperson of the Board.

b) Vice Chairman: The Board shall annually elect from its Members a Vice-Chairman. In the absence of the Chairman or in the event of his or her inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman. In the event of the absence of the Chairman or the Vice-Chairman from a meeting of the Board, or in the event of their inability or refusal to act, the Chairman shall designate some Member to act in his or her place and stead, and that designated Member shall have the powers of and be subject to all the restrictions upon the Chairman.

c) Other Members: Other Members, who are designated from time to time by the Governor, are as follows:

1) a current or former zoning board of appeals member;

2) a current or former planning board/commission member;

3) a current or former mayor or municipal council or board member;

4) a current or former county board member;

5) a current or former~~an~~ affordable housing developer;

6) a current or former~~an~~ affordable housing advocate.

d) Ex Officio Member: The IHDA Chairman, ex officio, shall serve as a non-voting Member.

e) No more than 4 of the appointed Members may be from the same political party. Appointments under subsections (c)(1), (c)(2), and (c)(3) shall be from Non-Exempt Local Governments.

f) Initial terms of 4 Members designated by the Governor shall be for 2 years. Initial terms of 3 Members designated by the Governor shall be for one year. Thereafter, Members shall be appointed for 2 years. After a Member's term expires, the Member shall continue to serve until a successor is appointed. There shall be no limit to the number of terms an appointee may serve.

g) A Member shall receive no compensation for his or her services; however, Members shall be reimbursed by the State for all reasonable travel and administrative expenses actually and necessarily incurred in the performance of their official duties.

h) The Board shall hear all petitions for review filed under the Act and shall conduct hearings in accordance with this Part.

i) The principal office of the Board shall be the Offices of IHDA with office hours that are coterminous with the office hours of IHDA. IHDA shall provide space, clerical assistance and other assistance that the Board may require.

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: APPEALS TO THE BOARD BY AFFORDABLE HOUSING DEVELOPERS

Section 395.305 Initial Pleadings by Affordable Housing Developers

Affordable Housing Developers must submit written Initial Pleadings to the Board and must serve written Initial Pleadings on the Approving Authority and all other parties within 45 Days after the final action or decision of an Approving Authority to deny an application for an Affordable Housing Development. In the case of Local Governments that are determined by IHDA to be a Non-Exempt Local Government for the first time after August 9, 2013~~2010~~, no Affordable Housing Developer shall appeal to the Board until 60 months after the Local Government has been notified of its non-exempt status. An Initial Pleading may be submitted in paper form or on compact disc. An Initial Pleading shall contain 3 copies of the following:

a) a clear and concise statement of the prior proceedings before all Approving Authorities, including the date of notice of the decision the Affordable Housing Developer is appealing;

b) a clear and concise statement of the Affordable Housing Developer's objections to the Approving Authority's decision, indicating why the Affordable Housing Developer believes the application to develop Affordable Housing was unfairly denied, which may include an appeal of IHDA's determination of the exempt status of the Local Government as set forth in Section 395.401, or what conditions, if any, were imposed that the Affordable Housing Developer believes were unreasonable;

c) a clear and concise statement setting forth the relief sought;

d) the complete name and address of the Affordable Housing Developer for the purpose of service of papers in connection with the appeal;

e) the name and address of the attorney or attorneys representing the Affordable Housing Developer, if any; and

f) a complete copy of the application for the Affordable Housing Development, as it was submitted to the Approving Authority, including sufficient information to

determine whether the proposal that is the subject of the appeal is Affordable Housing.

Section 395.312 Postponement or Continuance of Hearing

Postponement or continuances of hearings shall be granted by order of the Board for good cause shown in writing. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his or her attorney or material witness, or the serious illness or death of a witness or party. The Board shall re-set the hearing for a continued case unless the parties request that the Board decide the appeal based on the evidence in the record without a formal hearing. Notwithstanding any continuance, the Board shall issue, whenever possible, a final decision within 120 days after the Initial Pleading is filed. The Board may extend the time by which it will render a decision when circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 days.

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

Section 395.316 Decision

a) The Board shall render a written decision within 120 Days after the Initial Pleading is filed. Notwithstanding the foregoing, the Board may extend the time by which it will render a decision when circumstances outside the Board's control make it infeasible for the Board to render a decision within 120 days. The written decision shall state the Board's findings of fact and conclusions of law.

b) The Board shall dismiss the appeal during or after the hearing if, based on all relevant evidence presented, it concludes that:

1) the Local Government was an Exempt Local Government in the year in which the appeal was filed; or

2) the Local Government has adopted an Affordable Housing Plan, has submitted that plan to IHDA within the required time-frame under the Act, and has submitted documentation to IHDA that evidences the Local Government has met its goal to provide Affordable Housing as required by the Act, subject to the written approval of IHDA in its discretion; or

3) the Approving Authority denied the Affordable Housing based upon Non-Appealable Local Government Requirements.

c) In the case of a denial, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(a), the Board shall vacate the decision of the Approving Authority and shall direct the Approving Authority to issue the appropriate permits to the Affordable Housing Developer.

d) In the case of conditions imposed by the Approving Authority, if the Board finds that the Affordable Housing Developer has met its burden of proof pursuant to Section 395.314(b):

1) the Board shall direct the Approving Authority to remove any such condition; or

2) if the Board finds that the conditions are unreasonable but can be modified to reasonably protect the health, safety, environmental design, open space, and other local concerns, the Board shall direct the Approving Authority to so modify the conditions.

Section 395.319 Appeals of the Board's Decision

The final decision and order of the Board, after all motions to reconsider have been exhausted, may be appealed by the party affected by the decision by bringing an action for review in the appellate court for the district in which the Local Government subject to the appeal is located. The appellate court shall apply the "clearly erroneous" standard when reviewing these appeals. An appeal of a final ruling of the Board shall be filed within 35 days after the Board's decision and in all respects shall be in accordance with Section 3-113 ~~(See, for example, Section 113~~ of the Administrative Review Law [735 ILCS 5/3-113].~~)~~

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Construction and Filing of Accident and Health Insurance Policy Forms

2) Code Citation: 50 Ill. Adm. Code 2001

3)

Section Numbers:	Proposed Action:
2001.1	Amend
2001.2	Amend
2001.4	New
2001.5	New
2001.6	New
2001.7	New
2001.8	New
2001.9	New
2001.10	Renumber and amend
2001.11	New
2001.12	New
2001.110	Renumber and amend
2001.120	Renumber and amend
2001.130	Renumber and amend
2001.210	New
2001.220	New

4) Statutory Authority: Implementing Sections 143, 355, 356a and Articles IX and XX of the Illinois Insurance Code (Code) and Section 4-13 of the Health Maintenance Organization Act and authorized by Section 401 of the Code [215 ILCS 5/143, 355, 356a and 401 and 215 ILCS 125/4-13]

5) A Complete Description of the Subjects and Issues Involved: Part 2001 will be amended to comply with provisions of the Patient Protection and Affordable Care Act (42 USC 300gg et seq.) (ACA) that ban excessive waiting periods. Waiting periods cannot exceed 90 days.

6) Any published studies or reports, along with the sources of underlying data, that were used to compose this rulemaking: None

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

DEPARTMENT OF INSURANCE

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 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:

James Rundblom, Deputy General Counsel Department of Insurance 320 West Washington, 4th Floor Springfield, Illinois 62767-0001	or	Susan Anders, Rules Coordinator Department of Insurance 320 West Washington, 4th Floor Springfield, Illinois 62767-0001
Phone: 217/785-8559 Fax: 217/524-9033		217/558-0957

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The potential impact is difficult to determine at this time.

B) Reporting, bookkeeping or other procedures required for compliance: Procedures related to determining eligibility and issuing insurance policies.

C) Types of professional skills necessary for compliance: Insurance

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
~~FINANCIAL AND PROFESSIONAL REGULATION~~
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2001
CONSTRUCTION AND FILING OF ACCIDENT AND
HEALTH INSURANCE POLICY FORMS

SUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIES

Section
2001.1 Applicability
2001.2 Definitions
2001.3 Discretionary Clauses Prohibited
2001.4 Guaranteed Availability and Renewability of Coverage
2001.5 Prohibition of Preexisting Condition Exclusions
2001.6 No Lifetime or Annual Limits
2001.7 Prohibition on Rescissions
2001.8 Coverage of Preventive Health Services
2001.9 Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status
2001.10 Summary of Benefits and Coverage and Uniform Glossary
2001.11 Essential Health Benefits
2001.12 Cost-Sharing

SUBPART B: PROVISIONS APPLICABLE TO INDIVIDUAL POLICIES

Section
2001.20 Construction of Accident and Health Insurance Policy Forms (Renumbered)
2001.30 Filing of Policy Forms (Renumbered)
2001.110~~2001.10~~ Applicability
2001.120~~2001.20~~ Construction of Accident and Health Insurance Policy Forms
2001.130~~2001.30~~ Filing of Policy Forms

SUBPART C: PROVISIONS APPLICABLE TO GROUP POLICIES

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

2001.210 Applicability
2001.220 Ban on Excessive Waiting Periods

AUTHORITY: Implementing Sections 143, 355 and 356a and Articles IX and XX of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, Arts. IX and XX] and Section 4-13 of the Health Maintenance Organization Act [215 ILCS 125/4-13] and authorized by Section 401 of the Code [215 ILCS 5/401].

SOURCE: Filed and effective April 1, 1952; codified at 7 Ill. Reg. 3471; amended at 20 Ill. Reg. 14405, effective October 25, 1996; amended at 29 Ill. Reg. 10172, effective July 1, 2005; amended at 31 Ill. Reg. 8472, effective May 31, 2007; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: PROVISIONS APPLICABLE TO INDIVIDUAL AND GROUP POLICIES

Section 2001.1 Applicability

Unless otherwise provided, this ~~This~~ Subpart is applicable to all individual and group accident and health policies~~, disability insurance policies,~~ and group accident and health certificates, including coverage provided by a Health Maintenance Organization, except to the extent that such policies, certificates or coverage provides for excepted benefits~~,regardless of whether they provide disability benefits~~. Section 2001.3 applies to all individual and group policies regardless of whether those policies provide excepted benefits.

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

Section 2001.2 Definitions

The following definitions shall apply to this Part:

"ACA" means the Patient Protection and Affordable Care Act (42 USC 18001 et seq.).

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Director" means the Director of the Illinois Department of ~~Financial and Professional Regulation-Division of~~ Insurance.

~~Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.~~

"EHB" means essential health benefit or benefits.

"ERISA" means the Employee Retirement Income Security Act of 1974, as amended (29 USC 1001 et seq.).

"Excepted benefits", as defined at 26 USC 9832, means benefits under one or more (or any combination) of the following:

Benefits not subject to requirements:

Coverage only for accident, disability income insurance, or any combination thereof;

Coverage issued as a supplement to liability insurance;

Liability insurance, including general liability insurance and automobile liability insurance;

Workers' compensation or similar insurance;

Automobile medical payment insurance;

Credit-only insurance;

Coverage for on-site medical clinics;

Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

Benefits not subject to requirements if offered separately:

Limited scope dental or vision benefits;

Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof;

Such other similar, limited benefits as are specified in regulations.

Benefits not subject to requirements if offered as independent, noncoordinated benefits:

Coverage only for a specified disease or illness;

Hospital indemnity or other fixed indemnity insurance under which benefits are paid as a fixed dollar amount per day, or other period, regardless of the amount of expenses incurred.

Benefits not subject to requirements if offered as a separate insurance policy: Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act (42 USC 1395ss(g)(1)), coverage supplemental to the coverage provided under 10 USC 55, and similar supplemental coverage provided to coverage under a group health plan.

"HHS" means the United States Department of Health and Human Services.

"PHS Act" means the Public Health Service Act (42 USC 201 et seq.).

"Preexisting condition exclusion" means a limitation or exclusion of benefits (including a denial of coverage) based on the fact that the condition was present before the effective date of coverage (or if coverage is denied, the date of the denial) under a group health plan or group or individual health insurance coverage (or other coverage provided to federally eligible individuals pursuant to 45 CFR 148), whether or not any medical advice, diagnosis, care, or treatment was recommended or received before that day. A preexisting condition exclusion includes any limitation or exclusion of benefits (including a denial of coverage) applicable to an individual as a result of information relating to an individual's health status before the individual's effective date of coverage (or if coverage is denied, the date of the denial) under a group health plan, or group or individual health insurance coverage (or other coverage provided to federally eligible individuals pursuant to 45 CFR 148), such as a condition identified as a result of

a pre-enrollment questionnaire or physical examination given to the individual, or review of medical records relating to the pre-enrollment period. (45 CFR 144.103)

"SBC" means summary of benefits and coverage.

"Secretary" means the Secretary of the United States Department of Health and Human Services, except when specified otherwise within this Part.

"Waiting period" means, with respect to a group health plan and an individual who is a potential participant or beneficiary in the plan, the period of time that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan. (42 USC 300gg(b)(4))

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

Section 2001.4 Guaranteed Availability and Renewability of Coverage

a) Guaranteed Availability of Coverage in the Individual and Group Market
Subject to subsections (b) through (d), a health insurance issuer that offers health insurance coverage in the individual or group market in this State must offer to any individual or employer in this State all products that are approved for sale in the applicable market, and must accept any individual or employer that applies for any of those products. (45 CFR 147.106)

b) Enrollment Periods
A health insurance issuer may restrict enrollment in health insurance coverage to open or special enrollment periods.

1) Open Enrollment Periods

A) Group Market
A health insurance issuer in the group market must allow an employer to purchase health insurance coverage for a group health plan at any point during the year. In the case of health insurance coverage offered in the small group market, a health insurance issuer may limit the availability of coverage to an annual

enrollment period that begins November 15 and extends through December 15 of each year in the case of a plan sponsor that is unable to comply with a material plan provision relating to employer contribution or group participation rules as defined in 45 CFR 147.106(b)(3), pursuant to applicable Illinois law and, in the case of a QHP offered in the Small Business Health Option Program (SHOP), as permitted by 45 CFR 156.285(c). With respect to coverage in the small group market, and in the large group market if such coverage is offered in a SHOP in a state, coverage must become effective consistent with the dates described in 45 CFR 155.725(h).

B) Individual Market
A health insurance issuer in the individual market must allow an individual to purchase health insurance coverage during the initial and annual open enrollment periods described in 45 CFR 155.410(b) and (e). Coverage must become effective consistent with the dates described in 45 CFR 155.410(c) and (f).

2) Limited Open Enrollment Periods
A health insurance issuer in the individual market must provide a limited open enrollment period for the events described in 45 CFR 155.420(d), excluding paragraphs (d)(3) (concerning citizenship status), (d)(8) (concerning Indians), and (d)(9) (concerning exceptional circumstances). In addition, a health insurance issuer in the individual market must provide, with respect to individuals enrolled in non-calendar year individual health insurance policies, a limited open enrollment period beginning on the date that is 30 calendar days prior to the date the policy year ends in 2014.

3) Special Enrollment Periods
A health insurance issuer in the group and individual market must establish special enrollment periods for qualifying events as defined under section 603 of ERISA. These special enrollment periods are in addition to any other special enrollment periods that are required under federal and Illinois law.

4) Length of Enrollment Periods
With respect to the group market, enrollees must be provided 30 calendar days after the date of the qualifying event described in subsection (b)(3) to elect coverage. With respect to the individual market, enrollees must be provided 60 calendar days after the date of an event described in subsections (b)(2) and (b)(3) to elect coverage.

5) Effective Date of Coverage for Limited Open and Special Enrollment Periods
With respect to an election made under subsection (b)(2) or (b)(3), coverage must become effective consistent with the dates described in 45 CFR 155.420(b). (45 CFR 147.106)

c) Special Rules for Network Plans

1) In the case of a health insurance issuer that offers health insurance coverage in the group and individual market through a network plan, the issuer may do the following:

A) Limit the employers that may apply for the coverage to those with eligible individuals in the group market who live, work or reside in the service area for the network plan, and limit the individuals who may apply for the coverage in the individual market to those who live or reside in the service area for the network plan.

B) Within the service area of the plan, deny coverage to employers and individuals if the issuer has demonstrated to the Director the following:

i) It will not have the capacity to deliver services adequately to enrollees of any additional groups or any additional individuals because of its obligations to existing group contract holders and enrollees.

ii) It is applying this subsection (c)(1) uniformly to all employers and individuals without regard to the

claims experience of those individuals, employers and their employees (and their dependents) or any health status-related factor relating to such individuals, employees, and dependents.

2) An issuer that denies health insurance coverage to an individual or an employer in any service area, in accordance with subsection (c)(1)(B), may not offer coverage in the individual or group market, as applicable, within the service area to any individual or employer, as applicable, for a period of 180 calendar days after the date the coverage is denied. This subsection (c)(2) does not limit the issuer's ability to renew coverage already in force or relieve the issuer of the responsibility to renew that coverage.

3) Coverage offered within a service area after the 180-day period specified in subsection (c)(2) is subject to the requirements of this Section. (45 CFR 147.106)

d) Application of Financial Capacity Limits

1) A health insurance issuer may deny health insurance coverage in the group or individual market if the issuer has demonstrated to the Director the following:

A) It does not have the financial reserves necessary to offer additional coverage.

B) It is applying this subsection (d)(1) uniformly to all employers or individuals in the group or individual market, as applicable, in this State consistent with applicable Illinois law and without regard to the claims experience of those individuals, employers and their employees (and their dependents) or any health status-related factor relating to those individuals, employees and dependents.

2) An issuer that denies health insurance coverage to any employer or individual in this State under subsection (d)(1) may not offer

coverage in the group or individual market, as applicable, in this State before the later of either of the following dates:

A) The 181st day after the date the issuer denies coverage;

B) The date the issuer demonstrates to the Director, if required under applicable Illinois law, that the issuer has sufficient financial reserves to underwrite additional coverage.

3) Subsection (d)(2) does not limit the issuer's ability to renew coverage already in force or relieve the issuer of the responsibility to renew that coverage.

4) Coverage offered after the 180-day period specified in subsection (d)(2) is subject to the requirements of this Section.

5) The Director may provide for the application of this subsection (d) on a service-area-specific basis. (45 CFR 147.106)

e) Marketing
A health insurance issuer and its officials, employees, agents and representatives must comply with any applicable Illinois laws and regulations regarding marketing by health insurance issuers and cannot employ marketing practices or benefit designs that will have the effect of discouraging the enrollment of individuals with significant health needs in health insurance coverage or discriminate based on an individual's race, color, national origin, present or predicted disability, age, sex, gender identity, sexual orientation, expected length of life, degree of medical dependency, quality of life, or other health conditions. (45 CFR 147.106)

f) Guaranteed Renewability of Coverage General Rule.
Subject to subsections (g) through (i), a health insurance issuer offering health insurance coverage in the individual or group market is required to renew or continue in force the coverage at the option of the plan sponsor or the individual, as applicable. (45 CFR 147.106)

g) Exceptions

An issuer may nonrenew or discontinue health insurance coverage offered in the group or individual market based only on one or more of the following:

1) Nonpayment of Premiums
The plan sponsor or individual, as applicable, has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage, including any timeliness requirements.

2) Fraud
The plan sponsor or individual, as applicable, has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact in connection with the coverage.

3) Violation of Participation or Contribution Rules
In the case of group health insurance coverage, the plan sponsor has failed to comply with a material plan provision relating to employer contribution or group participation rules, pursuant to applicable Illinois law. For purposes of this subsection (g)(13), the following apply:

A) The term "employer contribution rule" means a requirement relating to the minimum level or amount of employer contribution toward the premium for enrollment of participants and beneficiaries.

B) The term "group participation rule" means a requirement relating to the minimum number of participants or beneficiaries that must be enrolled in relation to a specified percentage or number of eligible individuals or employees of an employer.

4) Termination of Plan
The issuer is ceasing to offer coverage in the market in accordance with subsection (h) or (i) and applicable Illinois law.

5) Enrollees' Movement Outside Service Area
For network plans, there is no longer any enrollee under the plan who lives, resides or works in the service area of the issuer (or in the area for which the issuer is authorized to do business) and, in the case of the small

group market, the issuer applies the same criteria it would apply in denying enrollment in the plan under 45 CFR 147.104(c)(1)(i).

6) Association Membership Ceases
For coverage made available in the small or large group market only through one or more bona fide associations, if the employer's membership in the bona fide association ceases, but only if the coverage is terminated uniformly without regard to any health status-related factor relating to any covered individual. (45 CFR 147.106)

h) Discontinuing a Particular Product
In any case in which an issuer decides to discontinue offering a particular product offered in the group or individual market, that product may be discontinued by the issuer in accordance with applicable Illinois law in the applicable market only if the following occurs:

1) The issuer provides notice in writing to each plan sponsor or individual, as applicable, provided that particular product in that market (and to all participants and beneficiaries covered under such coverage) of the discontinuation at least 90 calendar days before the date the coverage will be discontinued.

2) The issuer offers to each plan sponsor or individual, as applicable, provided that particular product the option, on a guaranteed availability basis, to purchase all (or, in the case of the large group market, any) other health insurance coverage currently being offered by the issuer to a group health plan or individual health insurance coverage in that market.

3) In exercising the option to discontinue that product and in offering the option of coverage under subsection (h)(2), the issuer acts uniformly without regard to the claims experience of those sponsors or individuals, as applicable, or any health status-related factor relating to any participants or beneficiaries covered or new participants or beneficiaries who may become eligible for such coverage. (45 CFR 147.106)

i) Discontinuing All Coverage

1) An issuer may elect to discontinue offering all health insurance coverage in the individual or group market, or all markets, in this State in accordance with applicable Illinois law only if:

A) The issuer provides notice in writing to the Director and to each plan sponsor or individual, as applicable, (and all participants and beneficiaries covered under the coverage) of the discontinuation at least 180 calendar days prior to the date the coverage will be discontinued; and

B) All health insurance policies issued or delivered for issuance in this State in the applicable market (or markets) are discontinued and not renewed.

2) An issuer that elects to discontinue offering all health insurance coverage in a market (or markets) in this State as described in this subsection (i) may not issue coverage in the applicable market (or markets) in this State during the 5-year period beginning on the date of discontinuation of the last coverage not renewed. (45 CFR 147.106)

j) Exception for Uniform Modification of Coverage
Only at the time of coverage renewal may issuers modify the health insurance coverage for a product offered to a group health plan in the following:

1) Large group market;

2) Small group market if, for coverage available in this market (other than only through one or more bona fide associations), the modification is consistent with Illinois law and is effective uniformly among group health plans with that product. (45 CFR 147.106)

k) Application to Coverage Offered Only Through Associations
In the case of health insurance coverage that is made available by a health insurance issuer in the small or large group market to employers only through one or more associations, the reference to "plan sponsor" is deemed, with respect to coverage provided to an employer member of the association, to include a reference to the employer. (45 CFR 147.106)

l) Applicability Date
The provisions of this Section apply for plan years (in the individual market, policy years) beginning on or after January 1, 2014. (45 CFR 147.106)

m) Grandfathered Health Plans
This Section does not apply to grandfathered health plans in accordance with 45 CFR 147.140. (45 CFR 147.106)

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

Section 2001.5 Prohibition of Preexisting Condition Exclusions

a) No Preexisting Condition Exclusions

1) In General
A group health plan, or a health insurance issuer offering group or individual health insurance coverage, may not impose any preexisting condition exclusion (as defined in Section 2001.2). (45 CFR 147.108(a))

2) Subsection (a) is illustrated by the examples appearing in 45 CFR 147.108.

b) Applicability

1) General Applicability Date
Except as provided in subsection (b)(2), this Section applies for plan years beginning on or after January 1, 2014; in the case of individual health insurance coverage, for policy years beginning, or applications denied, on or after January 1, 2014.

2) Early Applicability Date for Children
This Section applies with respect to enrollees, including applicants for enrollment, who are under 19 years of age for plan years beginning on or after September 23, 2010; in the case of individual health insurance coverage, for policy years beginning, or applications denied, on or after September 23, 2010.

3) Applicability to Grandfathered Health Plans
See 45 CFR 147.140 for determining the application of this Section to grandfathered health plans (providing that a grandfathered health plan that is a group health plan or group health insurance coverage must comply with the prohibition against preexisting condition exclusions; however, a grandfathered health plan that is individual health insurance coverage is not required to comply with PHS Act section 2704). (45 CFR 147.108(b))

4) Subsection (b) is illustrated by the examples appearing in 45 CFR 147.108.

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

Section 2001.6 No Lifetime or Annual Limits

a) Prohibition

1) Lifetime Limits
Except as provided in subsection (b), a group health plan, or a health insurance issuer offering group or individual health insurance coverage, may not establish any lifetime limit on the dollar amount of benefits for any individual.

2) Annual Limits

A) General Rule
Except as provided in subsections (a)(2)(B), (b) and (d), a group health plan, or a health insurance issuer offering group or individual health insurance coverage, may not establish any annual limit on the dollar amount of benefits for any individual.

B) Exception for Health Flexible Spending Arrangements
A health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code (26 USC 106(c)(2)) is not subject to the requirement in subsection (a)(2)(A). (45 CFR 147.126)

b) Construction

1) Permissible Limits on Specific Covered Benefits
This Section does not prevent a group health plan, or a health insurance issuer offering group or individual health insurance coverage, from placing annual or lifetime dollar limits with respect to any individual on specific covered benefits that are not essential health benefits to the extent that such limits are otherwise permitted under applicable federal or Illinois law. (The scope of essential health benefits is addressed in subsection (c)).

2) Condition-Based Exclusions
This Section does not prevent a group health plan, or a health insurance issuer offering group or individual health insurance coverage, from excluding all benefits for a condition. However, if any benefits are provided for a condition, then the requirements of this Section apply. Other requirements of federal or Illinois law may require coverage of certain benefits. (45 CFR 147.126)

c) Definition of Essential Health Benefits
Essential health benefits shall be as defined in Section 2001.11(c).

d) Restricted Annual Limits Permissible Prior to 2014

1) In General
With respect to plan years (in the individual market, policy years) beginning prior to January 1, 2014, a group health plan, or a health insurance issuer offering group or individual health insurance coverage, may establish, for any individual, an annual limit on the dollar amount of benefits that are essential health benefits, provided the limit is no less than the amounts in the following schedule:

A) For a plan year (in the individual market, policy year) beginning on or after September 23, 2010, but before September 23, 2011, $750,000.

B) For a plan year (in the individual market, policy year) beginning on or after September 23, 2011, but before September 23, 2012, $1,250,000.

C) For plan years (in the individual market, policy years) beginning on or after September 23, 2012, but before January 1, 2014, $2,000,000.

2) Only Essential Health Benefits Taken Into Account
In determining whether an individual has received benefits that meet or exceed the applicable amount described in subsection (d)(1), a plan or issuer must take into account only essential health benefits.

3) Waivers
For plan years (in the individual market, policy years) beginning before January 1, 2014, the requirements of subsection (d)(1) relating to annual limits may be waived (for such period as is specified by the Secretary) for a group health plan or health insurance coverage that has an annual dollar limit on benefits below the restricted annual limits provided under subsection (d)(1) if compliance with subsection (d)(1) would result in a significant decrease in access to benefits under the plan or health insurance coverage or would significantly increase premiums for the plan or health insurance coverage. (45 CFR 147.126)

e) Transitional Rules for Individuals Whose Coverage or Benefits Ended by Reason of Reaching a Lifetime Limit

1) In General
The relief provided in the transitional rules of subsection (e) applies with respect to any individual:

A) Whose coverage or benefits under a group health plan or group or individual health insurance coverage ended by reason of reaching a lifetime limit on the dollar value of all benefits for any individual (which, under this Section, is no longer permissible); and

B) Who becomes eligible (or is required to become eligible) for benefits not subject to a lifetime limit on the dollar value of all benefits under the group health plan or group or individual health insurance coverage on the first day of the first plan year (in the individual market, policy year) beginning on or after September 23, 2010, by reason of the application of this Section.

2) Notice and Enrollment Opportunity Requirements

A) If an individual described in subsection (e)(1) is eligible for benefits (or is required to become eligible for benefits) under the group health plan, or group or individual health insurance coverage, described in subsection (e)(1), the plan and the issuer are required to give the individual written notice that the lifetime limit on the dollar value of all benefits no longer applies and that the individual, if covered, is once again eligible for benefits under the plan. Additionally, if the individual is not enrolled in the plan or health insurance coverage, or if an enrolled individual is eligible for but not enrolled in any benefit package under the plan or health insurance coverage, then the plan and issuer must also give such an individual an opportunity to enroll that continues for at least 30 days (including written notice of the opportunity to enroll). The notices and enrollment opportunity required under this subsection (e)(2)(A) must be provided beginning not later than the first day of the first plan year (in the individual market, policy year) beginning on or after September 23, 2010.

B) The notices required under subsection (e)(2)(A) may be provided to an employee on behalf of the employee's dependent (in the individual market, to the primary subscriber on behalf of the primary subscriber's dependent). In addition, for a group health plan or group health insurance coverage, the notices may be included with other enrollment materials that a plan distributes to employees, provided the statement is prominent. For either notice, with respect to a group health plan or group health insurance coverage, if a notice satisfying the requirements of subsection (e)(2) is provided to an individual, the obligation to provide the

notice with respect to that individual is satisfied for both the plan and the issuer.

3) Effective Date of Coverage
In the case of an individual who enrolls under subsection (e)(2), coverage must take effect not later than the first day of the first plan year (in the individual market, policy year) beginning on or after September 23, 2010.

4) Treatment of Enrollees in a Group Health Plan
Any individual enrolling in a group health plan pursuant to subsection (e)(2) must be treated as if the individual were a special enrollee, as provided under 45 CFR 146.117(d). Accordingly, the individual (and, if the individual would not be a participant once enrolled in the plan, the participant through whom the individual is otherwise eligible for coverage under the plan) must be offered all the benefit packages available to similarly situated individuals who did not lose coverage by reason of reaching a lifetime limit on the dollar value of all benefits. For this purpose, any difference in benefits or cost-sharing requirements constitutes a different benefit package. The individual also cannot be required to pay more for coverage than similarly situated individuals who did not lose coverage by reason of reaching a lifetime limit on the dollar value of all benefits. (45 CFR 147.126)

5) This subsection (e) is illustrated by the examples appearing in 45 CFR 147.126.

f) Applicability Date
This Section applies for plan years (in the individual market, for policy years) beginning on or after September 23, 2010. See 45 CFR 147.140 for determining the application of this Section to grandfathered health plans (providing that the prohibitions on lifetime and annual limits apply to all grandfathered health plans that are group health plans and group health insurance coverage, including the special rules regarding restricted annual limits, and the prohibition on lifetime limits apply to individual health insurance coverage that is a grandfathered health plan but the rules on annual limits do not apply to individual health insurance coverage that is a grandfathered health plan). (45 CFR 147.126)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

Section 2001.7 Prohibition on Rescissions

a) Prohibition on Rescissions

1) A group health plan, or a health insurance issuer offering group or individual health insurance coverage, must not rescind coverage under the plan, or under the policy, certificate, or contract of insurance, with respect to an individual (including a group to which the individual belongs or family coverage in which the individual is included) once the individual is covered under the plan or coverage, unless the individual (or a person seeking coverage on behalf of the individual) performs an act, practice or omission that constitutes fraud, or unless the individual makes an intentional misrepresentation of material fact, as prohibited by the terms of the plan or coverage. A group health plan, or a health insurance issuer offering group or individual health insurance coverage, must provide at least 30 days advance written notice to each participant (in the individual market, primary subscriber) who would be affected before coverage may be rescinded under this subsection (a)(1), regardless of, in the case of group coverage, whether the coverage is insured or self-insured, or whether the rescission applies to an entire group or only to an individual within the group. (This subsection (a)(1) applies regardless of any contestability period that may otherwise apply.)

2) For purposes of this Section, a rescission is a cancellation or discontinuance of coverage that has retroactive effect. For example, a cancellation that treats a policy as void from the time of the individual's or group's enrollment is a rescission. As another example, a cancellation that voids benefits paid up to a year before the cancellation is also a rescission for this purpose. A cancellation or discontinuance of coverage is not a rescission if:

A) The cancellation or discontinuance of coverage has only a prospective effect; or

B) The cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage. (45 CFR 147.128)

3) This subsection (a) is illustrated by the examples appearing in 45 CFR 147.128.

b) Compliance with Other Requirements
Other requirements of federal or Illinois law may apply in connection with a rescission of coverage. (45 CFR 147.128)

c) Applicability Date
This Section applies for plan years (in the individual market, for policy years) beginning on or after September 23, 2010. See 45 CFR 147.140 for determining the application of this Section to grandfathered health plans (providing that the rules regarding rescissions and advance notice apply to all grandfathered health plans). (45 CFR 147.128)

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

Section 2001.8 Coverage of Preventive Health Services

a) Services

1) In General
Beginning at the time described in subsection (b), and subject to 45 CFR 147.131, a group health plan, or a health insurance issuer offering group or individual health insurance coverage, must provide coverage stated both in the policy and certificate (for group coverage) for all of the following items and services, and may not impose any cost-sharing requirements (such as a copayment, coinsurance or deductible) with respect to those items or services:

A) Evidence-based items or services that have in effect a rating of A or B in the current recommendations of the United States

Preventive Services Task Force with respect to the individual involved (except as otherwise provided in subsection (c));

B) Immunizations for routine use in children, adolescents and adults that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved (for this purpose, a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention, and a recommendation is considered to be for routine use if it is listed on the Immunization Schedules of the Centers for Disease Control and Prevention);

C) With respect to infants, children and adolescents, evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the Health Resources and Services Administration; and

D) With respect to women, to the extent not described in subsection (a)(1)(A), preventive care and screenings provided for in binding comprehensive health plan coverage guidelines supported by the Health Resources and Services Administration.

i) In developing the binding health plan coverage guidelines specified in subsection (a)(1)(D), the Health Resources and Services Administration shall be informed by evidence and may establish exemptions from such guidelines with respect to group health plans established or maintained by religious employers and health insurance coverage provided in connection with group health plans established or maintained by religious employers with respect to any requirement to cover contraceptive services under such guidelines.

ii) For purposes of this subsection (a)(1)(D), a "religious employer" is an organization that meets all of the following criteria: The inculcation of religious values is the purpose of the organization; the organization primarily employs persons who share the religious tenets of the organization; the organization serves primarily persons who share the religious tenets of the organization; the organization is a nonprofit organization as described in section 6033(a)(1) and (a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986, as amended (26 USC 6033).

2) Office Visits

A) If an item or service described in subsection (a)(1) is billed separately (or is tracked as individual encounter data separately) from an office visit, then a plan or issuer may impose cost-sharing requirements with respect to the office visit.

B) If an item or service described in subsection (a)(1) is not billed separately (or is not tracked as individual encounter data separately) from an office visit and the primary purpose of the office visit is the delivery of such an item or service, then a plan or issuer may not impose cost-sharing requirements with respect to the office visit.

C) If an item or service described in subsection (a)(1) is not billed separately (or is not tracked as individual encounter data separately) from an office visit and the primary purpose of the office visit is not the delivery of such an item or service, then a plan or issuer may impose cost-sharing requirements with respect to the office visit.

D) This subsection (a)(2) is illustrated by the examples appearing in 45 CFR 147.130.

3) Out-of-Network Providers

Nothing in this Section requires a plan or issuer that has a network of providers to provide benefits for items or services described in subsection (a)(1) that are delivered by an out-of-network provider. Moreover, nothing in this Section precludes a plan or issuer that has a network of providers from imposing cost-sharing requirements for items or services described in subsection (a)(1) that are delivered by an out-of-network provider.

4) Reasonable Medical Management
Nothing prevents a plan or issuer from using reasonable medical management techniques to determine the frequency, method, treatment or setting for an item or service described in subsection (a)(1) to the extent not specified in the recommendation or guideline.

5) Services Not Described
Nothing in this Section prohibits a plan or issuer from providing coverage for items and services in addition to those recommended by the United States Preventive Services Task Force or the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or provided for by guidelines supported by the Health Resources and Services Administration, or from denying coverage for items and services that are not recommended by that task force or that advisory committee, or under those guidelines. A plan or issuer may impose cost-sharing requirements for a treatment not described in subsection (a)(1), even if the treatment results from an item or service described in subsection (a)(1). (45 CFR 147.130)

b) Timing

1) In General
A plan or issuer must provide coverage pursuant to subsection (a)(1) for plan years (in the individual market, policy years) that begin on or after September 23, 2010, or, if later, for plan years (in the individual market, policy years) that begin on or after the date that is one year after the date the recommendation or guideline is issued.

2) Changes in Recommendations or Guidelines

A plan or issuer is not required under this Section to provide coverage for any items and services specified in any recommendation or guideline described in subsection (a)(1) after the recommendation or guideline is no longer described in subsection (a)(1). Other requirements of federal or Illinois law may apply in connection with a plan or issuer ceasing to provide coverage for any such items or services, including PHS Act section 2715(d)(4), which requires a plan or issuer to give 60 days advance notice to an enrollee before any material modification will become effective. (45 CFR 147.130)

c) Recommendations not Current
For purposes of subsection (a)(1)(A), and for purposes of any other provision of law, recommendations of the Unite States Preventive Service Task Force regarding breast cancer screening, mammography and prevention issued in or around November 2009 are not considered to be current. (45 CFR 147.130)

d) Applicability Date
This Section applies for plan years (in the individual market, for policy years) beginning on or after September 23, 2010. See 45 CFR 147.140 for determining the application of this Section to grandfathered health plans (providing that the provisions of this Section regarding coverage of preventive health services do not apply to grandfathered health plans). (45 CFR 147.130)

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

Section 2001.9 Prohibiting Discrimination Against Participants and Beneficiaries Based on Health Status

a) Health Factors

1) The term health factor means, in relation to an individual, any of the following health status-related factors:

A) Health status;

B) Medical condition (including both physical and mental illnesses), as defined in 45 CFR 144.103;

C) Claims experience;

D) Receipt of health care;

E) Medical history;

F) Genetic information, as defined in 45 CFR 146.122(a);

G) Evidence of insurability; or

H) Disability.

2) Evidence of insurability includes:

A) Conditions arising out of acts of domestic violence; and

B) Participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing, and other similar activities.

3) The decision whether health coverage is elected for an individual (including the time chosen to enroll, such as under special enrollment or late enrollment) is not, itself, within the scope of any health factor. (However, under 45 CFR 146.117, a plan or issuer must treat special enrollees the same as similarly situated individuals who are enrolled when first eligible.) (45 CFR 146.121)

b) Prohibited Discrimination in Rules for Eligibility

1) In General

A) A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, may not establish any rule for eligibility (including continued eligibility) of any individual to enroll for benefits under the terms of the plan or group health insurance coverage that discriminates

based on any health factor that relates to that individual or a dependent of that individual. This rule is subject to the provisions of subsection (b)(2) (explaining how this Section applies to benefits), subsection (b)(3) (allowing plans to impose certain preexisting condition exclusions), subsection (d) (containing rules for establishing groups of similarly situated individuals), subsection (e) (relating to nonconfinement, actively-at-work, and other service requirements), subsection (f) (relating to wellness programs), and subsection (g) (permitting favorable treatment of individuals with adverse health factors).

B) For purposes of this Section, rules for eligibility include, but are not limited to, rules relating to:

i) Enrollment;

ii) The effective date of coverage;

iii) Waiting (or affiliation) periods;

iv) Late and special enrollment;

v) Eligibility for benefit packages (including rules for individuals to change their selection among benefit packages);

vi) Benefits (including rules relating to covered benefits, benefit restrictions, and cost-sharing mechanisms such as coinsurance, copayments, and deductibles), as described in subsections (b)(2) and (b)(3);

vii) Continued eligibility; and

viii) Terminating coverage (including disenrollment) of any individual under the plan. (45 CFR 146.121)

C) This subsection (b)(1) is illustrated by the examples appearing in 45 CFR 146.121(b)(1)(iii).

2) Application to Benefits

A) General Rule

i) Under this Section, a group health plan or group health insurance issuer is not required to provide coverage for any particular benefit to any group of similarly situated individuals.

ii) However, benefits provided under a plan or through group health insurance coverage must be uniformly available to all similarly situated individuals (as described in subsection (d)). Likewise, any restriction on a benefit or benefits must apply uniformly to all similarly situated individuals and must not be directed at individual participants or beneficiaries based on any health factor of the participants or beneficiaries (determined based on all the relevant facts and circumstances). Thus, for example, a plan or issuer may limit or exclude benefits in relation to a specific disease or condition, limit or exclude benefits for certain types of treatments or drugs, or limit or exclude benefits based on a determination of whether the benefits are experimental or not medically necessary, but only if the benefit limitation or exclusion applies uniformly to all similarly situated individuals and is not directed at individual participants or beneficiaries based on any health factor of the participants or beneficiaries. In addition, a plan or issuer may impose annual, lifetime or other limits on benefits and may require the satisfaction of a deductible, copayment, coinsurance or other cost-sharing requirement in order to obtain a benefit if the limit or cost-sharing requirement applies uniformly to all similarly situated individuals and is not directed at individual participants or beneficiaries based on any health factor of the participants

or beneficiaries. In the case of a cost-sharing requirement, see also subsection (b)(2)(B), which permits variances in the application of a cost-sharing mechanism made available under a wellness program. (Whether any plan provision or practice with respect to benefits complies with this subsection (b)(2)(A) does not affect whether the provision or practice is permitted under any other provision of ERISA, the Americans With Disabilities Act (42 USC 12101 et seq.), or any other law, whether State or federal.)

iii) For purposes of this subsection (b)(2)(A), a plan amendment applicable to all individuals in one or more groups of similarly situated individuals under the plan and made effective no earlier than the first day of the first plan year after the amendment is adopted is not considered to be directed at any individual participants or beneficiaries.

iv) This subsection (b)(2)(A) is illustrated by the examples appearing in 45 CFR 146.121(b)(2)(i)(D).

B) Exception for Wellness Programs
A group health plan or group health insurance issuer may vary benefits, including cost-sharing mechanisms (such as a deductible, copayment or coinsurance), based on whether an individual has met the standards of a wellness program that satisfies the requirements of subsection (f).

C) Specific Rule Relating to Source-of-Injury Exclusions

i) If a group health plan or group health insurance coverage generally provides benefits for a type of injury, the plan or issuer may not deny benefits otherwise provided for treatment of the injury if the injury results from an act of domestic violence or a medical condition (including both physical and mental health conditions). This rule applies in the case of an injury resulting from a medical condition even if the condition is not diagnosed before the injury.

ii) This subsection (b)(2)(C) is illustrated by the examples appearing in 45 CFR 146.121(b)(2)(iii)(B).

3) Relationship to 45 CFR 146.111

A) A preexisting condition exclusion is permitted under this Section if it :

i) Complies with 45 CFR 146.111;

ii) Applies uniformly to all similarly situated individuals (as described in subsection (d)); and

iii) Is not directed at individual participants or beneficiaries based on any health factor of the participants or beneficiaries. For purposes of this subsection (b)(3)(A)(iii), a plan amendment relating to a preexisting condition exclusion applicable to all individuals in one or more groups of similarly situated individuals under the plan and made effective no earlier than the first day of the first plan year after the amendment is adopted is not considered to be directed at any individual participants or beneficiaries. (45 CFR 146.121)

B) This subsection (b)(3) is illustrated by the examples appearing in 45 CFR 146.121(b)(3)(ii).

c) Prohibited Discrimination in Premiums or Contributions

1) In General

A) A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, may not require an individual, as a condition of enrollment or continued enrollment under the plan or group health insurance coverage, to pay a premium or contribution that is greater than the premium or

contribution for a similarly situated individual (described in subsection (d)) enrolled in the plan or group health insurance coverage based on any health factor that relates to the individual or a dependent of the individual.

B) Discounts, rebates, payments in kind, and any other premium differential mechanisms are taken into account in determining an individual's premium or contribution rate. (For rules relating to cost-sharing mechanisms, see subsection (b)(2) (addressing benefits).)

2) Rules Relating to Premium Rates

A) Group Rating Based on Health Factors Not Restricted Under This Section
Nothing in this Section restricts the aggregate amount that an employer may be charged for coverage under a group health plan. But see 45 CFR 146.122(b), which prohibits adjustments in group premium or contribution rates based on genetic information.

B) List Billing Based on a Health Factor Prohibited
However, a group health insurance issuer, or a group health plan, may not quote or charge an employer (or an individual) a different premium for an individual in a group of similarly situated individuals based on a health factor. (But see subsection (l) permitting favorable treatment of individuals with adverse health factors.)

C) This subsection (c)(2) is illustrated by the examples appearing in 45 CFR 146.121(c)(2)(iii).

3) Exception for Wellness Programs
Notwithstanding subsections (c)(1) and (c)(2), a plan or issuer may vary the amount of premium or contribution it requires similarly situated individuals to pay based on whether an individual has met the standards of a wellness program that satisfies the requirements of subsections (f) through (k). (45 CFR 146.121)

d) Similarly Situated Individuals
The requirements of this Section apply only within a group of individuals who are treated as similarly situated individuals. A plan or issuer may treat participants as a group of similarly situated individuals separate from beneficiaries. In addition, participants may be treated as two or more distinct groups of similarly situated individuals and beneficiaries may be treated as two or more distinct groups of similarly situated individuals in accordance with this subsection (d). Moreover, if individuals have a choice of two or more benefit packages, individuals choosing one benefit package may be treated as one or more groups of similarly situated individuals distinct from individuals choosing another benefit package.

1) Participants
Subject to subsection (d)(3), a plan or issuer may treat participants as two or more distinct groups of similarly situated individuals if the distinction between or among the groups of participants is based on a bona fide employment-based classification consistent with the employer's usual business practice. Whether an employment-based classification is bona fide is determined on the basis of all the relevant facts and circumstances. Relevant facts and circumstances include whether the employer uses the classification for purposes independent of qualification for health coverage (for example, determining eligibility for other employee benefits or determining other terms of employment). Subject to subsection (d)(3), examples of classifications that, based on all the relevant facts and circumstances, may be bona fide include full-time versus part-time status, different geographic location, membership in a collective bargaining unit, date of hire, length of service, current employee versus former employee status, and different occupations. However, a classification based on any health factor is not a bona fide employment-based classification unless the requirements of subsection (l) are satisfied (permitting favorable treatment of individuals with adverse health factors).

2) Beneficiaries

A) Subject to subsection (d)(3), a plan or issuer may treat beneficiaries as two or more distinct groups of similarly situated

individuals if the distinction between or among the groups of beneficiaries is based on any of the following factors:

i) A bona fide employment-based classification of the participant through whom the beneficiary is receiving coverage;

ii) Relationship to the participant (for example, as a spouse or as a dependent child);

iii) Marital status;

iv) With respect to children of a participant, age or student status; or

v) Any other factor if the factor is not a health factor.

B) Subsection (d)(2)(A) does not prevent more favorable treatment of individuals with adverse health factors in accordance with subsection (g).

3) Discrimination Directed at Individuals
Notwithstanding subsections (d)(1) and (d)(2), if the creation or modification of an employment or coverage classification is directed at individual participants or beneficiaries based on any health factor of the participants or beneficiaries, the classification is not permitted under this subsection (d) unless it is permitted under subsection (g) (permitting favorable treatment of individuals with adverse health factors). Thus, if an employer modified an employment-based classification to single out, based on a health factor, individual participants and beneficiaries and deny them health coverage, the new classification would not be permitted under this Section. (45 CFR 146.121)

4) This subsection (d) is illustrated by the examples appearing at 45 CFR 146.121(d)(4).

e) Nonconfinement and Actively-at-Work Provisions

1) Nonconfinement Provisions

A) General Rule
Under subsections (b) and (c), a plan or issuer may not establish a rule for eligibility (as described in subsection (b)(1)(B)) or set any individual's premium or contribution rate based on whether an individual is confined to a hospital or other health care institution. In addition, under subsections (b) and (c), a plan or issuer may not establish a rule for eligibility or set any individual's premium or contribution rate based on an individual's ability to engage in normal life activities, except to the extent permitted under subsections (e)(2)(B) and (e)(3) (permitting plans and issuers, under certain circumstances, to distinguish among employees based on the performance of services).

B) This subsection (e)(1)(A) is illustrated by the examples appearing at 45 CFR 146.121(e)(1)(ii).

2) Actively-at-Work and Continuous Service Provisions

A) General Rule

i) Under subsections (b) and (c) and subject to the exception for the first day of work described in subsection (e)(2)(B), a plan or issuer may not establish a rule for eligibility (as described in subsection (b)(1)(B)) or set any individual's premium or contribution rate based on whether an individual is actively at work (including whether an individual is continuously employed), unless absence from work due to any health factor (such as being absent from work on sick leave) is treated, for purposes of the plan or health insurance coverage, as being actively at work.

ii) This subsection (e)(2)(A)(i) is illustrated by the examples appearing at 45 CFR 146.121(e)(2)(B).

B) Exception for the First Day of Work

i) Notwithstanding the general rule in subsection (e)(2)(A), a plan or issuer may establish a rule for eligibility that requires an individual to begin work for the employer sponsoring the plan (or, in the case of a multiemployer plan, to begin a job in covered employment) before coverage becomes effective, provided that such a rule for eligibility applies regardless of the reason for the absence.

ii) This subsection (e)(2)(B) is illustrated by the examples appearing at 45 CFR 146.121(e)(2)(ii)(B).

3) Relationship to Plan Provisions Defining Similarly Situated Individuals

A) Notwithstanding subsections (e)(1) and (e)(2), a plan or issuer may establish rules for eligibility or set any individual's premium or contribution rate in accordance with the rules relating to similarly situated individuals in subsection (d). Accordingly, a plan or issuer may distinguish in rules for eligibility under the plan between full-time and part-time employees, between permanent and temporary or seasonal employees, between current and former employees, and between employees currently performing services and employees no longer performing services for the employer, subject to subsection (d). However, other federal or Illinois laws (including the COBRA continuation provisions and the Family and Medical Leave Act of 1993 (29 USC 2601 et seq.)) may require an employee or the employee's dependents to be offered coverage and set limits on the premium or contribution rate even though the employee is not performing services. (45 CFR 146.121)

B) This subsection (e)(3)(A) is illustrated by the examples appearing at 45 CFR 146.121(e)(3)(ii).

f) Nondiscriminatory Wellness Programs – In General
A wellness program is a program of health promotion or disease prevention. Subsections (b)(2)(B) and (c)(3) provide exceptions to the general prohibitions

against discrimination based on a health factor for plan provisions that vary benefits (including cost-sharing mechanisms) or the premium or contribution for similarly situated individuals in connection with a wellness program that satisfies the requirements of subsections (f) through (k). The following definitions govern in applying the provisions of subsections (f) through (k):

1) Reward
Except where expressly provided otherwise, references in this Section to an individual obtaining a reward include both obtaining a reward (such as a discount or rebate of a premium or contribution, a waiver of all or part of a cost-sharing mechanism, an additional benefit, or any financial or other incentive) and avoiding a penalty (such as the absence of a premium surcharge or other financial or nonfinancial disincentive). References in this Section to a plan providing a reward include both providing a reward (such as a discount or rebate of a premium or contribution, a waiver of all or part of a cost-sharing mechanism, an additional benefit, or any financial or other incentive) and imposing a penalty (such as a surcharge or other financial or nonfinancial disincentive).

2) Participatory Wellness Programs
If none of the conditions for obtaining a reward under a wellness program is based on an individual satisfying a standard that is related to a health factor (or if a wellness program does not provide a reward), the wellness program is a participatory wellness program. Examples of participatory wellness programs are:

A) A program that reimburses employees for all or part of the cost for membership in a fitness center;

B) A diagnostic testing program that provides a reward for participation in that program and does not base any part of the reward on outcomes;

C) A program that encourages preventive care through the waiver of the copayment or deductible requirement under a group health plan for the costs of, for example, prenatal care or well-baby visits. (Note that, with respect to non-grandfathered plans, 45 CFR

147.130 requires benefits for certain preventive health services without the imposition of cost sharing.);

D) A program that reimburses employees for the costs of participating, or that otherwise provides a reward for participating, in a smoking cessation program without regard to whether the employee quits smoking;

E) A program that provides a reward to employees for attending a monthly, no-cost health education seminar; and

F) A program that provides a reward to employees who complete a health risk assessment regarding current health status, without any further action (educational or otherwise) required by the employee with regard to the health issues identified as part of the assessment. (See also 45 CFR 146.122 for rules prohibiting collection of genetic information.)

3) Health-Contingent Wellness Programs
A health-contingent wellness program is a program that requires an individual to satisfy a standard related to a health factor to obtain a reward (or requires an individual to undertake more than a similarly situated individual based on a health factor in order to obtain the same reward). A health-contingent wellness program may be an activity-only wellness program or an outcome-based wellness program.

4) Activity-Only Wellness Programs
An activity-only wellness program is a type of health-contingent wellness program that requires an individual to perform or complete an activity related to a health factor in order to obtain a reward but does not require the individual to attain or maintain a specific health outcome. Examples include walking, diet or exercise programs, which some individuals may be unable to participate in or complete (or have difficulty participating in or completing) due to a health factor, such as severe asthma, pregnancy or a recent surgery. See subsection (h) for requirements applicable to activity-only wellness programs.

5) Outcome-Based Wellness Programs
An outcome-based wellness program is a type of health-contingent wellness program that requires an individual to attain or maintain a specific health outcome (such as not smoking or attaining certain results on biometric screenings) in order to obtain a reward. To comply with the rules of subsections (f) through (k), an outcome-based wellness program typically has two tiers. That is, for individuals who do not attain or maintain the specific health outcome, compliance with an educational program or an activity may be offered as an alternative to achieve the same reward. This alternative pathway, however, does not mean that the overall program, which has an outcome-based component, is not an outcome-based wellness program. That is, if a measurement, test or screening is used as part of an initial standard and individuals who meet the standard are granted the reward, the program is considered an outcome-based wellness program. For example, if a wellness program tests individuals for specified medical conditions or risk factors (including biometric screening such as testing for high cholesterol, high blood pressure, abnormal body mass index, or high glucose level) and provides a reward to individuals identified as within a normal or healthy range for these medical conditions or risk factors, while requiring individuals who are identified as outside the normal or healthy range (or at risk) to take additional steps (such as meeting with a health coach, taking a health or fitness course, adhering to a health improvement action plan, complying with a walking or exercise program, or complying with a health care provider's plan of care) to obtain the same reward, the program is an outcome-based wellness program. See subsection (i) for requirements applicable to outcome-based wellness programs. (45 CFR 146.121)

g) Requirement for Participatory Wellness Programs
A participatory wellness program, as described in subsection (f)(2), does not violate the provisions of this Section only if participation in the program is made available to all similarly situated individuals, regardless of health status.

h) Requirements for Activity-Only Wellness Programs
A health-contingent wellness program that is an activity-only wellness program, as described in subsection (f)(4), does not violate the provisions of this Section only if all of the following requirements are satisfied:

1) Frequency of Opportunity to Qualify
The program must give individuals eligible for the program the opportunity to qualify for the reward under the program at least once per year.

2) Size of Reward
The reward for the activity-only wellness program, together with the reward for other health-contingent wellness programs with respect to the plan, must not exceed the applicable percentage (as defined in subsection (j)) of the total cost of employee-only coverage under the plan. However, if, in addition to employees, any class of dependents (such as spouses, or spouses and dependent children) may participate in the wellness program, the reward must not exceed the applicable percentage of the total cost of the coverage in which an employee and any dependents are enrolled. For purposes of this subsection (h)(2), the cost of coverage is determined based on the total amount of employer and employee contributions towards the cost of coverage for the benefit package under which the employee is (or the employee and any dependents are) receiving coverage.

3) Reasonable Design
The program must be reasonably designed to promote health or prevent disease. A program satisfies this standard if it has a reasonable chance of improving the health of, or preventing disease in, participating individuals, and it is not overly burdensome, is not a subterfuge for discriminating based on a health factor, and is not highly suspect in the method chosen to promote health or prevent disease. This determination is based on all the relevant facts and circumstances.

4) Uniform Availability and Reasonable Alternative Standards
The full reward under the activity-only wellness program must be available to all similarly situated individuals.

A) Under this subsection (h)(4), a reward under an activity-only wellness program is not available to all similarly situated individuals for a period unless the program meets both of the following requirements:

i) The program allows a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is unreasonably difficult due to a medical condition to satisfy the otherwise applicable standard; and

ii) The program allows a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is medically inadvisable to attempt to satisfy the otherwise applicable standard.

B) While plans and issuers are not required to determine a particular reasonable alternative standard in advance of an individual's request for one, if an individual is described in either subsection (h)(4)(A)(i) or (ii), a reasonable alternative standard must be furnished by the plan or issuer upon the individual's request or the condition for obtaining the reward must be waived.

C) All the facts and circumstances are taken into account in determining whether a plan or issuer has furnished a reasonable alternative standard, including but not limited to the following:

i) If the reasonable alternative standard is completion of an educational program, the plan or issuer must make the educational program available or assist the employee in finding such a program (instead of requiring an individual to find such a program unassisted), and may not require an individual to pay for the cost of the program;

ii) The time commitment required must be reasonable (for example, requiring attendance nightly at a one-hour class would be unreasonable);

iii) If the reasonable alternative standard is a diet program, the plan or issuer is not required to pay for the cost of food but must pay any membership or participation fee;

iv) If an individual's personal physician states that a plan standard (including, if applicable, the recommendations of the plan's medical professional) is not medically appropriate for that individual, the plan or issuer must provide a reasonable alternative standard that accommodates the recommendations of the individual's personal physician with regard to medical appropriateness. Plans and issuers may impose standard cost sharing under the plan or coverage for medical items and services furnished pursuant to the physician's recommendations.

D) To the extent that a reasonable alternative standard under an activity-only wellness program is, itself, an activity-only wellness program, it must comply with the requirements of this subsection (h) in the same manner as if it were an initial program standard. (Thus, for example, if a plan or issuer provides a walking program as a reasonable alternative standard to a running program, individuals for whom it is unreasonably difficult due to a medical condition to complete the walking program (or for whom it is medically inadvisable to attempt to complete the walking program) must be provided a reasonable alternative standard to the walking program.) To the extent that a reasonable alternative standard under an activity-only wellness program is, itself, an outcome-based wellness program, it must comply with the requirements of subsection (i), including subsection (i)(4)(D).

E) If reasonable under the circumstances, a plan or issuer may seek verification, such as a statement from an individual's personal physician, that a health factor makes it unreasonably difficult for the individual to satisfy, or medically inadvisable for the individual to attempt to satisfy, the otherwise applicable standard of an activity-only wellness program. Plans and issuers may seek verification with respect to requests for a reasonable alternative

standard for which it is reasonable to determine that medical judgment is required to evaluate the validity of the request.

5) Notice of Availability of Reasonable Alternative Standard
The plan or issuer must disclose in all plan materials describing the terms of an activity-only wellness program the availability of a reasonable alternative standard to qualify for the reward (and, if applicable, the possibility of waiver of the otherwise applicable standard), including contact information for obtaining a reasonable alternative standard and a statement that recommendations of an individual's personal physician will be accommodated. If plan materials merely mention that such a program is available, without describing its terms, this disclosure is not required. Sample language is provided in subsection (k), as well as in certain examples of this Section. (45 CFR 146.121)

6) The provisions of this subsection (h) are illustrated by the example appearing at 45 CFR 146.121(f)(4)(vi).

i) Requirements for Outcome-Based Wellness Programs
A health-contingent wellness program that is an outcome-based wellness program, as described in subsection (f)(5), does not violate the provisions of this Section only if all of the following requirements are satisfied:

1) Frequency of Opportunity to Qualify
The program must give individuals eligible for the program the opportunity to qualify for the reward under the program at least once per year.

2) Size of Reward
The reward for the outcome-based wellness program, together with the reward for other health-contingent wellness programs with respect to the plan, must not exceed the applicable percentage (as defined in subsection (j)) of the total cost of employee-only coverage under the plan. However, if, in addition to employees, any class of dependents (such as spouses, or spouses and dependent children) may participate in the wellness program, the reward must not exceed the applicable percentage of the total cost of the coverage in which an employee and any dependents are enrolled. For

purposes of this subsection (i)(2), the cost of coverage is determined based on the total amount of employer and employee contributions towards the cost of coverage for the benefit package under which the employee is (or the employee and any dependents are) receiving coverage.

3) Reasonable Design
The program must be reasonably designed to promote health or prevent disease. A program satisfies this standard if it has a reasonable chance of improving the health of, or preventing disease in, participating individuals, and it is not overly burdensome, is not a subterfuge for discriminating based on a health factor, and is not highly suspect in the method chosen to promote health or prevent disease. This determination is based on all the relevant facts and circumstances. To ensure that an outcome-based wellness program is reasonably designed to improve health and does not act as a subterfuge for underwriting or reducing benefits based on a health factor, a reasonable alternative standard to qualify for the reward must be provided to any individual who does not meet the initial standard based on a measurement, test or screening that is related to a health factor, as explained in subsection (i)(4).

4) Uniform Availability and Reasonable Alternative Standards
The full reward under the outcome-based wellness program must be available to all similarly situated individuals.

A) Under this subsection (i)(4), a reward under an outcome-based wellness program is not available to all similarly situated individuals for a period unless the program allows a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual who does not meet the initial standard based on the measurement, test or screening, as described in this subsection (i)(4).

B) While plans and issuers are not required to determine a particular reasonable alternative standard in advance of an individual's request for one, if an individual is described in subsection (i)(4)(A), a reasonable alternative standard must be furnished by

the plan or issuer upon the individual's request or the condition for obtaining the reward must be waived.

C) All the facts and circumstances are taken into account in determining whether a plan or issuer has furnished a reasonable alternative standard, including but not limited to the following:

i) If the reasonable alternative standard is completion of an educational program, the plan or issuer must make the educational program available or assist the employee in finding such a program (instead of requiring an individual to find such a program unassisted), and may not require an individual to pay for the cost of the program.

ii) The time commitment required must be reasonable (for example, requiring attendance nightly at a one-hour class would be unreasonable).

iii) If the reasonable alternative standard is a diet program, the plan or issuer is not required to pay for the cost of food but must pay any membership or participation fee.

iv) If an individual's personal physician states that a plan standard (including, if applicable, the recommendations of the plan's medical professional) is not medically appropriate for that individual, the plan or issuer must provide a reasonable alternative standard that accommodates the recommendations of the individual's personal physician with regard to medical appropriateness. Plans and issuers may impose standard cost sharing under the plan or coverage for medical items and services furnished pursuant to the physician's recommendations.

D) To the extent that a reasonable alternative standard under an outcome-based wellness program is, itself, an activity-only wellness program, it must comply with the requirements of subsection (h) in the same manner as if it were an initial program

standard. To the extent that a reasonable alternative standard under an outcome-based wellness program is, itself, another outcome-based wellness program, it must comply with the requirements of this subsection (i), subject to the following special rules:

i) The reasonable alternative standard cannot be a requirement to meet a different level of the same standard without additional time to comply that takes into account the individual's circumstances. For example, if the initial standard is to achieve a BMI less than 30, the reasonable alternative standard cannot be to achieve a BMI less than 31 on that same date. However, if the initial standard is to achieve a BMI less than 30, a reasonable alternative standard for the individual could be to reduce the individual's BMI by a small amount or small percentage, over a realistic period of time, such as within a year.

ii) An individual must be given the opportunity to comply with the recommendations of the individual's personal physician as a second reasonable alternative standard to meeting the reasonable alternative standard defined by the plan or issuer, but only if the physician joins in the request. The individual can make a request to involve a personal physician's recommendations at any time and the personal physician can adjust the physician's recommendations at any time, consistent with medical appropriateness.

E) It is not reasonable to seek verification, such as a statement from an individual's personal physician, under an outcome-based wellness program that a health factor makes it unreasonably difficult for the individual to satisfy, or medically inadvisable for the individual to attempt to satisfy, the otherwise applicable standard as a condition of providing a reasonable alternative to the initial standard. However, if a plan or issuer provides an alternative standard to the otherwise applicable measurement, test or screening that involves an activity that is related to a health factor, then the rules of subsection (h) for activity-only wellness programs

apply to that component of the wellness program and the plan or issuer may, if reasonable under the circumstances, seek verification that it is unreasonably difficult due to a medical condition for an individual to perform or complete the activity (or it is medically inadvisable to attempt to perform or complete the activity). (For example, if an outcome-based wellness program requires participants to maintain a certain healthy weight and provides a diet and exercise program for individuals who do not meet the targeted weight, a plan or issuer may seek verification, as described in subsection (i)(4)(D), if reasonable under the circumstances, that a second reasonable alternative standard is needed for certain individuals because, for those individuals, it would be unreasonably difficult due to a medical condition to comply, or medically inadvisable to attempt to comply, with the diet and exercise program, due to a medical condition.)

5) Notice of Availability of Reasonable Alternative Standard
The plan or issuer must disclose in all plan materials describing the terms of an outcome-based wellness program, and in any disclosure that an individual did not satisfy an initial outcome-based standard, the availability of a reasonable alternative standard to qualify for the reward (and, if applicable, the possibility of waiver of the otherwise applicable standard), including contact information for obtaining a reasonable alternative standard and a statement that recommendations of an individual's personal physician will be accommodated. If plan materials merely mention that such a program is available, without describing its terms, this disclosure is not required. Sample language is provided in subsection (k), as well as in certain examples of this Section. (45 CFR 146.121)

6) This subsection (i) is illustrated by the examples at 45 CFR 146.121(f)(4).

j) Applicable Percentage

1) For purposes of subsections (f) through (k), the applicable percentage is 30 percent, except that the applicable percentage is increased by an additional 20 percentage points (to 50 percent) to the extent that the additional

percentage is in connection with a program designed to prevent or reduce tobacco use. (45 CFR 146.121)

2) This subsection (j) is illustrated by the examples located at 45 CFR 146.121(f)(5)(ii).

k) Sample Language
The following language, or substantially similar language, can be used to satisfy the notice requirement of subsection (h)(5) or (j)(5): "Your health plan is committed to helping you achieve your best health. Rewards for participating in a wellness program are available to all employees. If you think you might be unable to meet a standard for a reward under this wellness program, you might qualify for an opportunity to earn the same reward by different means. Contact us at [insert contact information] and we will work with you (and, if you wish, with your doctor) to find a wellness program with the same reward that is right for you in light of your health status." (45 CFR 146.121)

l) More Favorable Treatment of Individuals with Adverse Health Factors Permitted

1) In Rules for Eligibility

A) Nothing in this Section prevents a group health plan or group health insurance issuer from establishing more favorable rules for eligibility (described in subsection (b)(1)) for individuals with an adverse health factor, such as disability, than for individuals without the adverse health factor. Moreover, nothing in this Section prevents a plan or issuer from charging a higher premium or contribution with respect to individuals with an adverse health factor if they would not be eligible for the coverage were it not for the adverse health factor. (However, other laws, including State insurance laws, may set or limit premium rates; these laws are not affected by this Section.)

B) This subsection (l)(1) is illustrated by the examples appearing at 45 CFR 146.121(g)(1)(ii).

2) In Premiums or Contributions

A) Nothing in this Section prevents a group health plan or group health insurance issuer from charging individuals a premium or contribution that is less than the premium (or contribution) for similarly situated individuals if the lower charge is based on an adverse health factor, such as disability. (45 CFR 146.121)

B) This subsection (l)(2) is illustrated by the examples appearing at 45 CFR 146.121(g)(2)(ii).

m) No Effect on Other Laws
Compliance with this Section is not determinative of compliance with any other provision of the PHS Act (including the COBRA continuation provisions) or any other State or federal law, such as the Americans With Disabilities Act. Therefore, although this Section would not prohibit a plan or issuer from treating one group of similarly situated individuals differently from another (such as providing different benefit packages to current and former employees), other federal or Illinois laws may require that two separate groups of similarly situated individuals be treated the same for certain purposes (such as making the same benefit package available to COBRA qualified beneficiaries as is made available to active employees). In addition, although this Section generally does not impose new disclosure obligations on plans and issuers, this Section does not affect any other laws, including those that require accurate disclosures and prohibit intentional misrepresentation. (45 CFR 146.121)

n) Applicability Dates

1) Generally
This Section applies for plan years beginning on or after July 1, 2007.

2) Special Rule for Self-Funded Nonfederal Governmental Plans Exempted Under 45 CFR 146.180

A) If coverage has been denied to any individual because the sponsor of a self-funded nonfederal governmental plan has elected under 45 CFR 146.180 to exempt the plan from the requirements of this Section, and the plan sponsor subsequently chooses to bring the

plan into compliance with the requirements of this Section, the plan:

i) Must notify the individual that the plan will be coming into compliance with the requirements of this Section, specify the effective date of compliance, and inform the individual regarding any enrollment restrictions that may apply under the terms of the plan once the plan is in compliance with this Section (as a matter of administrative convenience, the notice may be disseminated to all employees);

ii) Must give the individual an opportunity to enroll that continues for at least 30 days;

iii) Must permit coverage to be effective as of the first day of plan coverage for which an exemption election under 45 CFR 146.180 (with regard to this Section) is no longer in effect; and

iv) May not treat the individual as a late enrollee or a special enrollee.

B) For purposes of this subsection (n)(2), an individual is considered to have been denied coverage if the individual failed to apply for coverage because, given an exemption election under 45 CFR 146.180, it was reasonable to believe that an application for coverage would have been denied based on a health factor. (45 CFR 146.121)

C) This subsection (n)(2) is illustrated by the examples appearing at 45 CFR 146.121(i)(2)(iii).

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

Section 2001.10 Summary of Benefits and Coverage and Uniform Glossary ~~Applicability~~

a) Summary of Benefits and Coverage in General

A group health plan (and its administrator as defined in section 3(16)(A) of ERISA), and a health insurance issuer offering group or individual health insurance coverage, is required to file for the Director's approval prior to use a written summary of benefits and coverage (SBC) for each benefit package and provide the SBC without charge to entities and individuals described in this subsection (a) in accordance with this Section.

1) SBC Provided by a Group Health Insurance Issuer to a Group Health Plan

A) Upon Application
A health insurance issuer offering group health insurance coverage must provide the SBC to a group health plan (or its sponsor) upon application for health coverage, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

B) By First Day of Coverage (If There Are Changes)
If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the plan (or its sponsor) no later than the first day of coverage.

C) Upon Renewal
If the issuer renews or reissues the policy, certificate or contract of insurance (for example, for a succeeding policy year), the issuer must provide a new SBC as follows:

i) If written application is required (in either paper or electronic form) for renewal or reissuance, the SBC must be provided no later than the date the written application materials are distributed.

ii) If renewal or reissuance is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate or contract of insurance has not been issued or renewed before such 30-

day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

D) Upon Request
If a group health plan (or its sponsor) requests an SBC or summary information about a health insurance product from a health insurance issuer offering group health insurance coverage, an SBC must be provided as soon as practicable, but in no event later than seven business days following receipt of the request.

2) SBC Provided by a Group Health Insurance Issuer and a Group Health Plan to Participants and Beneficiaries

A) In General
A group health plan (including its administrator, as defined under section 3(16) of ERISA), and a health insurance issuer offering group health insurance coverage, must provide an SBC to a participant or beneficiary (as defined under sections 3(7) and 3(8) of ERISA), and consistent with subsection (a)(3) of this Section, with respect to each benefit package offered by the plan or issuer for which the participant or beneficiary is eligible.

B) Upon Application
The SBC must be provided as part of any written application materials that are distributed by the plan or issuer for enrollment. If the plan or issuer does not distribute written application materials for enrollment, the SBC must be distributed no later than the first date on which the participant is eligible to enroll in coverage for the participant or any beneficiaries.

C) By First Day of Coverage (If There Are Changes)
If there is any change to the information required to be in the SBC that was provided upon application and before the first day of coverage, the plan or issuer must update and provide a current SBC

to a participant or beneficiary no later than the first day of coverage.

D) Special Enrollees
The plan or issuer must provide the SBC to special enrollees (as described in 45 CFR 146.117) no later than the date by which a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

E) Upon Renewal
If the plan or issuer requires participants or beneficiaries to renew in order to maintain coverage (for example, for a succeeding plan year), the plan or issuer must provide a new SBC when the coverage is renewed, as follows:

i) If written application is required for renewal (in either paper or electronic form), the SBC must be provided no later than the date on which the written application materials are distributed.

ii) If renewal is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

F) Upon Request
A plan or issuer must provide the SBC to participants or beneficiaries upon request for an SBC or summary information about the health coverage, as soon as practicable, but in no event later than seven business days following receipt of the request.

3) Special Rules to Prevent Unnecessary Duplication with Respect to Group Health Coverage

A) An entity required to provide an SBC under subsection (a) with respect to an individual satisfies that requirement if another party provides the SBC, but only to the extent that the SBC is timely and complete in accordance with this Section. Therefore, for example, in the case of a group health plan funded through an insurance policy, the plan satisfies the requirement to provide an SBC with respect to an individual if the issuer provides a timely and complete SBC to the individual.

B) If a single SBC is provided to a participant and any beneficiaries at the participant's last known address, then the requirement to provide the SBC to the participant and any beneficiaries is generally satisfied. However, if a beneficiary's last known address is different than the participant's last known address, a separate SBC is required to be provided to the beneficiary at the beneficiary's last known address.

C) With respect to a group health plan that offers multiple benefit packages, the plan or issuer is required to provide a new SBC automatically upon renewal only with respect to the benefit package in which a participant or beneficiary is enrolled; SBCs are not required to be provided automatically upon renewal with respect to benefit packages in which the participant or beneficiary is not enrolled. However, if a participant or beneficiary requests an SBC with respect to another benefit package (or more than one other benefit package) for which the participant or beneficiary is eligible, the SBC (or SBCs, in the case of a request for SBCs relating to more than one benefit package) must be provided upon request as soon as practicable, but in no event later than seven business days following receipt of the request.

4) SBC Pprovided by a Health Insurance Issuer Offering Individual Health Insurance Coverage

A) Upon Application
A health insurance issuer offering individual health insurance coverage must provide an SBC to an individual covered under the policy (including every dependent) upon receiving an application for any health insurance policy, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

B) By First Day of Coverage (If There Are Changes)
If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the individual no later than the first day of coverage.

C) Upon Renewal
The issuer must provide the SBC to policyholders annually at renewal. The SBC must reflect any modified policy terms that would be effective on the first day of the new policy year. The SBC must be provided as follows:

i) If written application is required (in either paper or electronic form) for renewal or reissuance, the SBC must be provided no later than the date on which the written application materials are distributed.

ii) If renewal or reissuance is automatic, the SBC must be provided no later than 30 days prior to the first day of the new policy year; however, if the policy, certificate or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

D) Upon Request

A health insurance issuer offering individual health insurance coverage must provide an SBC to any individual or dependent anytime an individual requests an SBC or summary information about a health insurance product as soon as practicable, but in no event later than seven business days following receipt of the request. For purposes of this subsection (a)(4)(D), a request for an SBC or summary information about a health insurance product includes a request made both before and after an individual submits an application for coverage.

5) Special Rule to Prevent Unnecessary Duplication with Respect to Individual Health Insurance Coverage
If a single SBC is provided to an individual and any dependents at the individual's last known address, then the requirement to provide the SBC to the individual and any dependents is generally satisfied. However, if a dependent's last known address is different than the individual's last known address, a separate SBC is required to be provided to the dependent at the dependent's last known address.

b) Summary of Benefits and Coverage − Content

1) In General
Subject to subsection (b)(3), the SBC must include the following:

A) Uniform definitions of standard insurance terms and medical terms so that consumers may compare health coverage and understand the terms of (or exceptions to) their coverage, in accordance with guidance as specified by the Secretary;

B) A description of the coverage, including cost sharing, for each category of benefits identified by the Secretary in guidance;

C) The exceptions, reductions and limitations of the coverage;

D) The cost-sharing provisions of the coverage, including deductible, coinsurance and copayment obligations;

E) The renewability and continuation of coverage provisions;

F) Coverage examples, in accordance with subsection (b)(2);

G) With respect to coverage beginning on or after January 1, 2014, a statement about whether the plan or coverage provides minimum essential coverage as defined under section 5000A(f) of the Internal Revenue Code (26 USC 5000A(f)) and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage meets applicable requirements;

H) A statement that the SBC is only a summary and that the plan document or the policy, certificate or contract of insurance should be consulted to determine the governing contractual provisions of the coverage;

I) Contact information for questions and obtaining a copy of the plan document or the insurance policy, certificate or contract of insurance (such as a telephone number for customer service and an Internet address for obtaining a copy of the plan document or the insurance policy, certificate or contract of insurance);

J) For plans and issuers that maintain one or more networks of providers, an Internet address (or similar contact information) for obtaining a list of network providers;

K) For plans and issuers that use a formulary in providing prescription drug coverage, an Internet address (or similar contact information) for obtaining information on prescription drug coverage; and

L) An Internet address for obtaining the uniform glossary, as described in subsection (c), as well as a contact phone number to obtain a paper copy of the uniform glossary, and a disclosure that paper copies are available.

2) Coverage Examples

The SBC must include coverage examples, specified by the Secretary in guidance, that illustrate benefits provided under the plan or coverage for common benefits scenarios (including pregnancy and serious or chronic medical conditions) in accordance with this subsection (b)(2).

A) Number of Examples
The Secretary may identify up to six coverage examples that may be required in an SBC.

B) Benefits Scenarios
For purposes of this subsection (b)(2), a benefits scenario is a hypothetical situation, consisting of a sample treatment plan for a specified medical condition during a specific period of time, based on recognized clinical practice guidelines as defined by the National Guideline Clearinghouse, Agency for Healthcare Research and Quality. Guidance, by the Secretary, will specify the assumptions, including the relevant items and services and reimbursement information, for each claim in the benefits scenario.

C) Illustration of Benefit Provided
For purposes of this subsection (b)(2), to illustrate benefits provided under the plan or coverage for a particular benefits scenario, a plan or issuer simulates claims processing in accordance with guidance issued by the Secretary to generate an estimate of what an individual might expect to pay under the plan, policy or benefit package. The illustration of benefits provided will take into account any cost sharing, excluded benefits, and other limitations on coverage, as specified by the Secretary in guidance.

3) Coverage Provided Outside the United States
In lieu of summarizing coverage for items and services provided outside the United States, a plan or issuer may provide an Internet address (or similar contact information) for obtaining information about benefits and coverage provided outside the United States. In any case, the plan or issuer must provide an SBC in accordance with this Section that accurately summarizes benefits and coverage available under the plan or coverage within the United States. (45 CFR 147.200)

c) Summary of Benefits and Coverage – Appearance
A group health plan and a health insurance issuer must provide an SBC in the form, and in accordance with the instructions for completing the SBC, that are specified by the Secretary in guidance. The SBC must be presented in a uniform format, use terminology understandable by the average plan enrollee (or, in the case of individual market coverage, the average individual covered under a health insurance policy), not exceed four double-sided pages in length, and not include print smaller than 12-point font. A health insurance issuer offering individual health insurance coverage must provide the SBC as a stand-alone document. (45 CFR 147.200)

d) Summary of Benefits and Coverage – Form

1) An SBC provided by an issuer offering group health insurance coverage to a plan (or its sponsor) may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the following three conditions are satisfied:

A) The format is readily accessible by the plan (or its sponsor);

B) The SBC is provided in paper form free of charge upon request; and

C) If the electronic form is an Internet posting, the issuer timely advises the plan (or its sponsor) in paper form or email that the documents are available on the Internet and provides the Internet address.

2) An SBC provided by a group health plan or health insurance issuer to a participant or beneficiary may be provided in paper form. Alternatively, for non-federal governmental plans, the SBC may be provided electronically if the plan conforms to either the substance of the ERISA provisions at 29 CFR 2590.715-2715(a)(4)(ii), or the provisions governing electronic disclosure for individual health insurance issuers set forth in subsection (d)(3).

3) An issuer offering individual health insurance coverage must provide an SBC in a manner that can reasonably be expected to provide actual notice in paper or electronic form.

A) An issuer satisfies the requirements of subsection (d)(3) if the issuer:

i) Hand-delivers a printed copy of the SBC to the individual or dependent;

ii) Mails a printed copy of the SBC to the mailing address provided to the issuer by the individual or dependent;

iii) Provides the SBC by email after obtaining the individual's or dependent's agreement to receive the SBC or other electronic disclosures by email;

iv) Posts the SBC on the Internet and advises the individual or dependent in paper or electronic form, in a manner compliant with subsections (d)(3)(A)(i) through (iii), that the SBC is available on the Internet and includes the applicable Internet address; or

v) Provides the SBC by any other method that can reasonably be expected to provide actual notice.

B) An SBC may not be provided electronically unless:

i) The format is readily accessible;

ii) The SBC is placed in a location that is prominent and readily accessible;

iii) The SBC is provided in an electronic form that can be electronically retained and printed;

iv) The SBC is consistent with the appearance, content and language requirements of this Section;

v) The issuer notifies the individual or dependent that the SBC is available in paper form without charge upon request and provides it upon request.

C) Deemed Compliance
A health insurance issuer offering individual health insurance coverage that provides the content required under subsection (b), as specified in guidance published by the Secretary, to the federal health reform Web portal described in 45 CFR 159.120 will be deemed to satisfy the requirements of subsection (a)(4)(D) with respect to a request for summary information about a health insurance product made prior to an application for coverage. However, nothing in this subsection (d)(3)(D) should be construed as otherwise limiting such issuer's obligations under this Section. (45 CFR 147.200)

e) Summary of Benefits and Coverage – Language
A group health plan or health insurance issuer must provide the SBC in a culturally and linguistically appropriate manner. For purposes of this subsection, a plan or issuer is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of 45 CFR 147.136(e) are met as applied to the SBC. (45 CFR 147.200)

f) Notice of Modification
If a group health plan, or health insurance issuer offering group or individual health insurance coverage, makes any material modification (as defined under section 102 of ERISA) in any of the terms of the plan or coverage that would affect the content of the SBC, that is not reflected in the most recently provided SBC, and that occurs other than in connection with a renewal or reissuance of coverage, the plan or issuer must provide notice of the modification to enrollees (or, in the case of individual market coverage, an individual covered under a health insurance policy) not later than 60 days prior to the date on which the modification will become effective. The notice of modification must be provided in a form that is consistent with subsection (d). (45 CFR 147.200)

g) Uniform Glossary

1) In General
A group health plan, and a health insurance issuer offering group health insurance coverage, must make available to participants and beneficiaries, and a health insurance issuer offering individual health insurance coverage must make available to applicants, policyholders and covered dependents, the uniform glossary described in subsection (g)(2) in accordance with the appearance and form and manner requirements of subsections (g)(3) and (g)(4).

2) Health-Coverage-Related Terms and Medical Terms
The uniform glossary must provide uniform definitions, specified by the Secretary in guidance, of the following health-coverage-related terms and medical terms:

A) Allowed amount, appeal, balance billing, co-insurance, complications of pregnancy, co-payment, deductible, durable medical equipment, emergency medical condition, emergency medical transportation, emergency room care, emergency services, excluded services, grievance, habilitation services, health insurance, home health care, hospice services, hospitalization, hospital outpatient care, in-network co-insurance, in-network co-payment, medically necessary, network, non-preferred provider, out-of-network co-insurance, out-of-network co-payment, out-of-pocket limit, physician services, plan, preauthorization, preferred provider, premium, prescription drug coverage, prescription drugs, primary care physician, primary care provider, provider, reconstructive surgery, rehabilitation services, skilled nursing care, specialist, usual customary and reasonable (UCR), and urgent care; and

B) Such other terms as the Secretary determines are important to define so that individuals and employers may compare and understand the terms of coverage and medical benefits (including any exceptions to those benefits), as specified in guidance.

3) Appearance
A group health plan, and a health insurance issuer, must provide the uniform glossary with the appearance specified by the Secretary in guidance to ensure the uniform glossary is presented in a uniform format and uses terminology understandable by the average plan enrollee (or, in the case of individual market coverage, an average individual covered under a health insurance policy).

4) Form and manner
A plan or issuer must make the uniform glossary described in subsection (g) available upon request, in either paper or electronic form (as requested), within seven business days after receipt of the request. (45 CFR 147.200)

h) Preemption
For purposes of this Section, the provisions of PHS Act section 2724 continue to apply with respect to preemption of Illinois law. In addition, Illinois laws that require a health insurance issuer to provide an SBC that supplies less information than required under subsections (a), (b), (c), (d) and (e) are preempted by federal law. (45 CFR 147.200)

i) Failure to Provide
A health insurance issuer or a non-federal governmental health plan that willfully fails to provide information required under this Section is subject to a fine of not more than $1,000 for each such failure. A failure with respect to each covered individual constitutes a separate offense for purposes of this subsection (i). The Department and HHS will enforce these provisions in a manner consistent with 45 CFR 150.101 through 150.465. (45 CFR 147.200)

j) Applicability Date

1) This Section is applicable to group health plans and group health insurance issuers in accordance with this subsection (j). (See 45 CFR 147.140(d), providing that this Section applies to grandfathered health plans.)

A) For disclosures with respect to participants and beneficiaries who enroll or re-enroll through an open enrollment period (including re-enrollees and late enrollees), this Section applies beginning on the first day of the first open enrollment period that begins on or after September 23, 2012; and

B) For disclosures with respect to participants and beneficiaries who enroll in coverage other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees), this Section applies beginning on the first day of the first plan year that begins on or after September 23, 2012.

2) For disclosures with respect to plans, and to individuals and dependents in the individual market, this Section is applicable to health insurance issuers beginning September 23, 2012. (45 CFR 147.200)

(Source: Old Section 2001.10 renumbered to Section 2001.110 and new Section 2001.10 added at 37 Ill. Reg. _____, effective _____)

Section 2001.11 Essential Health Benefits

a) Coverage for Essential Health Benefits Package
A health insurance issuer that offers health insurance coverage in the individual or small group market shall ensure that such coverage includes an essential health benefits (EHB) package in accordance with the requirements in subsections (b) and (c). (42 USC 300gg-6(a))

b) Essential Health Benefits Package
In this Section, the term "essential health benefits package" means, with respect to any health plan, coverage that:

1) provides for the essential health benefits defined under subsection (c);

2) limits cost-sharing for such coverage in accordance with Section 2001.12(a); and

3) subject to Section 2001.12(i), provides either the bronze, silver, gold or platinum level of coverage described in Section 2001.12(b). (42 USC 18022(a) and (b))

c) Essential Health Benefits

1) In General
Subject to subsection (c)(3), essential health benefits shall include at least the following general categories and the items and services covered within the categories:

A) Ambulatory patient services;

B) Emergency services;

C) Hospitalization;

D) Maternity and newborn care;

E) Mental health and substance use disorder services, including behavioral health treatment;

F) Prescription drugs;

G) Rehabilitative and habilitative services and devices;

H) Laboratory services;

I) Preventive and wellness services and chronic disease management; and

J) Pediatric services, including oral and vision care. (42 USC 18022(a) and (b))

2) Background

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

A) In August 2012, the Governor's Office convened a workgroup of representatives from a number of State agencies to develop a recommendation to the Healthcare Reform Implementation Council on Essential Health Benefits for qualified health plans in Illinois. This workgroup met several times over the course of two months.

B) The Patient Protection and Affordable Care Act defined 10 EHB that must be included in all Qualified Health Plans sold inside and outside the Health Benefits Exchange starting in 2014.

C) The 10 EHB are:

i) ambulatory patient services;

ii) emergency services;

iii) hospitalization;

iv) maternity and newborn care;

v) mental health and substance use disorder services, including behavioral health treatment;

vi) prescription drugs;

vii) rehabilitative and habilitative services and devices;

viii) laboratory services;

ix) preventive and wellness services and chronic disease management; and

x) pediatric services, including oral and vision care.

D) The purpose of recommending a benchmark plan is to ensure that individuals who purchase health insurance will have a plan that covers the EHB and services outlined by the ACA.

E) HHS set specific guidelines to establish EHB. HHS requires that states look at the insurance plans already sold in their markets and identify a "benchmark" plan that is representative of a "typical employer plan". This will help ensure that state insurance mandates are included, since any benchmark plan must already be available in a state.

F) The authority to select a benchmark plan falls with the HHS Secretary, but the State was required to make a recommendation. HHS also facilitated a public comment period on the benchmark plan that the State recommends. It is the services that are provided by this particular plan that make up the EHB for Illinois. All insurers that sell products that are not excepted benefits in Illinois are required to include, at a minimum, the value of benefits and services dictated by the benchmark plan.

G) The Health Care Reform Implementation Council intends to continuously review the benchmark selection over the next two years, at which point the State might have the option to change or amend the benchmark plan. The Council envisions an open process for feedback that engages stakeholders and ensures the minimum coverage offered in Illinois meets the needs of our residents.

3) Specific Requirements
Essential health benefits shall include those specific benefits and limits described in the Illinois EHB Benchmark Plan, as of September 1, 2013, published by the Centers for Medicare & Medicaid Services, 755 Security Boulevard, Baltimore, Maryland 21244 (http://www.cms.gov/CCIIO/Resources/Data-Resources/ehb.html). This regulation does not include any later amendments or editions, if any, to the Illinois EHB benchmark.

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

Section 2001.12 Cost-Sharing

a) Cost-Sharing Under Group Health Plans
A group health plan shall ensure that any annual cost-sharing imposed under the plan does not exceed the limitations provided for under subsections (a)(1) and (2). (42 USC 300gg-6(b)) Requirements relating to cost-sharing are:

1) Annual Limitation on Cost-Sharing

A) 2014
The cost-sharing incurred under a health plan with respect to self-only coverage or coverage other than self-only coverage for a plan year beginning in 2014 shall not exceed the dollar amounts in effect under 26 USC 223(c)(2)(A)(ii) for self-only and family coverage, respectively, for taxable years beginning in 2014.

B) 2015 and Later
In the case of any plan year beginning in a calendar year after 2014, the limitation under this subsection (a)(1)(B) shall:

i) in the case of self-only coverage, be equal to the dollar amount under subsection (a)(1)(A) for self-only coverage for plan years beginning in 2014, increased by an amount equal to the product of that amount and the premium adjustment percentage under subsection (a)(4) for the calendar year; and

ii) in the case of other coverage, twice the amount in effect under subsection (a)(1)(B)(i).

C) If the amount of any increase under subsection (a)(1)(B)(i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

2) Annual Limitation on Deductibles for Employer-Sponsored Plans

A) In General

i) In the case of a health plan offered in the small group market, the deductible under the plan shall not exceed $2,000 in the case of a plan covering a single individual and $4,000 in the case of any other plan.

ii) The amounts under subsection (a)(3)(A)(i) may be increased by the maximum amount of reimbursement that is reasonably available to a participant under a flexible spending arrangement described in 26 USC 106(c)(2) (determined without regard to any salary reduction arrangement).

B) Indexing of Limits
In the case of any plan year beginning in a calendar year after 2014:

i) the dollar amount under subsection (a)(1)(A)(i) shall be increased by an amount equal to the product of that amount and the premium adjustment percentage under subsection (a)(4) for the calendar year; and if the amount of any increase under subsection (a)(2)(B)(i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

ii) the dollar amount under subsection (a)(1)(A)(ii) shall be increased to an amount equal to twice the amount in effect under subsection (a)(1)(A)(i) for plan years beginning in the calendar year, determined after application of subsection (a)(2)(B)(i).

C) Actuarial Value
The limitation under this subsection (a) shall be applied in such a manner so as to not affect the actuarial value of any health plan, including a plan in the bronze level.

D) Coordination with Preventive Limits
Nothing in this subsection (a) shall be construed to allow a plan to have a deductible under the plan apply to benefits described in section 2713 of the federal Public Health Service Act (45 CFR 130).

3) Cost-Sharing

A) In general, the term "cost-sharing" in this Section includes:

i) deductibles, coinsurance, copayments or similar charges; and

ii) any other expenditure required of an insured individual that is a qualified medical expense (within the meaning of 26 USC 223(d)(2)) with respect to EHB covered under the plan.

B) Exceptions
The term "cost-sharing" in this Section does not include premiums, balance billing amounts for non-network providers, or spending for non-covered services.

4) Premium Adjustment Percentage
For purposes of subsections (a)(1)(B)(i) and (a)(2)(B)(i), the premium adjustment percentage for any calendar year is the percentage (if any) by which the average per capita premium for health insurance coverage in the United States for the preceding calendar year (as estimated by the Secretary no later than October 1 of such preceding calendar year) exceeds such average per capita premium for 2013 (as determined by the Secretary). (42 USC 18022(c))

b) Levels of Coverage
The levels of coverage described in this subsection (b) are as follows:

1) Bronze Level

A plan in the bronze level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

2) Silver Level
A plan in the silver level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 70 percent of the full actuarial value of the benefits provided under the plan.

3) Gold Level
A plan in the gold level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 80 percent of the full actuarial value of the benefits provided under the plan.

4) Platinum Level
A plan in the platinum level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 90 percent of the full actuarial value of the benefits provided under the plan. (42 USC 18022(d))

c) Actuarial Value (AV) Calculation for Determining Level of Coverage

1) Calculation of AV
Subject to subsection (c)(2), to calculate the AV of a health plan, the issuer must use the AV Calculator developed and made available by HHS.

2) Exception to the Use of the AV Calculator
If a health plan's design is not compatible with the AV Calculator, the issuer must meet the following:

A) Submit the actuarial certification from an actuary, who is a member of the American Academy of Actuaries, on the chosen methodology identified in subsection (c)(2)(B) or (C).

B) Calculate the plan's AV by:

i) Estimating a fit of its plan design into the parameters of the AV Calculator; and

ii) Having an actuary, who is a member of the American Academy of Actuaries, certify that the plan design was fit appropriately in accordance with generally accepted actuarial principles and methodologies.

C) Use the AV Calculator to determine the AV for the plan provisions that fit within the calculator parameters and have an actuary, who is a member of the American Academy of Actuaries, calculate and certify, in accordance with generally accepted actuarial principles and methodologies, appropriate adjustments to the AV identified by the calculator, for plan design features that deviate substantially from the parameters of the AV Calculator.

D) The calculation methods described in subsections (c)(2)(B) and (C) may include only in-network cost-sharing, including multi-tier networks.

3) Employer Contributions to Health Savings Accounts and Amounts Made Available Under Certain Health Reimbursement Arrangements
For plans other than those in the individual market that at the time of purchase are offered in conjunction with a Health Savings Account (HSA) or with integrated Health Reimbursement Accounts (HRAs) that may be used only for cost-sharing, annual employer contributions to HSAs and amounts newly made available under such HRAs for the current year are:

A) Counted towards the total anticipated medical spending of the standard population that is paid by the health plan; and

B) Adjusted to reflect the expected spending for health care costs in a benefit year so that:

i) Any current year HSA contributions are accounted for; and

ii) The amounts newly made available under such integrated HRAs for the current year are accounted for.

4) Use of State-Specific Standard Population for the Calculation of AV
Beginning in 2015, if submitted by the State and approved by HHS, a State-specific data set will be used as the standard population to calculate AV in accordance with subsection (c)(1). The data set may be approved by HHS if it is submitted in accordance with subsection (c)(5) and:

A) Supports the calculation of AVs for the full range of health plans available in the market;

B) Is derived from a non-elderly population and estimates those likely to be covered by private health plans on or after January 1, 2014;

C) Is large enough that:

i) The demographic and spending patterns are stable over time; and

ii) It includes a substantial majority of the State's insured population, subject to the requirement in subsection (c)(4)(B);

D) Is a statistically reliable and stable basis for area-specific calculations; and

E) Contains claims data on health care services typically offered in the then-current market.

5) Submission of State-Specific Data
AV will be calculated using the default standard population described in subsection (c)(6), unless a data set in a format specified by HHS that can support the use of the AV Calculator as described in subsection (c)(1) is submitted by a State and approved by HHS consistent with subsection (c)(4) by a date specified by HHS.

6) Default Standard Population
The default standard population for AV calculation will be developed and summary statistics, such as in continuance tables, will be provided by HHS in a format that supports the calculation of AV as described in subsection (c)(1). (45 CFR 156.135)

d) Actuarial Value Levels of Coverage

1) General Requirement for Levels of Coverage
AV, calculated as described in subsection (c), and within a de minimis variation as defined in subsection (d)(3), determines whether a health plan offers a bronze, silver, gold or platinum level of coverage.

2) The levels of coverage are:

A) A bronze health plan is a health plan that has an AV of 60 percent.

B) A silver health plan is a health plan that has an AV of 70 percent.

C) A gold health plan is a health plan that has an AV of 80 percent.

D) A platinum health plan is a health plan that has as an AV of 90 percent.

3) De Minimis Variation
The allowable variation in the AV of a health plan that does not result in a material difference in the true dollar value of the health plan is ±2 percentage points. (45 CFR 146.140)

e) Determination of Minimum Value

1) Acceptable Methods for Determining Minimum Value
An employer-sponsored plan provides minimum value (MV) if the percentage of the total allowed costs of benefits provided under the plan is no less than 60 percent. An employer-sponsored plan may use one of the following methods to determine whether the percentage of the total

allowed costs of benefits provided under the plan is not less than 60 percent:

A) The MV Calculator to be made available by HHS and the Internal Revenue Service. The result derived from the calculator may be modified under subsection (e)(2).

B) Any safe harbor established by HHS and the Internal Revenue Service.

C) If the plan is a group health plan, it may seek certification by an actuary to determine MV if the plan contains non-standard features that are not suitable for either of the methods described in subsections (e)(1)(A) or (B). The determination of MV must be made by a member of the American Academy of Actuaries, based on an analysis performed in accordance with generally accepted actuarial principles and methodologies.

D) If the plan is in the small group market that meets any of the levels of coverage, as described in subsection (d), it satisfies MV.

2) Benefits that May Be Counted Towards the Determination of MV

A) In the event that a group health plan uses the MV Calculator and offers an EHB outside of the parameters of the MV Calculator, the plan may seek an actuary, who is a member of the American Academy of Actuaries, to determine the value of that benefit and adjust the result derived from the MV Calculator to reflect that value.

B) For the purposes of applying the options described in subsection (e)(1) in determining MV, a group health plan will be permitted to take into account all benefits provided by the plan that are included in any one of the EHB benchmarks.

3) Standard Population

The standard population for MV determinations described in subsection (e)(1) is the standard population developed by HHS for such use and described through summary statistics issued by HHS. The standard population for MV must reflect the population covered by self-insured group health plans.

4) Employer Contributions to Health Savings Accounts and Amounts Made Available Under Certain Health Reimbursement Arrangements
For employer-sponsored self-insured group health plans and insured group health plans that at the time of purchase are offered in conjunction with an HSA or with integrated HRAs that may be used only for cost-sharing, annual employer contributions to HSAs and amounts newly made available under such HRAs for the current year are:

A) Counted towards the total anticipated medical spending of the standard population that is paid by the health plan; and

B) Adjusted to reflect the expected spending for health care costs in a benefit year so that:

i) Any current year HSA contributions are accounted for; and

ii) The amounts newly made available under such integrated HRAs for the current year are accounted for. (45 CFR 156.145)

f) Application
In determining the percentage of the total allowed costs of benefits provided under a group health plan or health insurance coverage that are provided by such plan or coverage, this Section shall apply. (42 USC 18022(d)(2)(C))

g) Allowable Variance
In accordance with guidelines developed by the Secretary, there may be a de minimis variation in the actuarial valuations used in determining the level of coverage of a plan to account for differences in actuarial estimates. (42 USC 18022(d)(3))

h) Plan Reference
In this Section, any reference to a bronze, silver, gold or platinum plan shall be treated as a reference to a qualified health plan providing a bronze, silver, gold or platinum level of coverage, as the case may be. (42 USC 18022(d)(4))

i) Catastrophic Plan

1) In General
A health plan not providing a bronze, silver, gold or platinum level of coverage shall be treated as meeting the requirements of subsection (b) with respect to any plan year if:

A) the only individuals who are eligible to enroll in the plan are individuals described in subsection (c)(2); and

B) the plan provides:

i) except as provided in subsection (c)(1)(B)(ii) of this Section, the essential health benefits determined under Section 2001.11(c), except that the plan provides no benefits for any plan year until the individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (a)(1) of this Section for the plan year (except as provided for in PHS Act section 2713); and

ii) coverage for at least three primary care visits.

2) Individuals Eligible for Enrollment
An individual is described in this subsection (i)(2) for any plan year if the individual:

A) has not attained the age of 30 before the beginning of the plan year; or

B) has a certification in effect for any plan year under this Part that the individual is exempt from the requirement under 26 USC 5000A by reason of:

i) 26 USC 5000A(e)(1) (relating to individuals without affordable coverage); or

ii) 26 USC 5000A(e)(5) (relating to individuals with hardships).

3) Restriction to Individual Market
If a health insurance issuer offers a health plan described in this subsection (i), the issuer may only offer the plan in the individual market. (42 USC 18022(e))

j) Child-Only Plans
If a qualified health plan is offered through the Exchange in any level of coverage specified under subsection (c), the issuer shall also offer that plan through the Exchange in that level as a plan in which the only enrollees are individuals who, as of the beginning of a plan year, have not attained the age of 21, and such plan shall be treated as a qualified health plan. (42 USC 18022(f))

k) Payments to Federally-Qualified Health Centers
If any item or service covered by a qualified health plan is provided by a federally-qualified health center (as defined in 42 USC 1396d(l)(2)(B)) to an enrollee of the plan, the offeror of the plan shall pay to the center for the item or service an amount that is not less than the amount of payment that would have been paid to the center under 42 USC 1396a(bb)) for such item or service. (42 USC 18022(g))

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

SUBPART B: PROVISIONS APPLICABLE TO INDIVIDUAL POLICIES

Section 2001.20 Construction of Accident and Health Insurance Policy Forms (Renumbered)

(Source: Section 2001.20 renumbered to Section 2001.120 at 37 Ill. Reg. _____, effective _____)

Section 2001.30 Filing of Policy Forms (Renumbered)

(Source: Section 2001.30 renumbered to Section 2001.l30 at 37 Ill. Reg. _____, effective _____)

Section 2001.110~~2001.10~~ Applicability

This Subpart shall apply to:

a) Individual accident and health policy, certificate, endorsement, rider and application forms filed with the Department ~~Division~~ by both foreign and domestic companies with respect to Section 143, Article IX and Article XX of the Code ~~[215 ILCS 5/143, Art. IX and Art. XX]~~.

b) This Part shall also apply to individual policy, certificate, endorsement, rider and application forms filed in accordance with Section 356a of the Code ~~[215 ILCS 5/356a]~~.

c) The filing procedure for accident and health forms as required by Section 355 of the Code ~~[215 ILCS 5/355]~~.

d) The filing procedure for accident and health insurance policy forms prescribed by 50 Ill. Adm. Code 916.

(Source: Old Section 2001.10 renumbered to Section 2001.110 and amended at 37 Ill. Reg. _____, effective _____)

Section 2001.120~~2001.20~~ Construction of Accident and Health Insurance Policy Forms

a) Section 356a – Form of Policy~~.~~
Each policy form of a domestic company that is issued for delivery to a person residing in another state~~,~~ must be approved by the Director unless that~~such~~ policy form is subject to approval or disapproval by the~~such~~ other state.

b) Section 357.1 – Accident and Health Policy Provisions Required.

1) In order to expedite departmental action on policies submitted for approval, it is requested that companies adhere to the statutory wording and order of the required provisions. Policies submitted that include variations from the statutory words and order must be accompanied by a complete list of all variations and a justification for each. Extensive variations, without adequate justification, will only result in delay in the processing of the such policies. The companies' cooperation in keeping such variations to a minimum is essential.

2) Each provision of Sections Section 357.2 through 357.113 of the Code [215 ILCS 5/357.2 through 357.113] must be preceded by a caption and, if the captions differ in any respect from the captions appearing in the law, changes must be clearly indicated and justified pursuant to subsection 2001.20(b)(1).

3) Numbering of the "Required Provisions" will not be required.

c) Section 359a – Application.

1) When Where an Industrial Accident and Health policy is issued upon signed application of the person to be insured, the application shall conform with Section 359a of the Code [215 ILCS 5/359a].

2) The Application:

A) When Where changes are made on the application for administrative purposes only, the changes must be clearly indicated.

B) When Where the application is subject to being changed for administrative purposes by the insurer, the application shall clearly indicate that any changes are not to be ascribed to the applicant.

d) Section 361a – Age Limit.
Any policy form containing an "age limit" shall contain in substance a provision

setting forth the limitations of Section 361a of the Code ~~[215 ILCS 5/361a]~~.

e) Section 362a – Non-Application to Certain Policies~~.~~
Section 362a(3) of the Code ~~[215 ILCS 5/362a(3)]~~ does not apply to group accident and health insurance provided for under Section 356a(1)(c) of the Code ~~[215 ILCS 5/356a(1)(c)]~~.

f) Section 368 – Industrial Accident and Health Insurance~~.~~
The Department ~~Division~~ will require Industrial Accident and Health policy forms to be of the same form and content as other accident and health insurance policy forms required to be filed pursuant to Section 355 of the Code ~~[215 ILCS 5/355]~~, except Industrial Accident and Health Policies shall be issued on a weekly premium basis and contain the words "Industrial Policy" printed on each form.

g) All provisions of the Third Edition of the Official Guide that are consistent with the statute will be required.

h) Accident and Health Insurance~~:~~

1) Accident and health insurance may~~May~~ only be defined as insurance against bodily injury, disablement or death by accident and against disablement resulting from sickness or old age and every insurance appertaining thereto.

2) Terms such as "external" and "violent" in connection with the definition of accident and health insurance are not acceptable.

i) The information required in Section 356a(1)(a) and (b) of the Code ~~[215 ILCS 5/356a(1)(a) and (b)]~~ must appear in the policy form itself or on its schedule page and cannot be added to the policy by rider, endorsement~~,~~ or supplement. Although riders, endorsements and supplements, when attached to the policy form, become a part of the contract, it is evident the law intends that the ~~aforementioned~~ information required by Section 356a(1)(a) and (b) be made a part of the policy form itself, since this Section specifically refers to the policy and distinguishes between the policy forms, riders and endorsements.

j) Funeral benefits will not be permitted in accident and health contracts.

k) If hospitals are defined in accident and health contract forms presented for use in this State, then an appropriate definition must be used. A term such as "legally operated hospital", or any other definition that is definite and applicable in this State, will be accepted.

l) Waiting period provisions in accident and health insurance contracts that stipulate the contract must be maintained in "continuous force" or "in force for _____ months after the effective date of the policy" or "in force for _____ months prior to the date of the loss," will not be accepted. Those~~Such~~ provisions do not adequately and clearly cover reinstatements and, therefore, waiting periods must be based upon the loss occurring _____ months after the effective date of the policy and read similar to: No indemnity will be paid for loss that occurs, or commences, prior to _____ months after the effective date of the policy.

m) Additional waiting periods for certain designated diseases or illnesses based upon inception beyond the usual customary 15 to 30 days provided for in the Insuring Provisions are not permissible. If additional waiting periods are deemed necessary by the company for certain diseases and illnesses, then the Department ~~Division~~ requires that waiting periods be based upon the loss occurring so many months after the effective date of the policy, rather than being based on the inception of the illness or disease.

n) "Strict compliance provisions" in accident and health insurance contracts will not be acceptable for use in this State.

o) Any specific requirement for medical attendance by a licensed physician, other than that attendance that is normally and customarily required for the disease or accident resulting in loss for which claim is made, will not be acceptable.

p) In accident and health insurance contracts that include "medical attendance benefits" and "surgical benefits" and limits liability to only one, provision must be made for the payment of the greater benefit.

q) Broad, indefinite, ambiguous and inconsistent language must be excluded from all accident and health insurance forms. Examples of such wording are:

1) The use of the words "indirectly" and "partly" in connection with Exclusions, Limitations and Reductions;~~,~~

2) The use of the word "reasonable" when used in connection with medical attendance or any other condition or requirement included in the policy form, unless use of that~~such~~ word results in the provision being more favorable to the insured;~~.~~

3) The use of such words as "appendages", "involving", "affecting", etc., in connection with specified physical conditions. Medical terms should be definite. For~~, for~~ instance, various types of hernia should be spelled out, or the forms should provide a general statement that all types of hernia are meant.

r) Surgical Benefit Provisions in accident and health insurance contracts must include and provide either:

1) That all operations will be covered not to exceed a stipulated amount for any operation that may be performed;~~,~~ or

2) A~~The inclusion of a~~ schedule of operations that includes:

A) Comparable benefits for operations of comparable severity;

B) A provision that requires the company to pay a benefit for any operation not listed in the schedule, based on an amount equivalent to that specified for a listed operation of comparable severity; and

C) A provision that requires the company to pay for that operation that~~which~~ provides the largest benefit when the company's liability is limited to one operation when~~where~~ more than one is performed, under named or enumerated conditions.

s) Surgical benefit provisions that are contingent upon payment of a hospital confinement benefit will not be approved.

t) Benefits for hospital room that are based upon the actual expense incurred~~,~~ may

be made contingent only upon a charge being made by the hospital. Benefits payable on a stated or flat rate basis, regardless of the amount of expense incurred, may make the benefit contingent upon hospital confinement of so many hours.

u) Premium, Cancellation and Renewal Provisions~~:~~

1) Waiver of Premium Provisions must include a statement of coverage and of the insured's rights and obligations regarding the resumption of premium payments after the period of total disability has terminated, during which the premium has been waived. This statement must read similarly to: After the termination of the period of total disability, during which a premium has been waived, the insurance afforded in this contract shall continue in full force and effect until the next premium due date, at which time the insured shall have the right to resume the payment of premiums as provided in the contract.

2) If a premium is to be charged for the period from the expiration of the period of total disability during which a premium has been waived and the expiration date of the policy, then a statement of this fact must be added to the provision, together with a provision that the insurer will notify the insured of the premium due.

3) A policy that contains a cancellable provision may add at the end of the provision in (u)(2)~~,~~ "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof~~.~~".

4) A policy in which the insurer reserves the right to refuse any renewal premiums~~,~~ shall add~~,~~ "unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by records of the insurer, written notice of its intention not to renew this policy beyond the period for which the premium has been waived~~.~~".

v) Requirements for the so-called "franchise insurance" are different from those for individual contracts in the following respects: Termination either by cancellation or refusal to renew any individual contracts of the group is prohibited, unless all

like contracts of the group are terminated at the expiration of the contracts and upon at least ten days' notice in advance. The only other termination conditions that may be included in these~~such~~ contracts are those that terminate coverage because of nonpayment of premium, discontinuance of employment of the insured by the named employer, or the discontinuance of membership in the designated organization or association, and, in addition, coverage may be automatically terminated at a designated attained age.

w) Policy forms that, in the opinion of the Department~~Division~~, will invite misrepresentations in the advertising and sale of the policy~~same~~, due to the restrictive nature of the forms as a result of unusual and/or over-lapping exclusions, limitations, reductions~~,~~ or conditions, will not be accepted for use in this State.

x) Time limitations, when included in benefit provisions, must be explained in terms such as hours, days, weeks, months or years. Terms such as "immediately" or "reasonably" are not acceptable, unless use of those words makes~~make~~ the provision more favorable to the insured.

y) Policy contracts issued by assessment companies must include a provision setting forth the contingent liability of the insured and should be based upon the regular premium provided in the policy~~,~~ and, in addition~~ thereto~~, such premium payments as may be required by the company from time to time. This provision should be placed in the contract with equal prominence to the benefit provisions.

z) When~~Where~~ a contingent liability provision is included in a contract issued by a mutual company as provided for in Section 55 of the Code~~ [215 ILCS 5/55]~~, the contingent liability of the policyholder must be based upon not less than one nor more than ten times the amount of the premium expressed in the continuation paragraph of the policy. This provision should be placed in the contract with equal prominence to the benefit provisions.

aa) Limited policy contracts will not be approved that, in the opinion of the Director, set forth in a more prominent manner the provisions for relatively large benefits for specified accidents of rare occurrence than provisions for relatively low benefits for accidents of more frequent occurrence. Accumulative indemnities benefits are permissible, but schedules showing those benefits will not be

approved in accident and health contracts.

bb) Riders, Endorsements and Exclusions~~:~~

1) Riders and endorsements that are not complete in themselves must be accompanied by the fill-in~~fill in~~ material to be used with the riders and endorsements~~,~~ to be acceptable.

2) Exclusion of coverage riders and endorsements, executed subsequent to the issuance of the policy, must provide for the signed acceptance of the insured in addition to a statement to the effect that the rider or endorsement is not valid unless signed by the insured. Policy forms that unilaterally reduce benefits must be formally approved by the Director prior to the date they are attached to a policy issued or delivered in this State.

3) Riders or endorsements submitted for the purpose of amending forms submitted in accordance with Section 355 of the Code~~ [215 ILCS 5/355]~~, so that the~~such~~ forms will comply with the requirements of the Code or regulations of the Department~~Division~~, will not be accepted for approval, unless the Director is given an adequate justification, in writing, for the use of the riders or endorsements.

cc) Application~~:~~

1) Questions in an application pertaining to diseases or conditions must be broken down so that applicants may insert their answer at least after every four or five diseases or conditions listed, unless questions are grouped as to related diseases or conditions.

2) Application forms that are completed by individuals for themselves and others cannot include a certification as to the correctness of the answers in the application without some qualifications, preferably in the Attestation Provision, and should read similar to "to the best of your knowledge", or "to the best of your knowledge and belief". The courts have held that answers to the questions are given to the best of the applicant's belief, and the Department ~~Division~~ sees no reason why the aforementioned

qualification should not be contained in the application.

3) The receipt and/or application or policy provisions may provide that the insurance shall be effective upon issuance and the payment of the first premium while the insured is in good health. Provisions that provide the insurance shall not become effective until delivery of the policy while the insured is in good health~~,~~ will not be acceptable.

dd) When~~Where~~ the application provides for a written proxy, that~~such~~ proxy must be executed over the separate signature of the applicant. The signature required for the application in accordance with Section 359a of the Code ~~[215 ILCS 5/359a]~~ may not be used to satisfy this requirement.

ee) Advertising appearing on an application form, or any other form that requires the approval of the Director, is reviewed and filed by the Director in conjunction with the approval of the form. This is in conformity with Section 143 of the Code ~~[215 ILCS 5/143]~~.

ff) The Director requires that any form, previously approved and subsequently revised, must be submitted under a new form number, and be approved in accordance with Section 143 of the Code. This applies to advertising appearing on applications or other forms approved by the Director. The only exception to this is advertising that contains statistical information, such as the amount of claims paid or assets. For changes of this kind, the insurer need not submit a new form number, but only advise the Department~~Division~~ in writing as to the change in the statistical information and the date of change. Advertising is not subject to approval but is filed for informational purposes only. See 50 Ill. Adm. Code 916 for appropriate transmittal sheets and instructions.

(Source: Section 2001.120 renumbered from 2001.20 and amended at 37 Ill. Reg. _____, effective _____)

Section 2001.130~~2001.30~~ Filing of Policy Forms

a) Policy forms, riders and endorsements must be formally filed pursuant to 50 Ill. Adm. Code 916 as follows:

1) Two copies of all forms shall be submitted in blank. If the form does not clearly indicate the place for the name of the insured, the time the insurance becomes effective, and the benefits, it will be required that the forms be completed at the time of issuance.

2) Each form must bear an identifying form number in the lower left corner of the first page. The form number is limited to 30 characters. No other date, except the inclusion of a printing date and/or designation of a state~~,~~ where a special edition is required~~,~~ will be permitted in this~~such~~ space.

3) The insurer shall file a letter of submission containing:

A) The name of the form, if any, and identifying form number;~~.~~

B) Whether the submission is a new form;~~.~~

C) If the form is intended to supersede another, the form number of the form replaced and the date it was approved by the Department~~Division~~, with all changes from the previously approved form highlighted. Any changes not highlighted will not be deemed to be approved.

b) Copies of the policy forms, riders and endorsements will be retained in the files of the Department~~Division~~. Under no circumstances will copies of forms be returned to the company with the Department's ~~Division's~~ stamp of approval on the copies. Notice of approval will be given by letter or copy of the submitted transmittal form with the Department's ~~Division's~~ stamp affixed.

(Source: Section 2001.130 renumbered from Section 2001.30 and amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: PROVISIONS APPLICABLE TO GROUP POLICIES

Section 2001.210 Applicability

This Subpart is applicable to all group accident and health policies except to the extent that they provide excepted benefits.

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

Section 2001.220 Ban on Excessive Waiting Periods

A group health plan, and a health insurance issuer offering group health insurance coverage, must not apply any waiting period that exceeds 90 days (42 USC 300gg-7).

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Advertising of Accident and Sickness Insurance

2) Code Citation: 50 Ill. Adm. Code 2002

3)

Section Numbers:	Proposed Action:
2002.30	Amend
2002.40	Amend
2002.180	Amend

4) Statutory Authority: Implementing Article XXVI and Section 149 and authorized by Section 401 of the Insurance Code [215 ILCS 5/Art. XXVI, 149 and 401]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies that the existing advertising requirements apply to the Illinois Health Insurance Exchange.

6) Any published studies or reports, along with the sources of underlying data, that were used 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 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:

James Rundblom	Susan Anders
Deputy General Counsel	Rules Coordinator

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/785-8559

or

Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/558-0957
217/524-9033 (fax)

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: Annual submission of Certificate of Compliance with this Part

C) Types of professional skills necessary for compliance: None

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

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2002
ADVERTISING OF ACCIDENT AND SICKNESS INSURANCE

Section
2002.10 Authority
2002.20 Purpose
2002.30 Applicability
2002.40 Definitions
2002.50 Method of Disclosure of Required Information
2002.60 Form and Content of Advertisements
2002.70 Advertisements of Benefits Payable, Losses Covered or Premiums Payable
2002.80 Necessity for Disclosing Policy Provisions Relating to Renewability, Cancellability and Termination
2002.90 Testimonials or Endorsements by Third Parties
2002.100 Use of Statistics
2002.110 Identification of Plan or Number of Policies
2002.120 Disparaging Comparisons and Statements
2002.130 Jurisdictional Licensing and Status of Insurer
2002.140 Identity of Insurer
2002.150 Group or Quasi-Group Implications
2002.160 Introductory, Initial or Special Offers
2002.170 Statements About an Insurer
2002.180 Enforcement Procedures
2002.190 Severability Provision
2002.APPENDIX A Guidelines
2002.ILLUSTRATION A Guideline to Section 2002.20
2002.ILLUSTRATION B Guideline to Section 2002.30 (a)
2002.ILLUSTRATION C Guideline to Section 2002.30 (b)
2002.ILLUSTRATION D Guideline to Section 2002.40 (a)
2002.ILLUSTRATION E Guideline to Section 2002.40 (h)
2002.ILLUSTRATION F Guideline to Section 2002.50
2002.ILLUSTRATION G Guideline to Section 2002.60 (a)
2002.ILLUSTRATION H Guideline to Section 2002.60 (b)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

2002.ILLUSTRATION I	Guideline to Section 2002.70 (a) (1)
2002.ILLUSTRATION J	Guideline to Section 2002.70 (a) (2)
2002.ILLUSTRATION K	Guideline to Section 2002.70 (a) (3)
2002.ILLUSTRATION L	Guideline to Section 2002.70 (a) (4)
2002.ILLUSTRATION M	Guideline to Section 2002.70 (a) (5)
2002.ILLUSTRATION N	Guideline to Section 2002.70 (a) (8)
2002.ILLUSTRATION O	Guideline to Section 2002.70 (b) (1)
2002.ILLUSTRATION P	Guideline to Section 2002.70 (b) (2)
2002.ILLUSTRATION Q	Guideline to Section 2002.70 (b) (3)
2002.ILLUSTRATION R	Guideline to Section 2002.70 (c) (1)
2002.ILLUSTRATION S	Guideline to Section 2002.70 (c) (2)
2002.ILLUSTRATION T	Guideline to Section 2002.70 (c) (3)
2002.ILLUSTRATION U	Guideline to Section 2002.80
2002.ILLUSTRATION V	Guideline to Section 2002.90 (a)
2002.ILLUSTRATION W	Guideline to Section 2002.90 (b)
2002.ILLUSTRATION X	Guideline to Section 2002.90 (c)
2002.ILLUSTRATION Y	Guideline to Section 2002.90 (d)
2002.ILLUSTRATION Z	Guideline to Section 2002.100 (a)
2002.ILLUSTRATION AA	Guideline to Section 2002.100 (b)
2002.ILLUSTRATION BB	Guideline to Section 2002.100 (c)
2002.ILLUSTRATION CC	Guideline to Section 2002.110 (a) and (b)
2002.ILLUSTRATION DD	Guideline to Section 2002.120
2002.ILLUSTRATION EE	Guideline to Section 2002.130 (a)
2002.ILLUSTRATION FF	Guideline to Section 2002.130 (b)
2002.ILLUSTRATION GG	Guideline to Section 2002.140 (a) and (b)
2002.ILLUSTRATION HH	Guideline to Section 2002.150
2002.ILLUSTRATION II	Guideline to Section 2002.160 (a) (1)
2002.ILLUSTRATION JJ	Guideline to Section 2002.160 (a) (2)
2002.ILLUSTRATION KK	Guideline to Section 2002.160 (a) (4)
2002.ILLUSTRATION LL	Guideline to Section 2002.160 (b)
2002.ILLUSTRATION MM	Guideline to Section 2002.160 (c)
2002.ILLUSTRATION NN	Guideline to Section 2002.170

AUTHORITY: Implementing Article XXVI and Section 149 and authorized by Section 401 of the Insurance Code [215 ILCS 5/Art. XXVI, 149 and 401].

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Amended March 31, 1975; codified at 8 Ill. Reg. 5194; amended at 28 Ill. Reg. 4595, effective March 1, 2004; amended at 37 Ill. Reg. _____, effective _____.

Section 2002.30 Applicability

a) This Part shall apply to any accident and sickness insurance "advertisement" as that term is hereinafter defined in Section 2002.40, unless otherwise specified in this Part, intended for presentation, distribution or dissemination in this State when such presentation, distribution or dissemination is made either directly or indirectly by or on behalf of an insurer, agent or broker as those terms are defined in the Insurance Code of this State and this Part. The Guideline for this subsection~~paragraph~~ (a) is found in Appendix A, Illustration B.

b) Every insurer shall establish and at all times maintain a system of control over the content, form and method of dissemination of all advertisements of its policies. All such advertisements, regardless of by whom written, created, designed or presented, shall be the responsibility of the insurer whose policies are so advertised. The Guideline for this subsection~~paragraph~~ (b) is found in Appendix A, Illustration C.

c) This Part shall apply to advertisements both inside and outside the Illinois Health Insurance Marketplace. Policies and rates shall not be constructed or marketed in a way that discourages use of the Illinois Health Insurance Marketplace. A certificate of compliance with this Part must be submitted annually to the Illinois Department of Insurance (Department) in accordance with Section 2002.180.

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

Section 2002.40 Definitions

~~a)~~ An "advertisement," for the purpose of this Part, shall include:

~~1)~~ printed and published material, audio-visual material, and descriptive literature of an insurer used in direct mail, email, internet pages, blogs, social media, newspapers, magazines, radio scripts, TV scripts, billboards and similar displays; and

~~2)~~ descriptive literature and sales aids of all kinds issued by an insurer, agent or broker for presentation to members of the insurance buying public, including but not limited to circulars, leaflets, booklets, depictions, illustrations, and form letters; and

~~3)~~ prepared sales talks, presentations and material for use by agents, brokers and solicitors. The Guideline for this definition~~paragraph (a)~~ is found in Appendix A, Illustration D.

~~b)~~ "Exception," for the purpose of this Part, shall mean any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

"Health Insurance Marketplace" means the Illinois Health Benefits Exchange established in accordance with 215 ILCS 122/5-5 and 42 USC 18031.

~~c)~~ "Institutional Advertisement~~,~~", for the purpose of this Part, shall mean an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of accident and sickness insurance~~,~~ or the promotion of the insurer.

~~d)~~ "Insurer~~,~~", for the purpose of this Part, shall include any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, health maintenance organization, and any other legal entity that~~which~~ is defined as an "insurer" in the Insurance Code of Illinois and is engaged in the advertisement of a policy, as "policy" is ~~herein~~ defined in this Section.

~~e)~~ "Invitation to Contract~~,~~", for the purpose of this Part, shall mean an advertisement that~~which~~ is neither an invitation to inquire nor an institutional advertisement.

~~f)~~ "Invitation to Inquire~~,~~", for the purpose of this Part, shall mean an advertisement having as one of its objectives, but not necessarily the main objective, the creation of a desire to inquire further about the product or products and that~~which~~ is limited to a brief description of the loss or losses for which the benefit is payable, and that~~which~~ may contain~~:1)~~ the~~The~~ dollar amount of benefit payable~~;~~ and/or ~~2)~~ the~~The~~ period of time during which the benefit is payable, provided the

advertisement does not refer to cost.~~3)~~ An ad that~~which~~ is an invitation to inquire and that~~which~~ contains a dollar amount of benefit payable,~~;~~ and/or the period of time during which a benefit is payable, shall contain a provision in effect as follows:

> "For costs and further details of the coverage, including exclusions, any reductions or limitations and the terms under which the policy may be continued in force, see your agent or write to the company."

~~g)~~ "Limitation~~,~~", for the purpose of this Part, shall mean any provision that~~which~~ restricts coverage under the policy other than an exception or a reduction.

~~h)~~ "Policy~~,~~", for the purpose of this Part, shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement that~~which~~ provides accident or sickness benefits, or medical, surgical or hospital expense benefits, whether on an indemnity, reimbursement, service or prepaid basis, except when issued in connection with another kind of insurance other than life, and except disability, waiver of premium and double indemnity benefits included in life insurance and annuity contracts. The Guideline for this definition~~paragraph (h)~~ is found in Appendix A, Illustration E.

~~i)~~ "Reduction~~,~~", for the purpose of this Part, shall mean any provision that~~which~~ reduces the amount of the benefit. A~~; a~~ risk of loss is assumed, but payment upon the occurrence of the~~such~~ loss is limited to some amount or period less than would be otherwise payable had the~~such~~ reduction not been used.

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

Section 2002.180 Enforcement Procedures

a) Advertising File. Each insurer shall maintain at its home or principal office a complete file containing every printed, published or prepared advertisement of its individual policies and typical printed, published or prepared advertisements of its blanket, franchise and group policies hereafter disseminated in this or any other state whether or not licensed in that~~such~~ other state, with a notation attached to each ~~such~~ advertisement that~~which~~ shall indicate the manner and extent of distribution and the form number of any policy advertised. The~~Such~~ file shall be

subject to regular and periodic inspection by the~~this~~ Department. All such advertisements shall be maintained in the~~said~~ file for a period of either four years or until the filing of the next regular report of examination of the insurer, whichever is the longer period of time.

b) Certificate of Compliance. With respect to those health insurance policies offered on the Illinois Health Insurance Marketplace, each ~~Each~~ insurer shall prepare and maintain a certificate of compliance that will be filed with the Department annually on or before March 15 of the year immediately following the year pertaining to the certificate. With respect to those health insurance policies not offered on the Illinois Health Insurance Marketplace, each insurer shall prepare and maintain a certificate of compliance that will be placed on file with the insurer, together with the materials identified in subsection (a)~~ placed on file with the company, together with the materials identified in subsection (a)~~. The certificates ~~certificate~~ shall be executed by an authorized officer of the insurer. The certificate shall state~~ wherein it is stated~~ that, to the best of the authorized officer's~~his~~ knowledge, information and belief, the advertisements ~~which were~~ disseminated by the insurer during the preceding statement year complied, or were made to comply in all respects, with the provisions of this Part and the Insurance Laws of this State as implemented and interpreted by this Part.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pre-Existing Illness

2) Code Citation: 50 Ill. Adm. Code 2005

3)

Section Numbers:	Proposed Action:
2005.20	Amend
2005.40	Amend

4) Statutory Authority: Implementing Sections 143, 154 and 359a, and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 154, 359a and 401]

5) A Complete Description of the Subjects and Issues Involved: Part 2005 will be amended so that it only applies to grandfathered and excepted benefit policies (those existing on 6/23/10 that have covered at least one person continuously from that day forward). The federal Affordable Care Act (AC) prohibits non-grandfathered and excepted benefit policies from having pre-existing conditions and we are accordingly changing the rules for individual and group policies so that they are compliant with such ACA provisions.

6) Any published studies or reports, along with the sources of underlying data, that were 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 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 INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Barbara Delano, Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago, IL 60603

312/814-0919 (phone)
312/814- 2826 (facsimile)

or

Susan Anders, Rules Coordinator
Illinois Department of Insurance
320 West Washington St.
Springfield, IL 62767-0001

217/558-0957
217/524-9033 (facsimile)

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The potential impact is difficult to determine at this time.

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

C) Types of professional skills necessary for compliance: None

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

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2005
PRE-EXISTING ILLNESS

Section
2005.10 Authority
2005.20 Applicability
2005.30 The Minimum Definition of Pre-existing Illness or Pre-existing Condition
2005.40 Application of the Definition
2005.50 Policy Form Requirements
2005.60 Effective Date

AUTHORITY: Implementing Sections 143, 154 and 359a, and authorized by Section 401, of the Illinois Insurance Code [215 ILCS 5/143, 154, 359a and 401].

SOURCE: Filed October 16, 1974, effective October 30, 1974; codified at 7 Ill. Reg. 3009; amended at 14 Ill. Reg. 19892, effective December 4, 1990; amended at 37 Ill. Reg. _____, effective _____.

Section 2005.20 Applicability

a) This Part shall apply to individual and group accident and health insurance policies to the extent that they provide benefits and coverage that fall under an excepted benefits plan and to all other individual and group insurance policies that are not subject to 50 Ill. Adm. Code 2001.5 or 50 Ill. Adm. Code 2008.

b) For purposes of this Part, the term "excepted benefits" means benefits under one or more (or any combination) of the following:

1) Benefits not subject to requirements:

A) Coverage only for accident, or disability income insurance, or any combination thereof;

B) Coverage issued as a supplement to liability insurance;

C) Liability insurance, including general liability insurance and automobile liability insurance;

D) Workers' compensation or similar insurance;

E) Automobile medical payment insurance;

F) Credit-only insurance;

G) Coverage for on-site medical clinics; or

H) Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

2) Benefits not subject to requirements if offered separately:

A) Limited scope dental or vision benefits;

B) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; or

C) Such other similar, limited benefits as are specified in regulations.

3) Benefits not subject to requirements if offered as independent, noncoordinated benefits:

A) Coverage only for a specified disease or illness; or

B) Hospital indemnity or other fixed indemnity insurance. (26 USC 9832)

~~This Rule shall apply to all companies transacting in this State the kinds of business enumerated in Clause (b) of Class 1 and Clause (a) of Class 2 of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 616) and to all other "persons" as defined in Section 422 of the Code (Ill. Rev. Stat. 1981, ch. 73, par. 1029) who are engaging in accident and health insurance~~

~~business in this State.~~

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

Section 2005.40 Application of the Definition

a) In applying Section 2005.30~~this definition~~ to determine if an insured received consultation, advice or treatment from a physician for a disease, illness, sickness, malady or condition, the~~such~~ consultation, advice or treatment must be clearly indicated in the insured's medical records or from the statements of the insured's legally qualified physician or other relevant evidence.

~~b)~~1) If an application contains conflicting answers, or if an answer is clearly incomplete, the insurer has an obligation to investigate further. For example, if a question about medical history is answered with the name of a physician, but there is no statement concerning the condition treated or the reason for the visit, the insurer has an obligation to investigate further.~~,~~ An ~~an~~ insurer failing to make that~~such an~~ investigation and then taking appropriate action would be estopped from using a "pre-existing condition" or "pre-existing illness" as ~~a~~ grounds for denying the claim or rescinding the policy for the particular disease, illness, sickness, malady or condition.

2) If a particular disease, illness, malady or condition was not diagnosed by a legally qualified physician before the effective date of the coverage for the insured, but symptomatology was evident regardless of consultation, advice or treatment by a legally qualified physician, the disease or condition will not be considered pre-existing if there were interrogatories appropriate to the~~such~~ symptoms on the application for insurance and if the symptoms were disclosed on the application for insurance and the insurer did not make an investigation and take appropriate action.

3) If there was no application or the interrogatories on any application were not appropriate to the~~such~~ symptoms, a legally qualified physician must decide if the symptomatology was sufficient prior to the effective date of the policy to make a diagnosis and demonstrate manifestation of the disease, illness, sickness, malady or condition.

4) In the administration of this Section, ~~the Rule~~ if the Medical Director, similar employee or other physician retained by the insurer who qualifies as a legally qualified physician decides the medical questions of Section~~Sections~~ 2005.30(a)(2) or ~~2005.30~~(a)(3), the ~~then said~~ physician shall notify either the insured or his or her attending physician or other legally qualified physician of the insured of all of the relevant facts supporting the decision. If the attending physician or other legally qualified physician of the insured offers facts that~~which~~ demonstrate there is good reason that the disease, illness, sickness, malady or condition did not exist prior to the effective date of coverage for the insured, the definition of a pre-existing illness must be construed favorably for the insured.

b~~c~~) A legally qualified physician is a physician as defined and licensed under the Medical Practice~~Practices~~ Act [225 ILCS 60]~~(Ill. Rev. Stat. 1981, ch. 111, par. 4401 et seq.)~~.

c~~d~~) The insurer may rescind a policy only if it can demonstrate the insured has withheld material information or answered material questions incorrectly on an application that~~which~~ would have resulted in the insurer, at the time of original application:

1) denying coverage;~~,~~ or

2) restricting the level or coverage ~~as~~ applied for;~~,~~ or

3) rating up the premium normally charged for the coverage ~~as~~ applied for.

d~~e~~) No answers to questions in an application for insurance such as "Are you in good health?" or "Are you free from disease or impairment?" shall be used alone to rescind the policy unless the false answers to those~~such~~ questions, along with the other evidence, clearly demonstrates justification for rescission~~recision~~ of the policy.

e~~f~~) After the coverage for the insured has been in effect for two years, the coverage may not be rescinded except for fraud. To establish fraud, the insurer must meet

the requirements of Illinois law in this regard.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Small Employer Group Health Insurance

2) Code Citation: 50 Ill. Adm. Code 2014

3)

Section Numbers:	Proposed Action:
2014.10	Repeal
2014.20	Repeal
2014.30	Repeal
2014.40	Repeal
2014.EXHIBIT A	Repeal

4) Statutory Authority: Implementing Article XIXB of the Illinois Insurance Code [215 ILCS 5/Art XIXB]

5) A Complete Description of the Subjects and Issues Involved: Part 2014 implements the Small Employer Group Health Insurance Law Article XIXB. The Part is being repealed because the Department no longer accepts policy form filings under this statute since the implementation of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

6) Any published studies or reports, along with the sources of underlying data, that were 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 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.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

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:

Anne Marie Skallerup Assistant General Counsel Illinois Department of Insurance 122 S. Michigan Ave, 19th Fl Chicago, IL 60603	or	Susan Anders Rules Coordinator Illinois Department of Insurance 320 W. Washington St. Springfield, IL 62767
312/814-5410 312/814-2862 (fax)		217/558-0957

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: July 2013

The full text of the proposed repealer begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2014
SMALL EMPLOYER GROUP HEALTH INSURANCE (REPEALED)

Section
2014.10 Purpose
2014.20 Applicability
2014.30 Definitions
2014.40 Reporting Requirements
2014.EXHIBIT A Small Group Reporting Format

AUTHORITY: Implementing Article XIXB of the Illinois Insurance Code (Ill. Rev. Stat. 1990 Supp., ch. 73, pars. 963B-1 et seq.)

SOURCE: Adopted at 15 Ill. Reg. 13360, effective August 30, 1991; repealed at 37 Ill. Reg. _____, effective _____.

Section 2014.10 Purpose

The purpose of this Part is to establish data reporting requirements for the specific information required to be reported to the Director pursuant to Article XIXB, Section 351B-6 of the Illinois Insurance Code (Ill. Rev. Stat. 1990 Supp., ch. 73, par. 963B-6).

Section 2014.20 Applicability

This Part shall apply to each insurance company licensed to write life, accident and health insurance in this State pursuant to Article I, Section 4, Class 1(b) or 2(a) (Ill. Rev. Stat. 1990 Supp., ch. 73, par. 616).

Section 2014.30 Definitions

"Health Insurer" means any insurance company licensed to write insurance pursuant to Section 4, Class 1(b) or 2(a).

"Small Employer" means an employer who employs not more than 25 employees, members, or employees of members, exclusive of dependents.

"Small Employer Group Health Insurance Policy" means a policy authorized by and in compliance with Article XIXB of the Illinois Insurance Code (Ill. Rev. Stat. 1990 Supp., ch. 73, pars. 963B-1 et seq.).

Section 2014.40 Reporting Requirements

a) Any health insurer offering a small employer group health insurance policy shall file a report to the Director in the format set forth in Exhibit A, by no later than January 31 of the succeeding year, containing the following information:

1) the number of small employer group health insurance policies in force as of December 31 of the previous calendar year, and

2) the number of insureds, including dependents, covered by such policies in force as of December 31 of the previous calendar year.

b) The health insurer shall also provide, by policy form number, a description of the benefits provided by each plan which has been individually filed with and approved by the Director.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

Section 2014.EXHIBIT A Small Group Reporting Format

***This report shall be mailed and postmarked no later than January 31 to*:**

Illinois Department of Insurance
Cost Containment Section
320 West Washington
Springfield, Illinois 62767

Company Name _____

Contact Person _____ **Phone Number (___)**_____

Report for the period ending December 31, 19___

(A) Number of Small Employer Group Policies in Force as of 12/31 (Previous Calendar Year)*	(B) Number of Insureds, *including dependents*, covered by Employer Group Policies shown in Column (A)	(C) Description of benefits provided by policies issued to Small Employer Groups shown in Column (A). *Description must include at least the information appearing below.*	(D) Policy Form Numbers assigned by the company for Small Employer Group policies as filed with and approved by the Director
		*Per person deductible:*_____ *Maximum Benefit:*_____ *Coinsurance Factors (e.g., 80/20):* _____ *Semi-private room rate (if based on other than above coinsurance factor):*_____ *Are benefits subject to Third Party Review? (Y/N)* _____	

***Of these**, indicate the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

number of policies which replaced other health insurance in force. If none, enter '0'.		

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Premium Increase Justification and Reporting

2) Code Citation: 50 Ill. Adm. Code 2026

3)

Section Numbers:	Proposed Action:
2026.5	New
2026.10	New
2026.20	New
2026.30	New
2026.40	New
2026.50	New
2026.60	New

4) Statutory Authority: Implementing Section 355 and authorized by Sections 355 and 401 of the Illinois Insurance Code [215 ILCS 5/355 and 401]

5) A Complete Description of the Subjects and Issues Involved: The ACA directs the Secretary of the Department of Health and Human Services ("Secretary") to establish a process for the annual review of "unreasonable increases in premiums for health insurance coverage" and to adopt a State's determination of whether a rate increase is an unreasonable rate increase when a State meets certain requirements specified by the ACA. The Department of Health and Human Services has determined that Illinois does meet these requirements, and therefore will adopt its determinations of unreasonable rate increases. The statute provides that this process shall require health insurance issuers to submit to the Secretary and the applicable State justifications for unreasonable premium increases prior to the implementation of the increases. The new Department of Insurance rule will be consistent with these requirements.

6) Any published studies or reports, along with the sources of underlying data, that were 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 INSURANCE

NOTICE OF PROPOSED RULES

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:

Mary Jane Adkins Assistant General Counsel Illinois Department of Insurance 122 S. Michigan Ave, 19th Fl. Chicago, IL 60603 312-814-5411 312-814-2862 (fax)	or	Susan Anders Rules Coordinator Illinois Department of Insurance 320 W. Washington St. Springfield, IL 62767 217-558-0957

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: Submission of rate filing justifications to the Department of Insurance

C) Types of professional skills necessary for compliance: Actuarial

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

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2026
PREMIUM INCREASE JUSTIFICATION AND REPORTING

Section
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AUTHORITY: Implementing Section 355 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/355 and 401].

SOURCE: Adopted at 37 Ill. Reg. ____, effective _____.

Section 2026.5 Purpose and Scope

a) Purpose
This Part describes the Director's authority to review rate filings pursuant to Section 355 of the Illinois Insurance Code 215 ILCS 5/355.

b) Scope
This Part establishes the requirements for health insurance issuers offering health insurance coverage in the small group or individual markets to report information concerning unreasonable rate increases to the Director. This Part further establishes the process by which it will be determined whether the rate increases are unreasonable rate increases as defined in this Part.

Section 2026.10 Definitions

Affordable Care Act means the Patient Protection and Affordable Care Act [42 USC 18001 et seq.]

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

CMS means the Centers for Medicare & Medicaid Services.

Federal medical loss ratio standard means the applicable medical loss ratio standard for the State and market segment involved, determined under subpart B of 45 CFR Part 158.

Health insurance coverage has the meaning given the term in Section 2791(b)(1) of the Public Health Service Act.

Health insurance issuer has the meaning given the term in Section 2791(b)(2) of the Public Health Service Act.

Individual market:

Has the meaning given in Section 2791(e)(1)(A) of the Public Health Service Act; and

Coverage that would be regulated as individual market coverage, as defined in section 2791(e)(1)(A), if it were not sold through an association, is subject to rate review as individual market coverage.

PHS Act means the Public Health Service Act [42 USC 201 et seq.].

Product means a package of health insurance coverage benefits with a discrete set of rating and pricing methodologies that a health insurance issuer offers in a State.

Rate increase means any increase of the rates for a specific product offered in the individual or small group market.

Rate increase subject to review means a rate increase that meets the criteria set forth in Section 2026.30.

Secretary means the Secretary of the Department of Health and Human Services.

Small group market:

Has the meaning given in Section 2791(e)(5) of the Public Health Service Act; provided, however, that for the purpose of this definition, "50" employees applies in place of "100" employees in the definition of "small employer" under Section 2791(e)(4); and

Coverage that would be regulated as small group market coverage (as defined in Section 2791(e)(5)) if it were not sold through an association is subject to rate review as small group market coverage.

Unreasonable rate increase means a rate increase that the Director determines under Section 40 of this Part to be excessive, unjustified or unfairly discriminatory.

Section 2026.20 Applicability

a) In general
The requirements of this part apply to health insurance issuers offering health insurance coverage in the individual market and small group market, as defined in 45 CFR 154.103.

b) Exceptions
The requirements of this part do not apply to grandfathered health plan coverage as defined in 45 CFR § 147.140, or to excepted benefits as described in Section 2791(c) of the Public Health Service Act.

Section 2026.30 Rate increases subject to review

A rate increase filed in a State on or after September 1, 2011, or effective on or after September 11, 2011 is subject to review if, as required by 45 CFR 154.200:

a) The rate increase is 10 percent or more, and applicable to a 12-month period that begins on September 1, as calculated under paragraph (b) of this Section;

b) A rate increase meets or exceeds the applicable threshold set forth in paragraph (a) of this Section if the average increase for all enrollees weighted by premium volume meets or exceeds the applicable threshold.

c) If a rate increase that does not otherwise meet or exceed the threshold under paragraph (b) of this Section meets or exceeds the threshold when combined with a previous increase or increases during the 12-month period preceding the date on which the rate increase would become effective, then the rate increase must be considered to meet or exceed the threshold and is subject to review, and such review shall include a review of the aggregate rate increases during the applicable 12-month period.

Section 2026.40 Unreasonable rate increases

a) When the Director reviews a rate increase he will determine that the rate increase is an unreasonable rate increase if the increase is an excessive rate increase, an unjustified rate increase, or an unfairly discriminatory rate increase, as required and defined by 45 CFR 154.205.

b) The rate increase is an excessive rate increase if the increase causes the premium charged for the health insurance coverage to be unreasonably high in relation to the benefits provided under the coverage as required in 45 CFR 154.205(b). In determining whether the rate increase causes the premium charged to be unreasonably high in relationship to the benefits provided, the Director will consider:

1) Whether the rate increase results in a projected medical loss ratio below the Federal medical loss ratio standard in the applicable market to which the rate increase applies, after accounting for any adjustments allowable under Federal law;

2) Whether one or more of the assumptions on which the rate increase is based is not supported by substantial evidence; and

3) Whether the choice of assumptions or combination of assumptions on which the rate increase is based is unreasonable.

c) The rate increase is an unjustified rate increase (as defined in 45 CFR 154.205(c)) if the health insurance issuer provides data or documentation to the Director in connection with the increase that is incomplete, inadequate or otherwise does not provide a basis upon which the reasonableness of an increase may be determined.

d) The rate increase is an unfairly discriminatory rate increase (as defined in 45 CFR 154.205(d)) if the increase results in premium differences between insureds within similar risk categories that do not reasonably correspond to differences in expected costs.

Section 2026.50 Submission of rate filing justification

a) If any product is subject to a rate increase, a health insurance issuer must submit a Rate Filing Justification for all products in the single risk pool, including new or discontinuing products, to the Director on a form and in a manner prescribed by the Secretary in 45 CFR 154.215(a).

b) The Rate Filing Justification must consist of the following Parts (as required in 45 CFR 154.205(b)):

1) Unified rate review template (Part I), as described in paragraph (d) of this section.

2) Written description justifying the rate increase (Part II), as described in paragraph (e) of this section.

3) Rating filing documentation (Part III), as described in paragraph (f) of this section.

c) A health insurance issuer must complete and submit Parts I and III of the Rate Filing Justification described in paragraphs (b)(1) and (b)(3) of this section to the Director as required by 45 CFR 154.215(c). If a rate increase is subject to review, then the health insurance issuer must also complete and submit to the Director Part II of the Rate Filing Justification described in paragraph (b)(2) of this section.

d) Content of unified rate review template (Part I): The unified rate review template must include the following as determined appropriate by the Director and in accordance with 45 CFR 154.215(d):

1) Historical and projected claims experience.

2) Trend projections related to utilization, and service or unit cost.

3) Any claims assumptions related to benefit changes.

4) Allocation of the overall rate increase to claims and non-claims costs.

5) Per enrollee per month allocation of current and projected premium.

6) Three year history of rate increases for the product associated with the rate increase.

e) Content of written description justifying the rate increase (Part II): The written description of the rate increase must include a simple and brief narrative describing the data and assumptions that were used to develop the rate increase and including the following as required by 45 CFR 154.215(e):

1) Explanation of the most significant factors causing the rate increase, including a brief description of the relevant claims and non-claims expense increases reported in the rate increase summary, and

2) Brief description of the overall experience of the policy, including historical and projected expenses, and loss ratios.

f) Content of rate filing documentation (Part III) as required by 45 CFR 154.215(f): The rate filing documentation must include an actuarial memorandum that contains the reasoning and assumptions supporting the data contained in Part I of the Rate Filing Justification. Parts I and III must be sufficient to conduct an examination satisfying the requirements of 45 CFR 154.301(a)(3) and (4) and determine whether the rate increase is an unreasonable increase.

g) If the level of detail provided by the issuer for the information under paragraphs (d) and (f) of this section does not provide sufficient basis for the Director to determine whether the rate increase is an unreasonable rate increase the Director will request the additional information necessary to make his determination, per 45 CFR 154.215(g).

Section 2026.60 Determination of an unreasonable rate increase

a) As required by 45 CFR §154.225(a), when the Director receives a Rate Filing Justification for a rate increase subject to review and the Director reviews the rate increase the Director will make a timely determination whether the rate increase is an unreasonable rate increase, and submit his decision to CMS.

b) If the Director determines that the rate increase is unreasonable, CMS will provide the Director's final determination and brief explanation to the health insurance issuer within five business days following CMS's receipt thereof.

c) The Director's rate review process includes an examination of the following as required by 45 CFR 154.301(a)(3):

1) The reasonableness of the assumptions used by the health insurance issuer to develop the proposed rate increase and the validity of the historical data underlying the assumptions;

2) The health insurance issuer's data related to past projections and actual experience;

3) The reasonableness of assumptions used by the health insurance issuer to estimate the rate impact of the reinsurance and risk adjustment programs under Sections 1341 and 1343 of the Affordable Care Act; and

4) The health insurance issuer's data related to implementation and ongoing utilization of a market-wide single risk pool, essential health benefits, actuarial values and other market reform rules as required by the Affordable Care Act.

d) As required by 45 CFR 154.301(a)(4), the examination must take into consideration the following factors to the extent applicable to the filing under review:

1) The impact of medical trend changes by major service categories;

2) The impact of utilization changes by major service categories;

3) The impact of cost-sharing changes by major service categories, including actuarial values;

4) The impact of benefit changes, including essential health benefits and non-essential health benefits;

5) The impact of changes in enrollee risk profile and pricing, including rating limitations for age and tobacco use under Section 2701 of the Public Health Service Act;

6) The impact of any overestimate or underestimate of medical trend for prior year periods related to the rate increase;

7) The impact of changes in reserve needs;

8) The impact of changes in administrative costs related to programs that improve health care quality;

9) The impact of changes in other administrative costs;

10) The impact of changes in applicable taxes, licensing or regulatory fees;

11) Medical loss ratio;

12) The health insurance issuer's capital and surplus;

13) The impacts of geographic factors and variations;

14) The impact of changes within a single risk pool to all products or plans within the risk pool; and

15) The impact of reinsurance and risk adjustment payments and charges under Sections 1341 and 1343 of the Affordable Care Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Falconry and the Captive Propagation of Raptors

2) Code Citation: 17 Ill. Adm. Code 1590

3)

Section Numbers:	Proposed Action:
1590.10	Amendment
1590.20	Amendment
1590.50	Amendment
1590.60	Amendment
1590.70	Amendment
1590.80	Amendment
1590.82	New Section
1590.85	New Section
1590.90	Amendment
1590.100	Amendment
1590.110	Amendment
1590.120	Amendment
1590.Appendix A	Repealed

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.356] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5]

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to make statewide program changes that are consistent with new Federal regulations regarding falconry and to reflect fee changes as a result of the DNR sustainability bill (PA 97-1136)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: None

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

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1590
FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section

1590.10 Establishment of Rules and Regulations
1590.20 Definitions ~~for the Purpose of these Regulations~~
1590.30 Provisions of Rules and Regulations (Repealed)
1590.40 Violation of Rules (Repealed)
1590.50 Permit and License Requirements
1590.60 Examination and Application Procedures
1590.70 Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment
1590.80 Falconry Permits – Classes~~Class~~ and Standards~~Types~~
1590.82 Banding Requirements – Falconry Raptors
1590.85 Captive Propagation − Regulations
1590.90 Capturing of Raptors – Regulations
1590.100 Transfer, Change in Status, Release, Acquisition~~Temporary Care~~ and Reporting Requirements
1590.110 Hunting Seasons for Falconers
1590.120 Additional~~Special~~ Provisions
1590.130 Violation of Rules
1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

SOURCE: Amendment filed November 17, 1977, effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective

December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. 11052, effective June 30, 1992; amended at 18 Ill. Reg. 14700, effective September 19, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 2218, effective February 3, 1997; amended at 37 Ill. Reg. _____, effective _____.

Section 1590.10 Establishment of Rules and Regulations

The following rules and regulations are established for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry, ~~and~~ for captive propagation and capture of raptors.

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

Section 1590.20 Definitions ~~for the Purpose of these Regulations~~

Bred in Captivity or Captive-Bred – refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

Department or IDNR – ~~the~~ Department of Natural Resources.

Endangered Species – any species or subspecies contained in the federal endangered species list issued pursuant to the federal~~Federal~~ Endangered Species ~~Protection~~ Act ~~of 1973~~ (16 USC~~U.S.C.~~ 1531 et seq.), as amended, ~~and its amendments~~ plus other species or subspecies as the Illinois Endangered Species Protection Act [520 ILCS 10] deems to be in danger of extinction (see~~reference~~ 17 Ill. Adm. Code 1010).

Eyass Raptor – an immature raptor not capable of flight.

Falconer – a person who engages in the sport of falconry.

Falconry – the sport of taking or attempting to take any species of animal by means of a trained raptor.

Fish and Wildlife Service or FWS – the United States Department of Interior-Fish and Wildlife Service.

Hacking – the temporary release to the wild of a raptor held for falconry so that it must survive on its own.

Haggard Raptor – a raptor greater than one year old.

Hybrid Raptor – a raptor that is the offspring from cross-breeding among two or more raptor species listed in federal regulations at 50 CFR 10.13.

Imping – the method of replacing a broken feather with a molted feather~~repairing broken flight or tail feathers~~.

Imprinted Raptor – a raptor that has been hand-raised in isolation from the sight of other raptors from before 2 weeks of age until it is fully feathered.

Marker – a seamless, or other numbered, non-reusable marker supplied by the Fish and Wildlife Service.

Mews – a building or indoor room where a raptor is held or sheltered.

Native Raptor – a raptor that regularly breeds in, migrates through or winters in Illinois

Passage Raptor – an immature raptor capable of flight that is less than one year old.

Prohibited Species – The following species will be referred to as "prohibited species" for the purposes of this Part:

Bald Eagle (Haliaeetus leucocephalus);

Osprey (Pandion haliaetus); and

Barn Owl (Tyto alba).

Raptor – any bird of the Orders Falconiformes, Accipitriformes or Strigiformes that~~which~~ includes all hawks, eagles, falcons, kites, harriers, ospreys, vultures,

caracaras and owls.

Replacement Raptor – a raptor obtained from the wild to replace one that~~which~~ has died in captivity, has escaped, or has been lawfully released to the wild.

Sponsor – a general or master class falconer who is mentoring a falconer trying to complete the requirements for an apprentice or general class falconry permit.

Threatened Species – any species or subspecies likely to become an endangered species or subspecies in the foreseeable future pursuant to the federal~~Federal~~ Endangered Species ~~Protection~~ Act~~ of 1973~~ and Illinois Endangered Species Protection Act.

Weathering Area – an enclosed area outdoors where a raptor may safely spend the day in good weather.

Wild Raptor – a raptor originating from the wild.

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

Section 1590.50 Permit and License Requirements

a) It shall be unlawful for any person to take, possess~~,~~ or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit has been issued pursuant to this Section~~these regulations~~ or issued by another state~~State~~ in accordance with federal regulations at ~~(~~50 CFR 21.29~~, effective~~ (January 1, 2011). A falconry permittee in Illinois must also comply with relevant provisions of 50 CFR 21.29~~September 14, 1989) (no incorporation in this Part includes later amendments or editions)~~.

1) Residents − Illinois residents may hold raptors in captivity only under a falconry or captive propagation permit issued by the Department~~ and the U.S. Fish and Wildlife Service~~.

A) The initial fee for an Illinois falconry permit~~Falconry Permit~~ shall be $200~~seventy-five ($75) dollars~~ for 5~~three~~ years. The permit~~ and~~ must be renewed every 5~~three~~ years for a fee of $200~~seventy-five~~

~~($75) dollars~~ if raptors are to be possessed or held beyond the permit expiration date.

B) All applicants must be at least 14 years of age.

2) Non-Residents − A~~Federally licensed~~ non-resident falconer who possesses a falconry permit issued by another state~~falconers~~ may transport and possess properly marked raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any ~~such~~ raptor is to be brought into Illinois for more than~~in excess of~~ 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps~~,~~ and/or permits ~~as may be~~ required under Illinois law.

3) A visitor to the United States from another country may qualify for a temporary permit to practice falconry in Illinois, appropriate to his or her experience, by following the requirements of federal regulations (50 CFR 21.29). The permit will be valid for a maximum of 30 days.

b) A permittee must have his or her falconry permit or a legible~~The falconry permit or a~~ copy in his or her immediate~~must be in the~~ possession when not at the location of his or her falconry facilities and trapping, transporting, working with or flying falconry raptors~~of the holder when engaged in falconry activity~~.

c) No person shall transfer the falconry permit or unused markers or allow their~~the~~ use ~~thereof~~ by any other persons, nor shall any person, while engaged in falconry, use or carry any permit or marker issued to another.

d) Nothing in this Section shall prohibit a falconry permittee of the appropriate class from using the raptor of another permittee for falconry purposes on a temporary basis in accordance with Sections 1590.70 and 1590.80~~1590.80 and 1590.100 of this Part~~.

e) Falconry permittees must comply with all regulations governing migratory bird permitting.

f) No person may have in his or her possession any prohibited species, as defined in Section 1590.20, for falconry purposes.

g) No permittee may possess any federal or State listed endangered or threatened raptor species taken from the wild in Illinois. This subsection shall not apply if the raptor was taken by legal means in another state or country as provided for in Section 1590.90(c) or (d).

h) No person may capture or release raptors or practice falconry on private lands without the permission of the landowner or tenant. No person may capture or release raptors or practice falconry on public lands without authorization or unless otherwise allowed.

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

Section 1590.60 Examination and Application Procedures

a) In order to obtain a permit to participate in falconry, the applicant must submit to the Department of Natural Resources, One Natural Resources Way, Springfield, IL 62702-1271, an application containing the following information:

1) The name, address, county, date of birth, phone number and Social Security number or IDNR customer number of the applicant.

2) An applicant is under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee.

3) A certification stating the applicant has read and is familiar with the regulations in 50 CFR 13 and the other applicable parts in 50 CFR chapter 1, subchapter B and that the information submitted is complete and accurate to the best of the applicant's knowledge and belief.

4) Any other information required by the Department to determine if the applicant is eligible for a permit under this Part.

b) Each new applicant or person whose permit has been revoked ~~or any apprentice~~

~~class permittee whose permit has expired during the eleven months following the expiration date~~ shall be required to answer correctly at least 80% of the questions on a closed-book examination ~~approved by the Fish and Wildlife Service and~~ monitored by the Department. The exam will cover the care and handling of falconry raptors, federal and State laws and regulations relevant to falconry, and other appropriate subject matter. At the discretion of the Department, a permit that has been revoked may be reinstated at the level previously held upon successful completion by the holder of the exam and satisfactory inspection of his or her falconry facilities. ~~on the biology and care of raptors and hunting and training techniques.~~

1) An apprentice falconer whose permit has expired must apply to get a new apprentice permit.

2) A general falconer or master falconer whose permit has expired for fewer than 5 years may have his or her permit reinstated at the level previously held if proof of certification at that level can be provided to the Department.

3) A general falconer or master falconer whose permit has lapsed for 5 years or longer must correctly answer at least 80% of the questions on an examination administered by the Department. Upon successful completion of the exam and a facility inspection, the falconry permit may be reinstated at the level previously held.

c~~b~~) Applicants who fail~~failing~~ the required examination may repeat the exam after 45 days. If the applicant fails a second time~~Should a second failure occur~~, a 6~~six~~ month waiting period from the date of the second exam is required before the examination sequence may be repeated.

d~~c~~) When a holder of a falconry permit issued by another state applies for an Illinois falconry permit, the applicant shall submit a copy of his or her current falconry permit and information that~~which~~ consists of the number of raptors possessed and the species, age, sex, date of acquisition and source of each. If the~~Provided such an~~ applicant meets federal (50 CFR 21.29) and State standards for issuance of a falconry permit ~~(50 CFR 21.28, effective September 14, 1989)~~, he or she~~such applicant~~ shall enter the same class or an equivalent class as held in the previous

state.

e) A person who is a new resident in Illinois and the United States must pass the falconry exam with a score of at least 80% and provide written documentation of the applicant's falconry experience, including species of raptors flown and game taken, and must have his or her falconry facilities and equipment pass inspection by a certified Department representative. The Department's falconry permit administrator will assign a falconry class level commensurate with the new resident falconer's experience.

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

Section 1590.70 Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment

a) All applicants and falconry permit holders must provide suitable facilities (mews and/or weathering area) for all raptors they possess~~in possession~~.

1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit. Permittees who move to a new residence or change the location of their facilities within the State of Illinois prior to the permit's expiration must notify the Department in writing within 5 days and request inspection of any new facilities by a representative of the Department.

2) All falconry permit holders are subject to inspection of raptors, eggs, or parts thereof, facilities, records and equipment at any reasonable time.

3) Housing facilities for falconry raptors may be located on property not owned by the permittee as long as the facilities meet the requirements in Section 1590.80(b,)(c) and (d), and the permittee and landowner sign a dated statement agreeing that the raptors and facilities may be inspected by the Department at any reasonable time of the day in the presence of the landowner, except that Department representatives may not enter the facilities or disturb the raptors unless the permittee is present.~~Raptors shall be provided perches of acceptable design and be protected from excessive temperature (heat and cold), wind, rain, or other inclement weather, from~~

~~predators, and from undue disturbances.~~

4) A falconer holding an Illinois falconry permit and residing part-time in another state or territory or on tribal lands must contact that jurisdiction to determine if a permit is needed. If a falconer resides for more than 120 consecutive days in a state or territory or on tribal lands other than where his or her primary residence is located, then the falconer's facilities at the second location must meet the federal standards (50 CFR 21.29(d)) and the second facilities must be listed on the falconer's permit.

b) Facilities for housing raptors indoors (mews) and outdoors (weathering area) shall protect the raptors in them from the environment, predators and domestic animals and must~~shall~~ meet the following standards:

1) The facility shall have a suitable perch for each raptor and at least one opening for sunlight, and shall provide a healthy environment for raptors inside.~~Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions and each bird shall be provided enough area to allow it to fully extend its wings. There shall be adequate perches, a secure door easily closed, and at least one window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning. An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building. The weathering area shall be fenced and covered with netting or wire or roofed, except for perches more than 6½ feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence.~~

2) Untethered raptors may be housed together if they are compatible with each other.~~An alternative facility must be an outdoor weathering area which meets the standards prescribed in Section 1590.70(b)(1), is big enough to allow easy access for caring for the raptors, and provides adequate perches and protection from excessive sun, wind, and inclement weather for each bird housed in the facility.~~

3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.

4) Each falconry bird shall have access to a pan of clean water unless weather conditions, the perch type used or some other factor makes access to a water pan unsafe for the raptor.

c) A mews must meet the following additional standards:

1) The mews must be large enough to allow easy access for the care and feeding of raptors kept there.

2) Any non-solid walls in a mews must be protected on the inside if untethered raptors are to be housed there. Suitable materials include vertical bars spaced narrower that the width of the body of the smallest raptor housed in the enclosure. Heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

3) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side out of reach of each other or separated by a partition. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

4) The floor shall be well drained and permit easy cleaning.

5) Falconry raptors may be kept inside a falconer's residence if a suitable perch is provided for each raptor. If raptors are housed inside a residence, windows or other openings do not need to be modified. Raptors kept inside a residence must be tethered unless they are being moved into or out of the residence.

d) A weathering area shall meet the following additional standards:

1) The weathering area shall be totally enclosed and may be made of heavy-gauge wire, heavy duty plastic mesh, slats, pipe, wood or other suitable material.

2) The weathering area must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

3) The weathering area shall be large enough to ensure that the birds cannot strike the enclosure when flying from the perch.

4) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements in this subsection (d) and are approved by the Department.

e) Falconry raptors may be kept outside in the open, if they are under watch, such as by the permittee or a family member, at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

f) Facilities for transporting a raptor, using the raptor for hunting, and when otherwise away from the raptor's permanent facilities shall have a suitable perch and be protected from extreme temperatures, wind and excessive disturbance. A hawk box (giant hood) or similar container is acceptable for transporting or housing a raptor when away from its permanent housing facility.

g~~3~~) A falconry permittee must have and maintain the following equipment:~~Equipment~~

1~~A~~) Jesses – at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free or the materials and equipment to make them;

2~~B~~) Leashes and swivels – at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

3~~C~~) Bath container – a suitable container for each raptor 2~~two~~ to 6~~six~~ inches deep and wider than the length of the raptor;~~.~~

4~~D~~) Outdoor/portable perches – a weathering area perch of acceptable design for each raptor; and

5~~E~~) Weighing device – a reliable scale or balance suitable for weighing the

raptors held and graduated to increments of not more than ½ ounce or 15 grams.

h~~4~~) All facilities and equipment shall be kept at or above the ~~preceeding~~ standards created in this Section at all times.

i) Falconry raptors may be cared for by another falconry permittee under the following conditions:

1) The raptors may be cared for at the facilities of the permittee owning the raptors or the facilities of another falconry permittee for up to 120 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another falconer in excess of 120 days must have prior approval by the Department.

2) The falconry permittee providing care for the raptors must have a signed and dated statement from the falconry permittee who owns the raptors authorizing temporary possession. The statement must include information about the time period for which the raptors will be kept and what the falconer providing care to the raptors is allowed to do with them. The falconer providing care also must have a copy of FWS form 3-186A indicating ownership of the raptors.

3) Raptors in the care of another falconer will remain on the permit of the falconer who owns the raptors and not count against the possession limit of the falconer providing care.

4) If the falconer providing care to the raptors holds the appropriate level of falconry permit, he or she may fly the raptors in whatever way is authorized, including hunting, by the falconer who owns the raptors.

j) Falconry raptors may be cared for by a person who does not have a falconry permit under the following conditions:

1) The raptors may be cared for at the permittee's facilities by a person without a falconry permit for up to 45 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another person in excess of 45 days must have prior approval by the Department.

2) The raptors will remain on the falconry permittee's permit and must remain in the falconry permittee's facilities.

3) The person caring for the raptors may not fly them for any reason.

k) Raptors may be held in temporary housing outside of the falconry permittee's permanent facilities, when not being transported or used for hunting for up to 120 consecutive calendar days, if the facilities have a suitable perch and are protected from predators, domestic animals, extreme temperatures, wind and excessive disturbance.

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

Section 1590.80 Falconry Permits – Classes~~Class~~ and Standards~~Types~~

a) Apprentice Class Falconer~~.~~

1) Permittees shall be at least 14 years of age. An applicant under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee. The permittee's raptor facilities must pass inspection by the Department before a permit is granted.~~, and must serve an apprenticeship under a general or master class permittee for the first 2 years in which an apprentice permit is held.~~

2) An apprentice falconer must have a letter from a sponsor possessing a valid master falconry or general falconry permit, issued by a state, tribe or territory, who is at least 18 years old and has at least 2 years experience at the general falconer level, stating that he or she will assist the apprentice, as necessary, in learning about the husbandry and training of wild raptors

held for falconry, learning about the relevant wildlife laws and regulations, and deciding what species of raptor is appropriate for the apprentice to possess. A sponsor~~Sponsors~~ who wishes~~wish~~ to withdraw sponsorship of an apprentice class permittee must notify the apprentice via a registered letter and provide the Department with a copy of the letter and receipt showing the letter was received. The~~; the~~ apprentice shall have 45 days from the date of the letter to secure another sponsor or shall forfeit his or~~/~~ her permit.

3) An apprentice falconer~~Permittees~~ may possess no more than one raptor~~,~~ and may obtain no more than two~~one~~ replacement raptors~~raptor~~ during any 12-month period. Any species of the order Falconiform or Strigiform may be possessed, including wild, captive-bred or hybrid individuals except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle (Haliaeetus albicilla), Steller's sea-eagle (Haliaeetus pelagicus), or golden eagle (Aquila chrysaetos). A raptor taken from the wild as an eyass or that is imprinted on humans may not be possessed. A wild raptor can be transferred to an apprentice by another falconry permittee.~~Permittees may possess only a passage American kestrel, red-tailed hawk, or red-shouldered hawk taken from the wild in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989) and this Part. Sponsors may not have more than 3 apprentices at any one time.~~

4) An apprentice falconer may take a raptor less than 1 year old, except an eyass, from the wild only while under the direct supervision of his or her falconry sponsor. Any Falconiform or Strigiform species may be taken from the wild, except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle, Steller's sea-eagle, golden eagle, American swallow-tailed kite (Elanoides forficatus), Swainson's hawk (Buteo swainsoni), peregrine falcon (Falco peregrines), flammulated owl (Otus flammeolus), elf owl (Micrathene whitneyi) and short-eared owl (Asio flammeus).

b) General Class Falconer~~.~~

1) Permittees must be at least 16~~18~~ years of age and have at least 2 years of

licensed falconry experience at the apprentice class level. A person 16 or 17 years of age must have a parent or legal guardian sign the application, acknowledging that he or she will be legally responsible for the activities of the permittee.

2) The permittee shall submit a document from his or her sponsor to the Department stating that the permittee has practiced falconry with raptors at the apprentice falconer level or equivalent for at least 2 years, including maintaining, training, flying and hunting the raptors for at least 4 months in each year. That practice may include the capture or release of falconry raptors. No falconry school program or education may be substituted to shorten the period of 2 years at the apprentice level.

3) A general falconer~~Permittees~~ shall possess no more than 3~~2~~ raptors~~,~~ and may not obtain more than 2 replacement raptors during any 12-month period. In accordance with Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except a prohibited species, a white-tailed eagle, a Steller's sea-eagle or a golden eagle. Permittees may possess captive-bred individuals and hybrids of species authorized to be possessed.~~Permittees shall not take, transport, or possess any golden eagle. Permittees shall not take any species or subspecies listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective December 23, 1993) (no incorporation in this Part includes later amendments or editions), but may possess captive-bred raptors of such species as part of the 2-bird limit.~~

c) Master Class Falconer~~.~~

1) A permittee~~Permittees~~ must have at least 5 years of licensed ~~falconry~~ experience practicing falconry with his or her own raptors at the general class falconer~~general class~~ level and must submit a statement attesting to the same.

2) A master falconer~~Permittees~~ shall possess no more than 5 wild~~3~~ raptors, and may not obtain more than 2 replacement raptors during any 12-month period. Permittees may possess any number of captive-bred raptors,

however, all raptors must be trained in the pursuit of wild game and used in hunting. In accordance with subsection (c)(3) and Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except those of a prohibited species.~~Permittees shall not take any species or subspecies listed as endangered by the U.S. Fish and Wildlife Service, but may possess captive-bred raptors of such species as part of the 3-bird limit (50 CFR 17.7, effective December 23, 1993). Permittees shall not take, in any 12-month period, as part of the 3-bird limit, more than one raptor listed as threatened by the U.S. Fish and Wildlife Service and then only in accordance with this Part and federal regulations (50 CFR 17, effective December 23, 1993) (no incorporation in this Part includes later amendments or editions). Permittees may not take, transport or possess golden eagles for falconry purposes unless authorized in writing by the U.S. Fish and Wildlife Service (50 CFR 22.24, effective January 6, 1984). (No incorporation in this Part includes later amendments or editions.)~~

3) A master falconer may possess up to 3 golden eagles, white-tailed eagles and Steller's sea-eagles in aggregate for use in falconry by providing the following to the Department:

A) A letter documenting experience in handling raptors, including information about the species handled and the type of duration of the activity in which the experience with eagles was gained.

B) At least 2 letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks (Buteo regalis), goshawks (Accipiter gentilis), or great-horned owls (Bubo virginianus). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors or scientific studies involving large raptors. Each letter must also assess the permittee's ability to care for eagles and fly them in falconry. Each eagle possessed will count as one of the raptors that can be possessed for use in falconry.

d) Upon completing the requirements needed to enter the next highest class, a falconer may submit a written request for an upgrade to the Department. The Department shall confirm the completion of all requirements and grant the request ~~upon approval from the U.S. Fish and Wildlife Service~~.

~~e) Captive Propagation. Unless this Part is more restrictive, federal regulations (50 CFR 21.30, effective September 14, 1989) shall govern the activities of Illinois Captive Propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is $75 for 3 years and must be renewed every 3 years if raptors are to be possessed or held beyond the permit expiration date. A holder of an Illinois captive propagation permit must also be a holder of a general or master class Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell, or barter raptors, raptor eggs, or raptor semen in accordance with federal regulations (50 CFR 21.30, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of other jurisdictions in which these products are transferred, purchased, sold, or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time within the numerical limits for the falconry permit.~~

~~1) Raptors shall not be cross-bred (hybridization) unless specific authorization is granted by the Department.~~

~~2) Raptors may be loaned for breeding purposes in accordance with Section 1590.100 of this Part.~~

~~3) Markers shall be placed on all raptors used for captive propagation and all captive-produced raptors as directed by the Department or the U.S. Fish and Wildlife Service (50 CFR 21, effective September 14, 1989).~~

~~f) All raptors possessed under authority of an Illinois falconry permit must be identified by a marker. The loss or removal of any marker must be reported to the Department and the U.S. Fish and Wildlife Service (on U.S. Fish and Wildlife Service Form 3-186A) within 5 working days after the loss or removal. The band must be replaced by a marker provided by the Department. A U.S. Fish and~~

~~Wildlife Service Form 3-186A must be filed within 5 days after receipt of the replacement marker.~~

~~g)~~ ~~No person may possess a bald eagle, osprey, or any owl, except great-horned owls, for falconry purposes [520 ILCS 5/2.4].~~

~~h)~~ ~~The Department shall issue special use permits in accordance with 17 Ill. Adm. Code 520.~~

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

Section 1590.82 Banding Requirements – Falconry Raptors

a) Every raptor possessed under authority of an Illinois falconry permit must be identified by a band within 5 days after acquisition of the raptor. A seamless numbered band may not be placed on a wild raptor but must be placed on a captive-reared raptor in accordance with Section 1580.85(a)(2). A seamless band may not be placed on a wild raptor. If a marker or band must be removed or is lost, the loss must be reported within 5 days and the permittee must request a U.S. Fish and Wildlife Service nonreusable band from the Department. The required information must be submitted within 10 days after rebanding the raptor at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department. The marker or band must be replaced by a marker or bank provided by the Department. An ISO (International Organization for Standardization) compliant (134.2kHz) microchip may be implanted in a falconry raptor in addition to the band.

b) A marker or band must not be altered, defaced or counterfeited. The rear tab from a band on a raptor taken from the wild may be removed and any imperfect surface may be smoothed as long as the integrity of the marker or band and numbering on it is not affected.

c) If health or injury problems are detected in a raptor due to the band, then a falconer can apply to the Department for an exemption to the banding requirement by a written letter and photographs, describing the history of the injury or health problem. If an exemption is granted, then the band must be replaced with an implanted ISO compliant (134.2 kHz) microchip. If the bird is a wild goshawk,

Harris's Hawk (Parabuteo unicinctus), peregrine falcon, or gyrfalcon (Falco rusticolus), then the band must be replaced with an implanted ISO compliant microchip supplied by FWS and obtained from the Department. FWS and the Department will not provide microchips for any other species.

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

Section 1590.85 Captive Propagation − Regulations

Captive Propagation. Unless this Part is more restrictive, federal regulations at 50 CFR 21.30 shall govern the activities of Illinois captive propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is $200 for 5 years. The permit must be renewed every 5 years for a fee of $200 if raptors are to be possessed beyond the permit expiration date. A holder of an Illinois captive propagation permit must also hold a general or master class Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell or barter captive-bred raptors, raptor eggs or raptor semen in accordance with 50 CFR 21.30, this Part and the laws of other jurisdictions in which these products are transferred, purchased, sold or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time, within the numerical limits for the falconry permit.

a) Raptors possessed for falconry may be used for captive propagation if the person overseeing the propagation has the proper State captive propagation permit and a federal raptor propagation permit. A falconry raptor does not need to be transferred to a propagation permit if it is used in captive propagation less than 8 months a year. However, a falconry raptor shall be transferred, if it is to be used permanently for captive propagation, in accordance with Section 1590.100 and banded in accordance with subsections (b) and (c) of this Section.

b) A raptor bred in captivity shall be banded with an FWS seamless metal band. If a band must be removed or is lost, it shall be reported electronically at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department and a replacement band requested of the FWS no less than 10 days after the band is removed or lost. A seamless band that is removed or lost shall be replaced on the raptor with a nonreusable band supplied by the Department.

c) An ISO compliant microchip (134.2 kHz) may be implanted in a falconry raptor bred in captivity, in addition to the seamless metal band.

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

Section 1590.90 Capturing of Raptors − Regulations

a) No permittee may capture any raptor without an appropriate permit from the Department. A permittee in possession of a valid capture permit may capture raptors of a non-prohibited species or subspecies. A person shall hold a valid falconry permit in Illinois or another state to be eligible for a capture permit. The Department will authorize up to 250 capture permits annually. Requests for capture permits in excess of 250 will be considered first in following years.~~A permittee in possession of a valid "Capture Permit" may capture raptors of a non-prohibited species or subspecies. The capture season for immature raptors capable of flight (passage) and adult (haggard) kestrels and great horned owls shall be between September 1 and January 31; the capture or taking of any young bird in Illinois not yet capable of flight (eyas) is limited to general and master class permittees during the first, second, third and fourth Saturdays in March and from May 20 to June 11; permittees may take no more than two eyasses during this period. When eyasses are captured, at least one eyas shall be left in the nest. No permittee may capture any raptor without an appropriate permit from the Department to do so. The Department shall determine eligibility by compliance with the provisions of this Part. The fee for a raptor capture permit for a resident of the State of Illinois is thirty ($30) dollars. The fee for a non-resident raptor capture permit is fifty ($50) dollars. Such permits shall expire on January 31 of each year, and shall authorize the permittee to take up to his legal limit of raptors for possession and/or replacement. The Department will authorize up to 250 "Capture Permits" annually. Requests for capture permits in excess of 250 will be considered first in following years. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit.~~

1) A capture permittee may only intentionally capture a raptor species that he or she is allowed to possess. A permittee that captures a raptor that he or she may not possess shall immediately release the bird.~~A marker must be attached to any raptor taken in Illinois within 5 days after capture, and the~~

~~State's copy of U.S. Fish and Wildlife Service form 3-186A provided to the Department within five days of capture as determined by the postmark.~~

2) Immature passage raptors may be captured from September 1 until March 1.~~Markers shall not be altered, counterfeited, or defaced.~~

3) Haggard American kestrels (Falco sparverius) and great horned owls may be captured between September 1 and January 1.~~Permit holders capturing any previously marked raptor(s) shall immediately report such trapping to the Department or the previous owner.~~

4) The capture or taking of any eyass raptor in Illinois shall be permitted between February 1 and August 1. When eyasses are captured, at least one eyass shall be left in the nest.

5) The fee for a raptor capture permit for a resident of the State of Illinois is $50 per year. The fee for a non-resident raptor capture permit is $100 per year.

6) A capture permit shall expire on March 1 of each year and shall authorize the permittee to take up to his or her legal limit of raptors for possession and/or replacement, but no more than 2 raptors shall be taken from the wild per calendar year. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit and do not count as a bird taken from the wild.

7) The take of raptors from the wild must be reported by entering the required information into the electronic database at http://permits.fws.gov/186A or submitting a paper form 3-186A to the Department at the capturer's first opportunity to do so, but no later than 10 days after the capture of the raptor.

b) A raptor taken from the wild is always considered to be a wild raptor no matter how long it is held in captivity or whether it is transferred to another person. However, it is only considered to be taken from the wild by the person who captured it. The raptor is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.

c~~b~~) Wild raptors~~Any wild raptor~~ listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17~~, effective July 15, 1991~~) and golden eagles may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by FWS~~the U.S. Fish and Wildlife Service~~ at ~~(~~50 CFR 17~~, effective July 15, 1991)~~, or a golden eagle, provided listed~~such~~ raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~), this Part~~,~~ and the laws of the jurisdiction in which the~~such~~ raptors are obtained.

d~~c~~) No~~Any~~ wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by FWS~~the U.S. Fish and Wildlife Service~~ (50 CFR 17~~, effective July 15, 1991~~) may ~~not~~ be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee~~permitee~~ from obtaining a raptor of any listed~~such~~ species, provided that it is~~they are~~ captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~), this Part, and the laws of the jurisdiction in which the raptor was~~such raptors are~~ obtained.

e~~d~~) Except as provided for in Section~~Sections~~ 1590.50(a)(2) and ~~1590.50~~(d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of FWS~~U.S. Fish and Wildlife Service~~ electronic form~~Form~~ 3-186A must be sent~~returned~~ to the Department within 5~~five~~ days after marking, as determined by the postmark.

f~~e~~) A raptor~~Raptors~~ taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~) ~~(No incorporation in this Part includes later amendments or editions)~~.

g) A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild. The capture permittee receiving the raptor is responsible for submitting a form 3-186A reporting take of the raptor from the wild. This would occur, for example, if another person climbs a tree or rappels

down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.

h) If the capture permittee is not at the immediate location where the raptor is taken from the wild, then the person who takes it must be a general or master falconer, have a valid capture permit, and report take of the raptor. If the falconer capturing the raptor then transfers the raptor to the first capture permittee, the permittee capturing the raptor and the permittee receiving the raptor both must submit a 3-186A form reporting the transaction at the first opportunity to do so, but no later than 10 days after the transfer. The raptor will count as one of the two raptors the falconer who took it from the wild is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the capture permittee who received the raptor. The falconer who takes the raptor from the wild shall report the take even if he or she promptly transfers it.

i) If a capture permittee has a long-term or permanent physical impairment that prevents attending the capture of a species that is permitted for that permittee's use in falconry, then a general or master falconer holding a valid capture permit may capture the raptor for the permittee. The capture permittee receiving the raptor is then responsible for submitting a 3-186A form reporting take of the raptor from the wild and the raptor will count against the capture permittee's take of wild raptors allowed in any year.

j) Any raptor unintentionally captured shall be promptly released.

k) If a capture permittee transfers a raptor taken from the wild to a falconry permittee in the same year it was captured, the raptor will count as one of the raptors allowed to be taken from the wild in that year, but it will not count as a capture by the recipient, though it will always be considered a wild bird.

l) A raptor wearing falconry equipment or a captive-bred raptor may be recaptured at any time, even if the permittee is not allowed to possess the species. The raptor will not count against the capture permittee's possession limit, nor will its take from the wild count against the permittee's take limit. The recapture must be reported to the Department no more than 5 working days after the recapture by submitting a form 3-186A. A recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor

whose legal possession cannot be determined will be at the discretion of the Department.

m) A raptor banded with an aluminum federal band issued by the federal Bird Banding Laboratory may be taken from the wild, except that a banded peregrine falcon may not be taken.

1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, it shall be reported to the Department by submitting a form 3-186A within 5 working days after the capture. A recaptured falconry raptor shall be returned to the person who lost it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department. While a bird is temporarily held for the purpose of returning it to the person who lost it, it will not count against the possession limit or the limit of take from the wild if it has been reported to the Department.

2) If a peregrine falcon having a research band (such as a colored band with alphanumeric codes) or a research marking attached to it is captured, then it shall immediately be released unless the falcon has a transmitter attached to it, in which case it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the batteries and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the batteries or remove the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, then the peregrine falcon may be kept for falconry purposes only if the species is not on the Illinois list of endangered and threatened species.

3) If a captured raptor has any other band, research marking or transmitter attached to it, the band numbers and all other relevant information must be promptly reported to the federal Bird Banding Laboratory at 1-800-327-2263.

A) If the raptor has a transmitter attached to it, then it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the transmitter and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the raptor is released. Disposition of the raptor will be at the discretion of the researcher and the Department.

B) A temporarily possessed raptor having a transmitter attached will not count against the raptor possession limit for falconry raptors.

n) A capture permittee is responsible for the costs of care and rehabilitation for any raptor that is injured as a result of the permittee's trapping efforts and the permittee may either:

1) place the raptor on the capture permittee's falconry permit. Take of the raptor shall be reported by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a paper form 3-186A to the Department no more than 10 days after capture. The raptor must then be treated by a veterinarian or licensed wildlife rehabilitator. The raptor will count against the permittee's possession limit; or

2) the raptor may be given directly to a veterinarian or permitted wildlife rehabilitator or an appropriate Department employee. The raptor will then not count against the permittee's allowed take or possession limit.

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

Section 1590.100 Transfer, Change in Status, Release, Acquisition~~Temporary Care~~ and Reporting Requirements

a) Permittees shall not purchase or sell any raptor except as specified in Section 1590.85(a)~~80(e)~~ or ~~1590.100~~in subsection (d~~e~~) of this Section.

b) If a raptor is acquired, transferred, rebanded or microchipped, if a raptor is stolen, if a raptor is lost to the wild and not recovered within 30 days, or if a raptor possessed for falconry dies, the change in status must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and to the Department by submitting a form 3-186A. If a raptor is stolen, then it must be reported to the Department and to the local Fish and Wildlife Service Regional Law Enforcement office at 618-713-5320 within 10 days after the theft of the raptor. Copies of electronic database submissions documenting take, transfer, loss, rebanding or microchipping must be kept for 5 years after the transaction.~~Any change in the status of a raptor shall be reported, in writing, to the Department within five days, as determined by the postmark, on the State's copy of U.S. Fish and Wildlife Service Form 3-186A. A change in status shall include, but is not limited to, death, escape, release, theft, gift, loan, sale, transfer, capture, and re-banding. The carcasses of dead raptors shall be disposed of at the direction of the Department, and markers shall be turned over to the Department.~~

c) Non-native raptors, hybrids, imprinted raptors and golden eagles may not be permanently released in Illinois. ~~Raptors to be released must be banded with an official U.S. Fish and Wildlife Service aluminum bird band by the Department or an authorized bird bander whenever possible and have the permanent marker removed and surrendered to the Department.~~

1) If the species is native to Illinois and was taken from the wild, it may be released only at an appropriate time of year and an appropriate location with permission of the respective landowner. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at http://permits.fws.gov/186A and reported to the Department by submitting a form 3-186A.

2) If the raptor species is native to Illinois and is captive-bred, it may be released only by hacking the raptor to the wild at an appropriate time of year and an appropriate location. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at

http://permits.fws.gov/186A and reported to the Department by submitting a form 3-186A.

~~d) Falconry permit holders of the appropriate class may temporarily care for the raptor(s) of another permittee in accordance with the following:~~

~~1) Each raptor must be accompanied at all times by a copy of the U.S. Fish and Wildlife Service Form 3-186A (See Appendix A) which shows that the raptor was legally acquired and possessed by the owner.~~

~~2) The permittee providing temporary care for the raptor(s) must possess a signed, dated letter of authorization from the owner which includes the names, addresses, and permit numbers of the owner and persons providing care, the marker number(s) of the raptor(s) which are being cared for, and the location at which the raptors will be held during the temporary care period.~~

d~~e~~) Nothing in this Section shall prohibit a falconry permittee from purchasing, selling~~,~~ or bartering a captive-bred raptor marked with a seamless band provided that the transaction is in accordance with federal regulations (50 CFR 21.29~~28, effective September 14, 1989~~) ~~(no incorporation in this Part includes later amendments or editions)~~, this Part, and the laws of the jurisdiction in which the captive-bred raptor is purchased, sold~~,~~ or bartered, the captive-bred raptor is of a species that~~which~~ may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the FWS~~U.S. Fish and Wildlife Service~~ forms). Wild raptors may be transferred, but shall not be purchased, sold, traded or bartered.

e) A raptor of any age and species that a falconry permittee is allowed to possess (except a golden eagle) may be acquired directly from a licensed wildlife rehabilitator. The transfer is at the discretion of the rehabilitator.

1) A raptor acquired from a rehabilitator must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department.

2) A raptor acquired from a rehabilitator will count as one of the raptors that a permittee is allowed to take from the wild that year.

f) Captive-bred falconry raptors may be transferred to another permit type if the holder of the other permit is authorized to possess the raptors. The transfer must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department.

g) A wild-caught falconry raptor may be transferred to another permit type if the holder of the other permit is authorized to possess the raptor under the following circumstances:

1) A wild-caught falconry raptor may be transferred to a captive propagation permit after the raptor has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk (Accipiter striatus), Cooper's hawk (Accipiter cooperii), merlin (Falco columbarius) or American kestrel). A copy of the 3-186A form documenting the acquisition of a raptor by the propagator must be provided to the Department and the federal migratory bird permit office that administers the federal propagation permit.

2) A wild-caught falconry raptor may be transferred to another permit type in less than 2 years (1 year for a sharp-shinned hawk, Cooper's hawk, merlin or an American kestrel) if the raptor has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no longer be flown for falconry. Within 10 days after transferring the raptor, a copy of the 3-186A form documenting acquisition of the raptor must be submitted to the Department and the federal migratory bird permitting office that administers the other permit type. When the raptor is transferred, a copy of the certification from the veterinarian or rehabilitator that the raptor is not useable in falconry must also be submitted to the Department and the federal migratory bird permitting office that administers the other permit type.

h) A surviving spouse, executor, administrator or other legal representative of a deceased falconry permittee may transfer any falconry raptor held by the deceased

permittee to another authorized permittee within 90 days after the death of the falconry permittee. After 90 days, the disposition of the raptors is at the discretion of the Department.

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

Section 1590.110 Hunting Seasons for Falconers

a) Falconers shall possess a valid hunting license and~~,~~ appropriate State and federal stamps and shall abide by all Wildlife Code regulations.

b) The statewide seasons for harvesting the following game birds, game mammals~~,~~ and fur-bearing mammals by falconry methods shall be:

1) Cock and hen pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits, raccoon, opossum, skunk, gray fox~~,~~ and red fox: ~~1~~ October 1-~~131~~ March 31~~1 October-31 March~~.

2) Fox and gray squirrels: ~~1~~ August 1-~~31~~ January 31.

c) No bag or possession limits shall be in effect for fur-bearing mammals. Bag and possession limits for fox and gray squirrels shall be the same as specified in 17 Ill. Adm. Code 690.20. Bag and possession limits for pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits shall be the same as specified in 17 Ill. Adm. Code 530.20, except that hen pheasants may be included as part of bag and possession limits in accordance with 520 ILCS 5/2.6. Blaze orange clothing is not required to take pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits by falconry during the upland game season except as may be required by local rules and in 17 Ill. Adm. Code 530. Blaze orange clothing consisting of a cap and upper outer garment, with those articles of clothing displaying a minimum of 400 square inches of blaze orange material, is required to take any protected species, except migratory waterfowl, by any means, including falconry, during the gun deer hunting season in counties open to gun deer hunting.

d) Seasons, bag limits and possession limits for harvesting the following migratory birds by falconry methods shall be in accordance with federal regulations (50

CFR 20.109~~, effective August 18, 1995) (no incorporation in this Part includes later amendments or editions)~~: snipe~~Snipe~~, rails (sora and Virginia), ducks, geese, coots~~coot~~, woodcock, doves~~dove~~ and crows~~crow~~.

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

Section 1590.120 Additional~~Special~~ Provisions

a) Molted~~Moulted~~ and salvaged feathers from falconry raptors~~birds~~ held in captivity may be retained and received from other falconry~~exchanged by their~~ permittees and licensed wildlife rehabilitators for imping purposes only. Feathers from raptors other than golden eagles may also be left where they fell, destroyed or donated as provided for in this subsection. Buying, selling or bartering the feathers is prohibited.

1) Feathers from a falconry bird, except golden eagle feathers, may be donated to a person or institution that is authorized to possess them.

2) Molted primary and secondary flight feathers and retrices from a golden eagle that are not kept for imping must be sent to the National Golden Eagle Repository, Rocky Mountain Arsenal, Bldg. 128, Commerce City, CO 80022; phone number 303-287-2110. All other feathers from a golden eagle, including body feathers, should also be sent to the National Eagle Depository.

3) Persons whose falconry permit is expired or revoked must donate the feathers of any species of falconry raptor, except a golden eagle, to any person who is authorized to possess them or burn, bury or otherwise destroy them.

b) Any person convicted of illegal possession of raptors shall have his ~~(~~or her~~)~~ permit revoked and his ~~(~~or her~~)~~ raptors confiscated by the Department. The Department shall dispose of any~~the~~ confiscated raptors~~raptor~~ by transferring them~~the raptor~~ to another permittee or permittees, releasing them to the wild, or destroying them~~the raptor~~ if they are~~it is~~ unsuitable to be transferred or released.

c) Convictions of violating any Section of this Part shall result in a period of

suspension or revocation by the Department of the permittee's falconry privileges for up to 5 years~~ by the Department~~, pursuant to 17 Ill. Adm. Code 2530.

d) Individual raptors in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act) are exempt from the possession requirements of Section 1590.60~~ of this Part~~.

e) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17~~, effective September 30, 1985~~), and if the~~such~~ raptor was~~raptor(s) were~~ acquired prior to the enactment of these regulations or prior to listing of the~~such~~ bird in~~to~~ the Endangered Species List~~list~~ of Illinois or the United States, legally acquired out of State (see Section 1590.90(c~~b~~)), or is the progeny of 2~~two~~ legally held birds (see Section 1590.85(a)~~80 (e)~~ and Section 1590.100 (d~~e~~)), shall be allowed to possess the~~such~~ raptor~~raptor(s)~~ as part of the permittee's falconry permit class.

f) Nothing in this Part shall prohibit public educational presentations and other educational uses of raptors held on a falconry permit in accordance with Federal regulations (50 CFR 21.29).

g) Falconers may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning falconry raptors. Permittees in possession of an Illinois game breeders permit~~Game Breeders Permit~~ may train raptors by using or killing pen reared game at any time.

h) Hacking of falconry raptors is an allowed method of conditioning raptors, but only by general or master class falconers under the following conditions:

1) any raptor that is being hacked counts against the falconer's possession limit and must be a species that is authorized to be possessed;

2) any hybrid that is hacked must have 2 attached functioning radio transmitters during hacking; and

3) a falconry raptor may not be hacked near a nesting area of a State or federally endangered or threatened species that might be disturbed or taken by the falconry raptor. Falconers should contact the Department for information to ensure that this does not occur.

i) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild in accordance with federal regulations (50 CFR 21.29). A raptor held for rehabilitation may be held in the falconer's facilities.

j) A master falconer may use a falconry bird to scare away protected species that are causing property damage or a risk to human health or safety in accordance with 17 Ill. Adm. Code 525 and federal regulations (50 CFR 21). A master falconer may use a falconry bird to kill protected species that are causing property damage or a risk to human health or safety on the land of another for a fee, only if he or she has the appropriate class of nuisance wildlife control permit from the Department (17 Ill. Adm. Code 525) and the appropriate Fish and Wildlife Service permit (50 CFR 21).

k) Falconry birds that die must be disposed of under the following conditions:

1) The entire body of a golden eagle held for falconry, including all feathers, talons and other parts, must be donated to the National Eagle Depository.

2) The entire body or feathers of any other species of falconry raptor may be donated to any person or educational institution authorized to have the raptor or feathers.

3) The entire body of a raptor, except a golden eagle, that was banded or microchipped prior to death may be kept so that the feathers are available for imping. The body of captive-bred raptors may be mounted by a taxidermist. Taxidermy mounts may be used in giving conservation education programs. The bird band and microchip must be left in place.

4) The flight feathers from dead raptors not donated or mounted by a taxidermist may be kept for as long as the falconer possessing them has a valid falconry permit. The flight feathers may not be bought, sold or

bartered. All paperwork documenting the acquisition of the raptor must be retained.

5) Falconry raptors not otherwise disposed of as provided in this subsection (k) shall be burned, buried or otherwise destroyed as approved by the Department within 10 days after the death of the raptor or after final examination by a veterinarian to determine cause of death. Euthanized falconry raptors could pose a risk of secondary poisoning to other animals. Appropriate precautions must be taken to avoid such poisonings.

l) An unintentional prey item taken by a falconry raptor may be fed upon by the raptor but not be possessed by the falconer.

m) Falconers must ensure that State and federally listed endangered and threatened species are not taken by falconry raptors. Take, for the purposes of this Section, includes to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture or collect, or to attempt to engage in this conduct. Falconers must report unintentional take of State listed species to the Department's endangered species program manager in addition to reporting the take of federally listed species to the Ecological Services Field Office for the location where the take occurred.

n) When flown free, a hybrid raptor must have attached at least 2 functioning radio transmitters to assist in locating the raptor.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

~~UNITED STATES DEPARTMENT OF THE INTERIOR~~
~~Fish and Wildlife Service~~
~~MIGRATORY BIRD ACQUISITION AND DISPOSITION~~

~~TRANSFER~~

~~Name:~~ _____ ~~FWS Permit No:~~ _____
~~Address:~~ _____
~~City:~~ _____ ~~State:~~ _____ ~~Zip:~~ _____
~~Species:~~ _____ ~~Band No:~~ _____
~~1~~ ~~Age:~~ ___ ~~Nestling~~ ___ ~~Adult~~ ___ ~~Year of Hatch~~
~~Sex:~~ ___ ~~Male~~ ___ ~~Female~~ ___ ~~Unknown~~
~~Type of Disposition:~~ ___ ~~Release~~ ___ ~~Escape~~ ___ ~~Theft~~
~~Date:~~ _____ ___ ~~Death~~ ___ ~~Gift~~ ___ ~~Sale~~ ___ ~~Loan~~

~~ACQUIRE~~

~~Name:~~ _____ ~~FWS Permit No.~~ _____
~~Address:~~ _____
~~City:~~ _____ ~~State:~~ _____ ~~Zip:~~ _____
~~Species:~~ _____ ~~Band No:~~ _____
~~2~~ ~~Age:~~ ___ ~~Nestling~~ ___ ~~Adult~~ ___ ~~Year of Hatch~~
~~Sex:~~ ___ ~~Male~~ ___ ~~Female~~ ___ ~~Unknown~~
~~Type of Acquisition:~~ ___ ~~Wild-Caught~~ ___ ~~Purchase~~ ___ ~~Gift~~ ___ ~~Loan~~
~~Date:~~ _____

~~BANDING~~

~~3~~ ~~If this form reports the acquisition of a bird from the wild, the person who bands the bird must complete the information below:~~

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~~Band Number:~~ _____ ~~Band Type:~~ _____

~~I certify that the above statements are true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.~~

~~Signature:~~ _____ ~~Date~~ _____

~~NOTE: Each individual fully completes a separate form~~

~~TRANSFER (PART 1) Transferor completes parts 1 and 2, retains white copy, and sends original and colored copies to U.S. Fish and Wildlife Service Regional Law Office which has responsibility for the State in which the permittee is located.~~

~~ACQUIRE (PART 2) Person acquiring bird completes part 2 and (part 1 or 3, if applicable), retains white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permittee is located.~~

~~BANDING (PART 3) Person banding the bird completes this part and parts 1 and/or 2 if bander transfers or acquires the bird, retains the white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permitted activity takes place.~~

~~AREAS OF RESPONSIBILITY AND OFFICE ADDRESSES~~

~~California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, the Marshall Islands, Northern Mariana Islands, and the Trust Territory of the Pacific Islands (District 1): 1002 N.E. Holladay St., Portland, OR 97232-4181, Telephone 503-231-6125~~

~~Arizona, New Mexico, Oklahoma and Texas (District 2): P.O. Box 329, Albuquerque, NM 87103, Telephone 505-766-2091~~

~~Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin (District 3): P.O.~~

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~~Box 45, Twin Cities, MN 55111, Telephone: 612-725-3530~~

~~Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands (District 4): P.O. Box 4839, Atlanta, GA 30302, Telephone 404-331-5872~~

~~Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia (District 5) P.O. Box 129, New Town Branch, Boston, MA 02258, Telephone 617-965-2298~~

~~Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming (District 6): P.O. Box 25486, Denver Federal Center, Denver, CO 80225, Telephone 303-236-7540~~

~~Alaska (District 7): P.O. Box 92597, Anchorage, AK 99509-2597, Telephone 907-786-3311~~

~~Any foreign country (Washington Office): P.O. Box 3247, Arlington, VA 22203-3247, Telephone 703-358-1949~~

~~Migratory Bird Acquisition and Disposition Report~~

~~NOTICE:~~

~~In accordance with the Privacy Act of 1974 (Pub. L 93-579) and the Paperwork Reduction Act (Pub. L 96-511), please be advised that~~

1. ~~The gathering of information on fish and wildlife is authorized by:~~

   (a) ~~Migratory Bird Treaty Act (16 U.S.C. 703-712)~~
   (b) ~~Part 13 of Title 50 of the Code of Federal Regulations, and~~
   (c) ~~Part 21 of Title 50 of the Code of Federal Regulations.~~

2. ~~The disclosure of the requested information is required in order to administer permits under the above Act. Response to this request is required to exercise benefits of a permit issued by the U.S. Fish and Wildlife Service. Failure to disclose all of the requested information may be sufficient cause for the U.S. Fish and Wildlife Service to suspend or revoke your permit.~~

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~~3. In the event there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the requested information may be transferred to the appropriate Federal, State, local or foreign agency charged with investigating or prosecuting such violations.~~

~~4. In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice.~~

~~5. The requested information may be subject to disclosure under provisions of the Freedom of Information Act (5 U.S.C. 552)~~

~~6. Public reporting burden for this form is estimated to be 10 minutes per response including time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Service Information Collection Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Act Project (1018-0022), Washington, D.C. 20503.~~

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 205

3)

Section Numbers:	Proposed Action:
205.110	Amend
205.115	Amend
205.118	Amend
205.210	Amend
205.220	Amend
205.230	Amend
205.240	Amend
205.350	Amend
205.410	Amend
205.420	Amend
205.510	Amend
205.520	Amend
205.540	Amend
205.550	New
205.610	Amend
205.620	Amend
205.860	Amend
205.1370	Amend

4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) A Complete Description of the Subjects and Issues Involved: Part 205 regulates Ambulatory Surgical Treatment Centers, including ownership, organization, quality assessment, surgical procedures and sanitation.

This rulemaking reflects changes in the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services Ambulatory Surgery Centers Conditions for Coverage (42 CFR 416). The rulemaking creates a governing body; expands the requirements for the ASTC's organizational plan and the standards of professional work; requires the ASTC's policies and procedures manual to include a data-driven quality assessment program; and updates the requirements for emergency post-operative and pre-operative care.

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A new Section, Infection Control (Section 205.550), is being added, and Section 205.115 (Incorporated and Referenced Materials) is being updated to reflect the requirements in the new Infection Control Section. Sections 205.350 and 205.860 are being amended to clean up obsolete statutory references, and Section 205.610 is being amended to require ASTCs to comply with the Pregnancy Termination Report Code (77 Ill. Adm. Code 505).

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

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

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

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

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

9) Does this rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objectives: This rulemaking does not create 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 West Jefferson St., 5th Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

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

13) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Ambulatory Surgical Treatment Centers

B) Reporting, bookkeeping or other procedures required for compliance: Compliance with the proposed rulemaking will require increased record keeping.

C) Types of professional skills necessary for compliance: Nursing

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

The full text of the proposed rulemaking begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section
205.110 Definitions
205.115 Incorporated and Referenced Materials
205.118 Conditions of Licensure
205.120 Application for Initial Licensure
205.125 Application for License Renewal
205.130 Approval of Surgical Procedures
205.135 Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section
205.210 Ownership, Control and Management
205.220 Organizational Plan
205.230 Standards of Professional Work
205.240 Policies and Procedures Manual

SUBPART C: PERSONNEL

Section
205.310 Personnel Policies
205.320 Presence of Qualified Physician
205.330 Nursing Personnel
205.340 Basic Life Support
205.350 Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

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Section
205.410 Equipment
205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section
205.510 Disaster Preparedness~~Emergency Care~~
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care
205.550 Infection Control

SUBPART F: RECORDS AND REPORTS

Section
205.610 Clinical Records and Reports
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section
205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section
205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties

DEPARTMENT OF PUBLIC HEALTH

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205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

Section
205.1310 Plant and Service Requirements
205.1320 General Considerations
205.1330 New Construction, Additions and Major Alterations
205.1340 Minor Alterations and Remodeling Changes
205.1350 Administration Department and Public Areas
205.1360 Clinical Facilities
205.1370 Support Service Areas
205.1380 Diagnostic Facilities
205.1390 Other Building Services
205.1400 Details and Finishes
205.1410 Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section
205.1510 General
205.1520 Thermal and Acoustical Insulation
205.1530 Steam and Hot Water Systems
205.1540 Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section
205.1610 General
205.1620 Plumbing Fixtures
205.1630 Water System
205.1640 Drainage Systems
205.1650 Identification

SUBPART L: ELECTRICAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section
205.1710 General
205.1720 Switchboards and Power Panels
205.1730 Panelboards
205.1740 Lighting
205.1750 Receptacles (Convenience Outlets)
205.1760 Grounding
205.1770 Equipment Installation in Special Areas
205.1780 Emergency Electric Service
205.1790 Fire Alarm System

205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007; amended at 32 Ill. Reg. 14326, effective August 12, 2008; amended at 33 Ill. Reg.

13395, effective September 10, 2009; amended at 34 Ill. Reg. 7915, effective May 25, 2010; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 205.110 Definitions

"Act" for the purposes of this Part means the Ambulatory Surgical Treatment Center Act ~~[210 ILCS 5]~~.

"Ambulatory Surgical Treatment Center"

The term "Ambulatory Surgical Treatment Center" or "ASTC" or "facility", for the purposes of this Part, includes:

Any institution or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures, as evidenced by use of the facilities by physicians, ~~or~~ podiatrists or dentists in the performance of surgical procedures that~~which~~ constitutes more than 50 percent of the activities at that location.

Any place, located within an institution or building, such as a surgical suite or an operating room with related facilities in a physician's office or group practice clinic, *devoted primarily to the performance of surgical procedures.* This provision shall apply regardless of whether or not the institution or building in which the place is located is devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures. This provision shall include any place that~~which~~ meets the definition of an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services) ~~(42 CFR 416)~~. However, when such a place is located within and operated in conjunction with the offices of a single physician or podiatrist, or a group of physicians or podiatrists, it shall not be considered an ambulatory surgical treatment center, unless: it meets the definition of and has expressed an intent to apply for certification

as an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services ~~(42 CFR 416)~~; or it is used by physicians or podiatrists who are not part of the practice; or it is utilized by the physicians or podiatrists for surgical procedures that~~which~~ constitute more than 50 percent of the activities at that location.

The term "Ambulatory Surgical Treatment Center", for the purposes of this Part, does not include:

Hospitals: *Any institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act* ~~[210 ILCS 85]~~.

Long-Term Care Facilities: *Any person or institution required to be licensed pursuant to the Nursing Home Care Act* ~~[210 ILCS 45]~~*, the Specialized Mental Health Rehabilitation Act, or the ID/DD Community Care Act*.

State Facilities: *Hospitals or ambulatory surgical treatment centers maintained by the State or any Department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.*

Federal Facilities: *Hospitals or ambulatory surgical treatment centers maintained by the federal government or agencies thereof.*

Dental Surgery Facilities: *Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures.* (Section 3(A) of the Act)

"Certified Registered Nurse Anesthetist" means a registered professional nurse who has been certified as a nurse anesthetist by the American Association of Nurse Anesthetists.

"Credentials Committee" means the qualified consulting committee, or another

committee designated by the qualified consulting committee, that appraises and reviews physician credentials.

"Department" means the Department of Public Health of the State of Illinois. (Section 3(C) of the Act)

"Hospital" shall have the meaning ascribed to it in the Hospital Licensing Act.

"Licensed Practical Nurse" means a person licensed under the NurseNursing and Advanced Practice Nursing Act [225 ILCS 65] to practice practical nursing.

"Overnight Stay" means the expected duration of services does not exceed 24 hours following an admission.

"Qualified Anesthesiologist" means a physician who is licensed to practice medicine in all its branches in the State of Illinois and who is a Diplomate of the American Board of Anesthesiology; or American College of Anesthesiology; or who is a Diplomate of the American Osteopathic Board of Anesthesiology; or who is Board eligible or possesses training and experience equivalent to thatsuch eligibility; or who possesses training and experience acceptable to the Department and whose possesses primary practice is anesthesiology.

"Qualified Consulting Committee" means a committee whose members are qualified surgeons, obstetricians, gynecologists, anesthesiologistsSurgeons, Obstetricians, Gynecologists, Anesthesiologists or pathologistsPathologists or other consulting physiciansConsulting Physicians consisting of not fewerless than three3 members who shall establish the required standards commensurate with the size, scope, extent and complexity of service programs and procedures for which the facility is licensed. The qualified consulting committee or other committee designated by the qualified consulting committee shall act as the credentials committee.

"Qualified Consulting Surgeon, Obstetrician, Gynecologist, Anesthesiologist, Pathologist, or other Consulting Physician" means a physician who is licensed in the State of Illinois and who is a Diplomate of an appropriate specialty board or who has completed the training and experience required for specialty board certification.

"Qualified Dentist" means a dentist who is licensed to practice under the Illinois Dental Practice Act.

"Qualified Infection Control Professional" means an individual who has training in the principles and methods of infection control. Certification is recommended but not required. The individual shall maintain his or her qualifications through ongoing education and training.

"Qualified Physician" means an individual who is licensed to practice medicine in all its branches in the State of Illinois under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.

~~"Qualified Dentist" means a dentist who is licensed to practice under the Illinois Dental Practice Act [225 ILCS 25].~~

"Qualified Podiatrist" means a podiatrist who is licensed to practice under the Podiatric Medical Practice Act of 1987 ~~[225 ILCS 100]~~.

"Qualified Practitioner" means a licensed practitioner who is authorized within his or her scope of practice to perform a history and physical examination and who is authorized by the ASTC to conduct a history and physical examination. This may include nurse practitioners and physician assistants.

"Registered Professional Nurse" means a registered nurse or a registered professional nurse who is licensed under the Nurse~~Nursing and Advanced~~ Practice ~~Nursing~~ Act ~~[225 ILCS 65]~~ and practices professional nursing.

"Student Nurse" means a person enrolled in a course of instruction at an approved school of professional or practical nursing and who is supervised by a nursing instructor of the school.

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

Section 205.115 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and Professional Association Standards~~professional association standards~~:

A) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329:

i) Standard No. 52.1: Gravimetric and Dust Spot Procedures for Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter (1992) (see Section 205.1540(i)).

ii) Standard No. 52.2: Method of Testing General Ventilation Air Cleaning Devices for Removal Efficiency by Particle Size (1999) (see Section 205.1540(i)).

iii) Standard No. 55: Thermal Environmental Conditions for Human Occupancy and Addendum (1992) (see Section 205.1540(i)).

iv) Standard No. 58: Method of Testing for Rating Room Air Conditioner and Packaged Terminal Air Conditioner Heating Capacity (1986) (see Section 205.1540(i)).

v) Standard No. 62: Ventilation for Acceptable Indoor Air Quality (1999) (see Section 205.1540(i)).

vi) Standard No. 63.1: Method of Testing Liquid Line Refrigerant Driers (1995) (see Section 205.1540(i)).

vii) Standard No. 63.2: Methods of Testing the Filtration Capability of Refrigerant Liquid Line Filters and Filter-Driers (1996) (see Section 205.1540(i)).

viii) Standard No. 64: Methods of Testing Remote Mechanical-Draft Evaporative Refrigerant Condensers (1995) (see Section 205.1540(i)).

ix) Standard No. 68: Laboratory Method of Testing to Determine the Sound Power in a Duct (1997) (see Section 205.1540(i)).

x) Handbook of Fundamentals (2001) (see Section 205.1540(p)).

B) The following National Fire Protection Association (NFPA) standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) No. 101: Life Safety Code (2000), Chapters 20 and 21 (New and Existing Ambulatory Health Care Occupancies).

ii) No. 99 (1999): Standard for Health Care Facilities. (See Section 205.1410.)

iii) No. 70 (1999): National Electrical Code. (See Sections 205.1760, 205.1770 and 205.1780.)

iv) No. 80 (1999): Standard for Fire Doors and Fire Windows. (See Section 205.1400(f).)

v) No. 90A (1999): Standard for the Installation of Air-Conditioning and Ventilating Systems. (See Section 205.1540.)

vi) No. 90B (1999): Standard for the Installation of Warm Air Heating and Air-Conditioning Systems. (See Section 205.1540.)

vii) No. 255 (2000): Standard Method of Test of Surface

Burning Characteristics of Building Materials. (See Sections 205.1410 and 205.1520.)

viii) No. 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Section 205.1400(j).)

ix) No. 72 (1999): National Fire Alarm Code.

x) No. 241 (1996): Standard for Safeguarding Construction, Alteration, and Demolition Operations.

C) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1996): Factory-Made Air Ducts and Air Connectors, which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062. (See Section 205.1710.)

D) American College of Cardiology/Society for Cardiac Angiography and Interventions, Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards, published in the Journal of the American College of Cardiology, 2001; 37:2170-2214, which may be obtained from the American College of Cardiology, Educational Services, 9111 Old Georgetown Road, Bethesda, Maryland 20814-1699.

E) Association of periOperative Registered Nurses, "Perioperative Standards and Recommended Practices for Inpatient and Ambulatory Settings" (2012), which may be obtained from the Association of periOperative Registered Nurses, 2170 South Parker Road, Suite 400, Denver, Colorado 80231.

2) Federal Regulations~~regulations~~:

A) Rules of the Centers for Medicare & Medicaid Services governing Medicare program coverage of Ambulatory Surgical Services (42 CFR 416, October 1, 2011~~2008~~) under the Social Security Act (42 USC 1395). (See definition of "Ambulatory Surgical Treatment

Center" in Section 205.110 and Section 205.130(d).)

B) Rules of the Centers for Medicare & Medicaid Services governing federal certification of laboratory requirements (42 CFR 493, October 1, 2011). (See Section 205.350, Laboratory Services.)

3) Federal Government Publications:

A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007", which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

C) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333.

b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the dates specified and do not include any amendments or editions subsequent to the date specified.

c) The following statutes and State administrative rules~~regulations~~ are referenced in this Part:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) State of Illinois Statutes~~statutes~~:

A) Ambulatory Surgical Treatment Center Act [210 ILCS 5]

B) Illinois Dental Practice Act [225 ILCS 25]

C) Nurse Practice Act [225 ILCS 65]

D) Podiatric Medical Practice Act of 1987 [225 ILCS 100]

E) Safety Glazing Materials Act [430 ILCS 60]

F) Hospital Licensing Act [210 ILCS 85]

G) Nursing Home Care Act [210 ILCS 45]

H) Illinois Health Facilities Planning Act [20 ILCS 3960]

I) Illinois Administrative Procedure Act [5 ILCS 100]

J) Laser System Act of 1997 [420 ILCS 56]

K) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

L) Physician Assistant Practice Act of 1987 [225 ILCS 95]

M) Administrative Review Law [735 ILCS 5/Art. III]

N) Specialized Mental Health Rehabilitation Act [210 ILCS 48]

O) ID/DD Community Care Act [210 ILCS 47]

2) State of Illinois Administrative Rules~~rules~~:

A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)

B) Illinois Emergency Management Agency, General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

C) Department of Public Health, Control of Sexually Transmissible Infections~~Diseases~~ Code (77 Ill. Adm. Code 693)

D) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

E) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696)

F)~~D)~~ Pollution Control Board, Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)

G)~~E)~~ Pollution Control Board, Nonhazardous Special Waste Handling and the Uniform Program (35 Ill. Adm. Code 809)

H)~~F)~~ Department of Public Health, ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

I)~~G)~~ Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

J)~~H)~~ Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340)

K)~~I)~~ Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)

L) Department of Public Health, Health Care Professional Credentials Data Collection Code (77 Ill. Adm. Code 965)

M) Department of Public Health, Pregnancy Termination Report Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(77 Ill. Adm. Code 505)

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

Section 205.118 Conditions of Licensure

a) *No person shall open, conduct or maintain an ambulatory surgical treatment center without first obtaining a license from the Department*. (Section 4 of the Act)

1) *A person or facility not licensed under* the *Act or the Hospital Licensing Act shall not hold itself out to the public as a "surgery center" or as a "center for surgery"*. (Section 6 of the Act)

2) *Any person opening, conducting or maintaining an ambulatory surgical treatment center without a license issued pursuant to* the *Act shall be guilty of a business offense punishable by a fine of $10,000 and each day's violation shall constitute a separate offense.*

3) *Any person opening, conducting or maintaining an ambulatory surgical treatment center who violates any other provision of* the *Act shall be guilty of a business offense punishable by a fine of not more than $10,000.* (Section 12 of the Act)

4) *The operation or maintenance of an ambulatory surgical treatment center in violation of* the *Act or* this Part *is declared a public nuisance inimical to the public welfare. The Director of the Department, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may, in addition to other remedies provided* in the Act, *bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulatory surgical treatment center*. (Section 13 of the Act)

b)~~a)~~ *The applicant shall file a statement of ownership* as provided in Section 205.120(b)(1). *The applicant shall agree to update the information required in the statement of ownership every six months from the initial date of filing.* (Section 7a of the Act)

c)~~b)~~ Financial Statements

1) *Financial statements shall be filed* annually on or before April 1, of each year for the previous calendar year, or within three months after the close of the fiscal period of the licensee.

2) *Financial statements shall be filed with the Department* on forms provided by the Department or on annual financial statements prepared on forms used by the applicant or licensee. They shall include at least the following items: detailed balance sheets, statements of income, and statements of expense. (Section 7b of the Act)

d)~~c)~~ *Every facility licensed under* the~~*this*~~ *Act, and any premises proposed to be conducted as a facility by an applicant for a license, shall be open during its regular business hours to an inspection authorized in writing by the Director. No notice need be given to any person prior to any inspection.* (Section 9 of the Act)

e)~~d)~~ *Any corporation operating an ambulatory surgical treatment center devoted primarily to providing facilities for abortion must have a physician who is licensed to practice medicine in all of its branches and is actively engaged in the practice of medicine at the* ambulatory surgical treatment *center, on the Board of Directors as a condition to licensure of the* ambulatory surgical treatment *center.* (Section 6.1 of the Act)

f)~~e)~~ *Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable* (Section 6 of the Act). Only those facilities, services, programs and procedures included in the application shall be licensed. A new application is required for any one or more of the following:

1) Change in ownership of the facility.

2) Change in location of the facility.

3) Any remodeling or other change in the facility's physical plant that~~which~~ increases or decreases the number of rooms in which surgical procedures

are performed.

g)~~f)~~ *The license shall be valid for one year, unless sooner suspended or revoked, and shall be renewable annually upon approval by the Department and payment of a license fee of $300* as provided in Section 205.125. (Section 6 of the Act)

h)~~g)~~ *The license shall be posted in a conspicuous place on the licensed premises. A placard or registry of all physicians on staff in the facility shall be centrally located and available for inspection to any interested persons.* (Section 6 of the Act)

i)~~h)~~ The facility shall give written notice to the Department no later than seven days after any one or more of the following:

1) Any personnel changes involving the facility's administrative staff, medical director~~ staff physicians,~~ or supervising nurse.

2) For a corporation, any change in any shareholders equity involving 5% or more interest.

3) Any change in the Registered Agent or person or persons~~person(s)~~ legally authorized to receive service of process for the facility.

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

SUBPART B: OWNERSHIP AND MANAGEMENT

Section 205.210 Ownership, Control and Management

a) The ASTC shall have a governing body that assumes full responsibility for determining, implementing and monitoring policies governing the facility's operation:

1) The governing body shall review and approve the facility's organizational plan.

2) The governing body shall ensure that ASTC policies and programs

provide quality health care in a safe environment.

3) The governing body shall have oversight and accountability for the facility's Quality Assessment and Performance Improvement Program; shall allocate sufficient resources for the Program; and shall, at least annually, evaluate the Program's effectiveness.

4) The governing body shall approve an infection control program designed to prevent, identify and manage infections and communicable diseases. The governing body shall appoint a qualified infection control professional who has education, training and experience, or certification in infection control, and who will direct the infection control program. The governing body shall, at least annually, evaluate the effectiveness of the infection control program.

5) The governing body shall establish, protect and promote patient rights, including respect for patients' property and privacy, patient safety, the confidentiality of clinical records, and the exercise of patient rights. The governing body shall designate a grievance officer and shall establish, subject to approval by the governing body, a documented system by which allegations will be reported, investigated and responded to. Allegations will include allegations of violations/grievances relating to, but not limited to, mistreatment, neglect, or verbal, mental, sexual or physical abuse.

6) The governing body shall have oversight and accountability for developing and maintaining a written Disaster Preparedness Plan pursuant to Section 205.510 and shall review reports and recommendations at least annually.

7) The governing body shall review and approve the facility's organizational plan (see Section 205.220).

b) Ownership, control and management shall be disclosed at the time of application and upon renewal. The names and addresses of each person with financial interest in the facility shall be submitted to the Department.

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

Section 205.220 Organizational Plan

a) An organizational plan shall be known to the staff and available for public information in the facility. The document shall clearly set forth the organization, duties, responsibility, accountability and relationships of professional staff, including a designated qualified infection control professional, a designated grievance officer, and other personnel.

b) The plan shall include details of a quality assessment and performance improvement program, an infection control program, a patient rights plan, and a disaster preparedness plan.

c) The organizational plan shall be submitted to the governing body for review and approval and shall be submitted to the Department with the initial licensure application.

d) All owners, administrators, professional staff and ancillary personnel shall act in accordance with the organizational plan.~~this document. This document shall be submitted to the Department with the initial application and thereafter will be reviewed at regular inspections by the Department.~~

e) The Department will review the organizational plan at regular inspections.

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

Section 205.230 Standards of Professional Work

The~~Management and/or the~~ owner or manager of the ambulatory surgical treatment center shall maintain proper standards of professional work in the ~~licensed~~ facility.

a) A qualified consulting committee shall be appointed in writing by the management ~~and/~~or owner of the ambulatory surgical treatment center and shall establish and enforce standards for professional work in the facility and standards of competency for physicians. The qualified consulting committee shall meet not less than quarterly and shall document all meetings with written minutes. The~~These written~~ minutes shall be maintained at the facility and shall be available

for Department inspection~~ by the Department~~.

1) The membership of the qualified consulting committee shall reflect the types of procedures performed. If the facility performs more than 50 procedures per month, or more than 10% of the total procedures performed are in a specific specialty area, then ~~there shall be~~ a consulting physician of that specialty shall be on the qualified consulting committee.

2) The qualified consulting committee shall review the development and content of the facility's written policies and procedures~~ of the center~~, including the details of the quality assessment and performance improvement program, the infection control program, the patient rights plan, the disaster preparedness plan, the procedures for granting privileges, and the quality of the surgical procedures performed. The reviews~~Evidence of such review~~ shall be documented~~recorded~~ in the minutes.

3) The qualified consulting committee shall establish the scope of procedures to be performed at the facility and shall periodically review and amend the scope of procedures as appropriate.

4)~~3)~~ Physicians~~Credentials shall be provided by those physicians~~ seeking practice privileges at the facility shall provide their credentials. The~~These credentials shall be reviewed by the~~ credentials committee shall periodically reappraise and review physician credentials and shall identify and record~~and~~ specific practice privileges pursuant to the Health Care Professional Credentials Data Collection Code~~identified and recorded~~. A record~~Record~~ of ~~such~~ accepted practice privileges shall be available for facility staff use and for public information within the facility.

5)~~4)~~ Each member of the medical staff granted specific surgical practice privileges shall provide, at every re-credentialing period, a notarized statement or documentation indicating the name of the Illinois~~Illinois'~~ licensed hospital or hospitals~~hospital(s)~~ where he or she has~~they have~~ skilled-equivalent practice privileges. The~~Such~~ statements or documentation shall be available for Department inspection~~ by the Department~~. A list of privileges granted to each medical staff member of

the ambulatory surgical treatment center shall be available at all times for facility staff use ~~by the staff of the center~~ and for Department inspection ~~by Department staff~~. As used in this subsection (a)(5), "skilled-equivalent" means the ability to perform similar procedures requiring the same level of training and expertise.

6)~~5)~~ The qualified consulting committee shall act as a tissue committee and shall review, at least quarterly, pathological reports from procedures performed by each physician on the staff, when applicable. The~~Evidence of such~~ review shall be documented~~recorded~~ in the minutes.

b) A qualified physician shall be designated as the medical director"~~Medical Director~~."

1) The medical director~~Medical Director~~ shall secure compliance with the policies and procedures pertaining to medical and surgical procedures, approved by the qualified consulting committee.

2) The medical director~~Medical Director~~ shall implement~~be responsible for the implementation of~~ medical policies and procedures contained in the facility's policies and procedures manual (Section 205.240) governing the professional personnel involved directly in the care of patients undergoing surgical procedures, including their preoperative and postoperative care and follow-up.

3) The medical director~~Medical Director~~ shall establish and secure compliance with~~of~~ standards for patient~~the~~ observation ~~of patients~~ by nursing personnel during the postoperative period.

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

Section 205.240 Policies and Procedures Manual

a) In cooperation with the medical and professional staff, the~~The~~ management/owner of the ambulatory surgical treatment center shall formulate a written policies and procedures manual, which~~. This shall be done in cooperation with the medical and professional staff and~~ shall be submitted to~~approved by~~ the qualified

~~consulting~~ committee and the governing body for review and approval.

b) The~~These~~ procedures shall provide for the acceptance, care, treatment, anesthesia services, discharge, referral, and follow-up of all patients and all incidental operations of the facility. ~~This manual shall be available to all staff in the center and shall be followed by them at all times in the performance of their duties.~~

c) The policies and procedures manual shall include an ongoing data-driven quality assessment and improvement program that addresses measurable improvements in patient health outcomes and improves patient safety by addressing quality of care indicators or performance measures, adverse events, the reduction of medical errors, and infection control. Components of the quality assessment and improvement program shall include:

1) The use of quality indicators or performance measures and data to document improvements in outcomes and to effect improvements in patient care, patient health outcomes, and patient safety;

2) Measurement, identification and analysis of incidence, prevalence, severity and causes of the problems and tracking and implementing improvements that are sustained over time to reduce medical errors and to improve health outcomes;

3) The facility-wide infection control program (Section 205.550); and

4) A focus on performance improvement activities and preventive strategies that address high risk, high volume, and problem-prone areas that affect health outcomes, patient safety, and quality of care, and that address adverse patient events and ensure that improvements are sustained over time.

d) Data, activities and outcomes of quality assessment and improvement efforts and projects are to be reviewed at least annually and submitted annually in writing to the governing body.

e) The policies and procedures manual shall include a methodology for conducting an ongoing comprehensive assessment of the quality of care provided in the

facility, including the medical necessity of procedures performed, the appropriateness of care, and methods to revise and implement changes in existing policies and procedures.

f) The policies and procedures manual shall include an ongoing infection control program designed to prevent, investigate, manage, control and minimize infections and communicable diseases.

g) The policies and procedures manual shall include a written disaster preparedness plan that provides for the emergency care of patients, staff and others in the facility in the event of a fire, natural disaster, functional failure of equipment, or other unexpected events or circumstances that are likely to threaten the health and safety of patients and staff in the facility. The plan's effectiveness shall be tested and evaluated each year by conducting and evaluating drills, and by promptly implementing any needed corrections. The plan shall be coordinated with State and local authorities, as appropriate.

h) The policies and procedures manual shall include a written patient rights plan that includes the designation of a grievance officer, a system to protect and promote patient rights, and a system to investigate violations or incidents and grievances.

i) The policies and procedures manual shall be available to all staff in the facility and shall be followed by the staff at all times in the performance of their duties.

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

SUBPART C: PERSONNEL

Section 205.350 Laboratory Services

Each ambulatory surgical treatment center shall~~ meet each of the following requirements~~:

a) Possess a valid Clinical Laboratory Improvement Amendments (CLIA) certificate or waiver for those tests performed by the facility (42 CFR 493~~57 Fed. Reg. 40, pp. 7135-7139, February 28, 1992 Medicare, Medicaid and CLIA Programs~~; Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA)~~, no further editions or amendments included~~).

b) Have a written agreement with a laboratory that~~which~~ possesses a valid CLIA certificate or waiver to perform any required laboratory procedures that~~which~~ are not performed in the ASTC~~center~~.

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

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section 205.410 Equipment

Equipment shall be in good working order and shall be available in numbers sufficient to provide quality~~good~~ patient care based on the types of procedures to be performed in the facility.

a) Monitoring equipment, suction apparatus, oxygen and related items shall be available within the surgical and postoperative recovery areas. Cardiac and pulmonary resuscitation equipment shall be available in all facilities.

b) The facility shall have written policies and procedures and shall maintain documentation governing the care, use, decontamination, sterilization, storage and disposal of all materials to ensure that an adequate supply of sterile equipment, instruments and supplies is available for each procedure. The facility shall comply with the Centers for Disease Control and Prevention publication, "Guidelines for Disinfection and Sterilization in Healthcare Facilities", or Association of periOperative Registered Nurses (AORN) publication, "Perioperative Standards and Recommended Practices for Inpatient and Ambulatory Centers". The policies, procedures and documentation shall include and address:

1) Staff orientation and in-service training to understand and implement facility policies and procedures for infection control, and to adhere to manufacturer's instructions for receiving, decontaminating, cleaning, preparing, sterilizing and high-level disinfection, handling, storage and quality control of equipment, supplies and instruments;

2) Preventive maintenance of all central supply service equipment pursuant to manufacturer's instructions or infection control guidelines; and

3) The Infection Control Program (Section 205.550), which shall be under the direction of a designated qualified health care professional with training in infection control.

c) The facility shall have written procedures to assure safety in storage and use of inhalation anesthetics and medical gases in accordance with NFPA 99.

d) The facility shall have written procedures to assure the safety in storage and use of all narcotics and medications in accordance with State and federal law.

e) Facilities using laser equipment shall maintain documentation that the equipment is registered with the Illinois Emergency Management Agency as is required by the Laser System Act of 1997 ~~[420 ILCS 56]~~. The facility shall also have a written safety and maintenance program related to the use of the laser equipment.

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

Section 205.420 Sanitary Facility

a) The ambulatory surgical treatment center shall ensure~~insure~~ maintenance of a safe and sanitary facility by adhering to the Centers for Disease Control and Prevention publication "Guidelines for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings" and by maintaining~~with~~ all equipment in good working order. Written procedures shall include provision for maintaining a clean and sanitary facility, including appropriate environmental cleaning, garbage and refuse removal, insect and rodent control, maintenance of water, heat, ventilation and air conditioning, and electrical service.

b) Any blood, blood components, organs, semen, or other human tissue showing exposure to human immunodeficiency virus (HIV) as evidenced by two ~~of three~~ reactive ELISA test results (according to the package insert – product circular), or exposure to any other identified causative agent of Acquired Immunodeficiency Syndrome (AIDS), and any blood, blood components, organs, semen, or other human tissue originating from a patient diagnosed with HIV infection or AIDS ~~or ARC~~ as defined in 77 Ill. Adm. Code 693.20, shall be disposed of by the

facility~~center~~ in accordance with subsection (c)~~ of this Section~~, or delivered in accordance with subsection (d)~~ of this Section~~ to a research facility ~~to use such blood, blood components, organs, semen, or other human tissue~~ for HIV or AIDS research.

c) Any~~ such~~ blood, blood components, organs, semen~~,~~ or other human tissue, and any other materials or paraphernalia~~paraphenalia~~ exposed to, or contaminated by, the~~such~~ blood, blood components, organs, semen~~,~~ or other human tissue shall be completely incinerated, sterilized~~,~~ or sealed ~~in order~~ to render the materials innocuous before disposal or removal from the premises.

1) Materials shall be incinerated~~The incineration of materials shall be done~~ in accordance with the requirements of the Pollution Control Board concerning the operation of an incinerator~~ (35 Ill. Adm. Code 724)~~.

2) Materials shall be sterilized~~The sterilization of materials shall be done~~ by autoclaving ~~the materials~~ in accordance with the recommendations of the manufacturer of the autoclave. The effectiveness of the autoclave shall be verified and documented at least weekly with a biological spore assay containing B. stearothermophilus.

3) Incinerated or sterilized materials shall be disposed of through routine waste disposal methods.

4) Materials that~~which~~ have not been incinerated or sterilized shall be disposed of by a waste hauler with a ~~proper~~ permit from the Illinois Environmental Protection Agency under rules of the Pollution Control Board~~ (35 Ill. Adm. Code 809)~~. These materials shall~~must~~ be sealed, transported~~,~~ and stored in biohazard containers. The~~These~~ containers shall be marked "Biohazard~~,~~", bear the universal biohazard symbol, and be orange, orange and black, or red. The containers shall be rigid and puncture resistant,~~puncture-resistant~~ such as a secondary metal or plastic can with a lid that can be opened by a step-on pedal. The~~These~~ containers shall be lined with one or two high density polyethylene or polypropylene plastic bags with a total thickness~~tickness~~ of at least 2.5 mil. or equivalent material. The containers shall be sealed before being removed from the facility.

d) When a facility~~center~~ delivers ~~such~~ blood, blood components, organs, semen~~,~~ or other human tissue to a research facility, the ASTC~~center~~ shall file a report with the Department (Division of Laboratories) that~~which~~ shall include at least the following information:

1) A copy of the request from the research facility for the blood, blood components, organs, semen~~,~~ or other human tissue;

2) The quantity of blood, blood components, organs, semen~~,~~ or other human tissue delivered;

3) The name and location of the research facility to which the blood or other human tissue was delivered; and

4) The date and time of delivery.

e) A research facility, for the purposes of this Section, shall mean any clinical laboratory or~~licensed under the Clinical Laboratory Act (Ill. Rev. Stat. 1987, ch. 111½, par. 621 et seq.), any~~ blood bank licensed under the Illinois Clinical Laboratory and Blood Bank Act, ~~(Ill. Rev. Stat. 1987, ch. 111½, par. 601-101 et seq.)~~ or any hospital licensed under the Hospital Licensing Act. ~~(Ill. Rev. Stat. 1987, ch. 111½, par. 142 et seq.)~~

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

SUBPART E: GENERAL PATIENT CARE

Section 205.510 Disaster Preparedness~~Emergency Care~~

a) Each facility shall develop and maintain a disaster preparedness plan that includes patients, staff and others in the facility. The plan shall cover~~have a written plan of procedure to be followed in case of~~ fire, natural disasters, functional failure of equipment, explosion, and~~or~~ non-patient medical emergencies or other unexpected events or circumstances. The plan shall be tested annually for effectiveness with drills and written evaluations. Any corrections to the plan shall be promptly implemented.~~emergency~~. This plan shall specify persons to be

notified and actions to be taken and shall be known by all staff of the facility.

b) Each facility shall be prepared to manage those medical emergencies that~~which~~ may be associated with procedures performed there.

c) For the purposes of this Section, "emergency" means a situation, physical condition or one or more practices, methods or operations that present imminent danger of death or serious physical or mental harm to patients of an ASTC.

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

Section 205.520 Preoperative Care

~~a) Where medical evaluation, examination, and referral are made from a private physician's office, hospital, or clinic, pertinent records thereof shall be available and made part of the patient's clinical record at the time the patient is registered and admitted to the ambulatory surgical treatment center.~~

a)~~b)~~ A complete medical history shall be obtained~~ and the physical examination shall be complete~~. Upon admission, each patient shall have a pre-surgical assessment completed by a physician or other qualified practitioner. This assessment shall include an updated medical record entry documenting an examination for any changes in the patient's condition since completion of the most recently documented medical history and physical assessment, including documentation of any allergies to drugs and biologicals. A preanesthetic evaluation shall be completed specifically identifying any patient sensitivity or contraindications to anesthesia.

b)~~c)~~ The laboratory examinations required on all admissions shall be determined by the qualified consulting committee~~Consulting Committee~~ and shall be consistent with the scope and nature of the ambulatory surgical treatment center. The required list or lists of tests shall be in written form and shall be available to all members of the medical staff.

c)~~d)~~ Prior to procedures performed to terminate pregnancy, the physician shall establish the diagnosis of pregnancy by appropriate clinical evaluation and testing. In addition, the patient's blood Rh factor shall be determined.

d)~~e)~~ A written statement indicating informed consent and a signed authorization by the patient for the performance of the specific surgical procedure shall be procured and made part of the patient's clinical record.

e)~~f)~~ Surgical procedures shall not be performed on patients having medical, surgical~~,~~ or psychiatric conditions or complications as specified by the qualified consulting committee~~Consulting Committee~~ in the ASTC's~~facility's~~ written policies.

f)~~g)~~ Prior to admission to the facility for a surgical procedure, the patient shall be informed of the following:

1) Patients who receive general anesthesia, intravenous sedation, spinal or epidural anesthesia, or any other specific anesthesia technique designated by the qualified consulting committee shall~~Consulting Committee must~~ not attempt to drive a motor vehicle immediately upon discharge from the facility.

2) Patients shall arrange~~must make arrangements~~ prior to admission for safe transportation upon discharge from the facility~~upon discharge to return to home or to a similar environment~~.

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

Section 205.540 Postoperative Care

a) All patients' postoperative conditions~~Patients~~ shall be observed and assessed in the facility for a period of time sufficient to ensure that the patient is awake, physiologically stable, manifests no immediate postoperative complications, and is ready to return to home or to a similar environment. Before discharge from the facility, each patient shall be evaluated by a physician or by an anesthetist for proper anesthesia recovery. No patient shall be required to leave the facility~~center~~ in less than one hour following the procedure or procedures~~procedure(s)~~. Each post-surgical patient's overall condition shall be assessed and documented in the medical record by a physician or an anesthetist, showing that the patient is ready for discharge or in need of further treatment or monitoring.

b) Rh factor sensitization prophylaxis shall be provided to all Rh negative patients following procedures performed to terminate pregnancy, in accordance with standard medical procedures.

c) Patients in whom a complication is known or suspected to have occurred during or after the performance of a surgical procedure shall be informed of the complication~~such condition~~, and arrangements shall be made for treatment of the complication. If the patient is admitted~~In the event of admission~~ to a hospital, a summary of care given in the ambulatory surgical treatment center concerning the suspected complication or complications~~complication(s)~~ shall accompany the patient.

d) To ensure availability of follow-up care at a ~~licensed~~ hospital, the ambulatory surgical treatment center shall provide written documentation of one of the following:

1) A transfer agreement with a ~~licensed~~ hospital within approximately 15-30 minutes travel time of the facility;~~.~~

2) A statement that the medical director of the facility has full admitting privileges at a ~~licensed~~ hospital within approximately 15-30 minutes travel time and that he/she will assume responsibility for all facility patients requiring ~~such~~ follow-up care.

3) A statement that each staff physician, dentist, or podiatrist has admitting privileges in a ~~licensed~~ hospital within 15-30 minutes travel time of the facility.

e) Written instructions shall be issued to all patients in accordance with the standards approved by the consulting committee ~~of the ambulatory surgical treatment center~~ and shall include the following:

1) Symptoms of complications associated with procedures performed;~~.~~

2) Limitations and~~/or~~ restrictions of activities of the patient;~~.~~

3) Specific telephone number to be used by the patient, at any time, if~~should~~

any complication or question arises; and ~~arise.~~

4) A date for a follow-up or return visit after the performance of the surgical procedure, which shall be scheduled within six weeks.

f) Patients shall be discharged only on the written signed order of a physician. The name, or relationship to the patient, of the person accompanying the patient upon discharge from the facility shall be noted in the patient's medical record.

g) Information on availability of family planning services shall be provided, when desired by the patient, to all patients undergoing a pregnancy termination procedure. When, in the physician's opinion, it is in the best interests of the patient and with the patient's consent, family planning services may be initiated prior to the discharge of the patient.

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

Section 205.550 Infection Control

a) Each ASTC shall provide a safe and healthful environment that minimizes infection exposure and risk to patients, health care workers and visitors.

b) Each ASTC shall maintain a written, active and effective facility-wide infection control program. A system designed for the identification, surveillance, investigation, control, and prevention of infectious and communicable diseases in patients and health care workers shall be included in this program.

c) The ASTC shall designate a person as a Qualified Infection Control Professional to develop and implement policies governing the control of infectious and communicable diseases. The Qualified Infection Control Professional shall be qualified through education, training, experience and certification, and the means of qualification shall be documented.

d) Policies and procedures for the reporting and care of cases of communicable diseases shall comply with the Control of Communicable Diseases Code, the Control of Sexually Transmissible Infections Code, and the Control of Tuberculosis Code.

e) The ASTC shall comply with the Centers for Disease Control and Prevention publication "Guidelines for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings".

1) When patients have a communicable disease, or present signs and symptoms suggestive of communicable disease, precautionary measures shall be taken to avoid cross-infection to personnel, other patients and the public.

2) The ASTC shall provide facilities and equipment for the isolation of known or suspected cases of infectious disease.

3) Policies and procedures for handling infectious cases shall include orders to the medical, nursing and non-professional staff concerning isolation technique.

4) All persons who care for patients with or suspected of having a communicable disease, or whose work brings them in contact with materials that are potential conveyors of communicable disease, shall comply with this subsection (e) to avoid transmission of the disease agent.

f) The ASTC shall develop and implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), that take into consideration guidelines of the Centers for Disease Control and Prevention for the management of MDROs in health care settings, including the "Guidelines for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings" and "Guidelines for Hand Hygiene in Health-Care Settings".

g) The ASTC shall comply with 42 CFR 416.43 and 416.51 in developing and maintaining an infection control program. Documentation that the ASTC considered, selected and implemented nationally recognized infection control guidelines in developing its infection control program shall be made available to the Department upon request.

h) The ASTC shall develop, implement, monitor and enforce a hand hygiene program.

1) The ASTC shall assess the current practice and compliance, assess current hand hygiene products, solicit input from clinical staff, and develop a hand hygiene program for all staff.

2) All staff (including contractual and medical) shall be educated in the hand hygiene program during initial orientation and at least annually. This education shall be documented.

3) The program shall have clear goals that require quantitative, time-specific improvement targets.

4) The ASTC shall develop and implement ongoing measurement tools to assure compliance with the program.

5) The results of the monitoring shall be incorporated in the clinical statistical data required in Section 205.620.

i) Contaminated material shall be handled and disposed of in a manner designed to prevent the transmission of the infectious agent.

j) Thorough hand hygiene shall be required after touching any contaminated or infected material.

k) Whenever the Control of Communicable Diseases Code and the Control of Tuberculosis Code require the submission of laboratory specimens for the release of a patient from isolation or quarantine, the specimens shall be submitted to the laboratories of the Illinois Department of Public Health or other laboratory licensed by the Department for the specific tests required.

l) The ASTC shall establish a systematic plan of checking and recording cases of infection, known or suspected, that develop in the ASTC. The cases shall also be reported to the governing body. The ASTC shall investigate health care associated infections to determine the causative organism and its possible sources. The findings and recommendations shall be reported to the medical staff and

administration for corrective action.

m) Policies and procedures related to this Section, and including, but not limited to, the following items, shall be developed:

1) The isolation of patients with specific and suspected infectious diseases and protective isolation of appropriate patients.

2) In-service education programs on the control of infectious diseases.

3) Policies and procedures for isolation techniques appropriate to the diagnosis of the patient, and protective routines for personnel and visitors.

4) The recording and reporting of all infections of clean surgical cases to the administration and procedures for the investigation of cases.

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

SUBPART F: RECORDS AND REPORTS

Section 205.610 Clinical Records and Reports

a) The ASTC shall maintain accurateAccurate and complete clinical records shall be maintained for each patient, and all entries in the clinical record shall be made at the time the surgical procedure is performed and when care, treatment, medications, or other medical services are given. The record shall include, but not be limited to, the following:

1)a) Patientpatient identification;.

2)b) Admittingadmitting information including patient history, physical examination findings, diagnosis or need for medical services;.

3)c) Pre-counselingpre-counseling notes;.

4)d) Signedsigned informed consent;.

5)~~e)~~ Confirmation~~confirmation~~ of a pregnancy (when an abortion is performed);~~.~~

6)~~f)~~ Signed~~signed~~ physician orders;~~.~~

7)~~g)~~ Laboratory~~laboratory~~ test reports, pathologist's report of tissue, and radiologist's report of imaging studies;~~x-rays.~~

8)~~h)~~ An anesthesia record;~~.~~

9)~~i)~~ The operative record;~~.~~

10)~~j)~~ Medication~~medication~~ and medical treatments;~~.~~

11)~~k)~~ Recovery~~recovery~~ room progress notes;~~.~~

12)~~l)~~ Physician's~~physician~~ and nurses' progress notes;~~.~~

13)~~m)~~ The patient's condition at time of discharge;~~.~~

14)~~n)~~ Patient~~patient~~ instructions; and~~.~~

15)~~o)~~ Post-counseling~~post-counseling~~ notes.

b) The ASTC shall comply with the Department's rules titled Pregnancy Termination Report Code.

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

Section 205.620 Statistical Data

a) Each ambulatory surgical treatment center shall collect, compile and maintain the following clinical statistical data at the facility to be made available to the Department during a survey or inspection, or upon the Department's request:

1) The~~the~~ total number of surgical cases treated by the ASTC~~center~~;

2) The~~the~~ number of each specific surgical procedure performed;

3) The~~the~~ number and type of complications reported, including the specific procedure associated with each complication;

4) The~~the~~ number of patients requiring transfer to a ~~licensed~~ hospital for treatment of complications. The~~List~~ ~~the~~ procedure performed and the complication that prompted each transfer shall be listed;~~ and~~

5) The~~the~~ number of deaths, including the specific procedure that was performed; and~~.~~

6) The results of the monitoring of the ASTC's hand hygiene program in Section 205.550(h).

b) The~~This~~ clinical statistical data shall be collected, compiled and maintained quarterly, with reports completed no later than January 31, April 30, July 31 and October 31 for the preceding quarter.

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

SUBPART H: LICENSURE PROCEDURES

Section 205.860 Hearings

a) Applicants and licensees may appeal certain actions of the Department under the Act and this Part. *If a facility desires to contest any Department action, it shall send a written request for a hearing to the Department within 10~~ten~~ days after~~of~~ receipt of the notice of the contested action.* Following receipt of a request for a hearing, the Department shall conduct a hearing to review the contested action. (Section 10c(c) of the Act)

b) Hearings conducted pursuant to the Act and this Part shall be conducted in accordance with the following:

1) Sections 10c, 10f, and 10g of the Act.

2) Article 10~~Sections 10 through 18~~ of the Illinois Administrative Procedure Act~~ (Ill. Rev. Stat. 1991, ch. 127, pars. 1010 through 1018 et seq.)~~.

3) The Department's rules titled~~of the Department entitled~~ "~~Rules of~~ Practice and Procedure in Administrative Hearings"~~ (77 Ill. Adm. Code 100)~~.

c) Applicants and licensees have a right to administrative review of actions and decisions of the Department by the courts under the Administrative Review Law ~~(Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.)~~.

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

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS, AND PHYSICAL REQUIREMENTS

Section 205.1370 Support Service Areas

~~a)~~ ~~A control station shall be located to permit visual surveillance of all traffic that enters the operating suite.~~

a)~~b)~~ The ASTC shall provide sterilizing~~Sterilizing~~ facilities with high-speed autoclaves conveniently located in a clean workroom to serve all procedure rooms ~~shall be provided~~. Alternate provisions, approved by the governing body,~~Approved alternate provisions~~ may be made for replacement of sterile instruments during surgery.

b)~~c)~~ A drug distribution station shall be provided for storage and preparation of medication to be administered to patients.

c)~~d)~~ Scrub stations with knee, foot or elbow actuated faucets or with automatic electronic actuated faucets shall be provided near the entrances to, but outside of, the procedure rooms. Scrub facilities shall be arranged to minimize splatter on nearby personnel or supply carts.

d)~~e)~~ A soiled workroom for the exclusive use of the surgical suite staff shall be provided. The soiled workroom shall contain a work counter, a sink equipped for hand-washing~~handwashing~~, a waste receptacle, and a linen receptacle. This room

may be used for cleaning anesthesia equipment.

e)~~f)~~ Fluid waste disposal facilities shall be conveniently located with respect to the general procedure rooms.

f)~~g)~~ ~~Clean workroom1)~~A clean workroom or a clean supply room is required when clean materials are assembled within the surgical suite prior to use. A clean workroom shall contain a work counter, sink equipped for hand-washing~~handwashing~~, and space for clean and sterile supplies. A clean supply room shall be provided when the narrative program defines a system for the storage and distribution of clean and sterile supplies that would not require the use of a clean workroom.

~~2)~~ ~~An autoclave shall be incorporated into the clean workroom.~~

g)~~h)~~ Anesthesia storage facilities shall be provided. Flammable anesthetics are prohibited.

h)~~i)~~ Medical gas supply storage with space for reserve nitrous oxide and oxygen cylinders shall be provided, with all tanks properly secured.

i)~~j)~~ A storage~~Storage~~ area for equipment and supplies used in the surgical suite shall be provided. The area shall be well ventilated to provide protection against dust, moisture, insects and temperature and humidity extremes.

j) A control station shall be located to permit visual surveillance of all traffic that enters the surgical area. The surgical area shall be a controlled traffic area. Personnel suffering from a communicable disease shall be excluded from the surgical area.

k) The surgical area comprises restricted, semi-restricted, monitored unrestricted, and transition areas.

1) Restricted area: traffic is restricted to authorized personnel and patients. No street clothing shall be worn in the restricted area. Health care workers shall wear facility-laundered scrub attire. Head and facial hair shall be contained within a protective covering. Cloth head coverings shall be

laundered by the facility. Additional garments shall be completely contained or covered within the scrub attire. Masks shall be worn in restricted areas where open sterile supplies or equipment are present or scrubbed persons are located.

2) Semi-restricted area: traffic is restricted to authorized personnel and patients. No street clothing shall be worn in the semi-restricted area. Health care workers wear facility-laundered scrub attire. Head and facial hair shall be contained within a protective covering. Cloth head coverings shall be laundered by the facility. Additional undergarments shall be completely contained or covered within the scrub attire. Masks are not required in this area. Patients shall wear attire appropriate for their surgical procedure and shall wear hair covering.

3) Transitional area: traffic is permitted to allow movement of personnel from the unrestricted area to the semi-restricted area or the restricted area. Personnel enter in street clothing and exit into the semi-restricted area or the restricted area in surgical attire.

4) Monitored unrestricted area: traffic includes authorized personnel, patient and their families. Health care workers in scrub attire may use this area as a transition area for patient management or other business.

l) Signage shall clearly delineate the traffic flow and surgical attire requirements.

m) The movement of clean and sterile items shall be separated from contaminated or dirty items by space, time or traffic patterns.

n) All jewelry shall be removed prior to the surgical scrub. Jewelry shall not be worn in the operating room, except that anesthesia personnel may wear a watch.

o) Additional personal protective equipment shall be worn when exposure to blood or other potentially infectious material is anticipated.

p) Whenever scrub attire or personal protective equipment is soiled, it shall be removed and discarded prior to leaving the operating room.

q) The sterile gown and gloves used when participating in surgical procedures shall be removed and discarded.

r) The unsterile gloves used when participating in surgical procedures shall be removed and discarded prior to leaving the operating room.

s) The use of single-use coverall suits shall be determined by ASTC policy.

t) Shoe covers shall be worn when it can reasonably be anticipated that splashes or spills may occur. If shoe covers are worn, they shall be changed whenever they become torn, wet or soiled. They shall be removed and discarded before leaving the surgical area.

u) The use of cover gowns for covering the scrub attire when outside of the surgical area shall be determined by ASTC policy. Scrub attire worn into the institution from outside shall be changed before entering the semi-restricted or restricted areas. Persons exiting the facility shall don facility-laundered scrub attire upon return to the surgical area.

v)~~k)~~ Staff and personnel facilities shall be provided for male and female personnel (orderlies, technicians, nurses, and doctors) working within the surgical suite. The areas shall contain a lounge area, lockers, toilets, lavatories equipped for hand-washing~~handwashing~~, and space for changing clothes. These areas shall be arranged to provide a transition zone~~ one-way traffic pattern~~ so that personnel entering from outside the surgical~~sterile~~ area can change~~, gown,~~ and move directly into the semi-restricted surgical~~sterile~~ area in facility-laundered surgical attire. ~~Space for removal of scrub suits and foot covers shall be designed so that personnel using it will avoid physical contact with clean personnel.~~

w)~~l)~~ The ASTC shall provide change~~Change~~ areas where patients can change from street clothes into hospital gowns in privacy~~,~~ and be prepared for surgery~~, shall be provided~~. This shall include lockers, toilets, clothing change or gowning areas, and space for the administration of medications.

m) The stretcher storage area shall be out of the direct line of traffic.

n) A janitor's closet containing a floor receptor or service sink~~,~~ and storage space for

housekeeping supplies and equipment~~,~~ shall be provided exclusively for the surgical area~~suite~~.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Rules of the Road – Handicapped Parking

2) Code Citation: 92 Ill. Adm. Code 1100

3)

Section Numbers:	Proposed Action:
1100.5	Amend
1100.10	Amend
1100.15	Amend
1100.20	Amend
1100.25	Amend
1100.30	Amend
1100.35	Amend
1100.40	Repeal

4) Statutory Authority: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2]

5) Complete Description of the Subjects and Issues Involved: The proposed rule updates the Office's rules for the Persons with Disabilities Parking Program to reflect the changes made by PA 97-845, PA 97-918, PA 98-405 and PA 98-577.

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

7) Will this rulemaking replace any emergency amendments currently in effect? 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 require expenditures by units of local government.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*.

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Carrie E. Leitner
Office of the Secretary of State
Assistant General Counsel
298 Howlett Building
Springfield, IL 62756

or
217/785-3094
cleitner@ilsos.net

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

These proposed rules may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Secretary at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Secretary.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Unknown

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

C) Types of professional skills necessary for compliance: None

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

The full text of the proposed rulemaking begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1100
RULES OF THE ROAD − PERSONS WITH DISABILITIES PARKING PROGRAM ~~HANDICAPPED PARKING~~

Section
1100.5 Definitions
1100.10 Application Procedures for Plates and Decals or Devices
1100.15 Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices
1100.20 Person-with-Disabilities Parking Decals or Devices
1100.25 Random Professional License Number Checks with the Department of Financial and Professional Regulation ~~Division of Professional Regulation~~
1100.30 Corporations, School Districts, and Special Education Cooperatives
1100.35 Revocation of Plates and Decals or Devices
1100.40 Revocation Authority for Plates and Decals or Devices (Repealed)

AUTHORITY: Implementing and authorized by Section 3-616 of the Illinois Vehicle Title and Registration Law and Section 11-1301.2 of the Illinois Rules of the Road [625 ILCS 5/3-616 and 11-1301.2].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 74, effective February 29, 1980; codified at 6 Ill. Reg. 12703; amended at 9 Ill. Reg. 12868, effective August 2, 1985; amended at 12 Ill. Reg. 8448, effective May 2, 1988; old Part repealed and new Part adopted at 22 Ill. Reg. 2280, effective January 1, 1998; amended at 30 Ill. Reg. 917, effective January 6, 2006; amended at 37 Ill. Reg. _____, effective _____.

Section 1100.5 Definitions

"Affirmation by an authorized agent" means the agent for a corporation, school district or special education cooperative attests that the individuals being transported are qualified under IVC Section ~~625 ILCS 5/~~1-159.1 and are permanently disabled (i.e., indefinitely subject to a physical disability or a developmental disability as defined in Section 4A(a) of the Illinois Identification Card Act [15 ILCS 335/4A(a)]).

"Authorized holder" means an individual issued a person-with-disabilities license plate under IVC Section ~~625 ILCS 5/~~3-616 or 3-609(a), or an individual issued a person-with-disabilities parking decal or device under IVC Section ~~625 ILCS 5/~~11-1301.2.

"Competent medical specialist" means a person affirming that the applicant for a person-with-disabilities license plate or decal or device is a disabled person in accordance with IVC Section ~~625 ILCS 5/~~1-159.1. This person shall be licensed under the Medical Practice Act [225 ILCS 60], or similar law of another jurisdiction, or a person specified in the Illinois Identification Card Act and the Illinois Vehicle Code, including *a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination* [625 ILCS 5/3-616(a)].

"Decal or device" means a placard~~card~~ described in Section 1100.10(a) that, when displayed in a vehicle, authorizes the parking of the vehicle in parking spaces reserved for the disabled, and authorizes other parking privileges as outlined in IVC Sections ~~625 ILCS 5/~~11-1301.1 and 11-1301.2. "Decal or device" does not mean a sticker with adhesive backing which is permanently affixed to the vehicle.

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

"False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the application for a person-with-disabilities license plate or parking decal or device that falsifies the content of the application.

"Fictitious person-with-disabilities license plate or parking decal or device" means any person-with-disabilities license plate or parking decal or device that has been issued by the Secretary ~~of State~~ or authorized unit of local government that was issued based upon false information contained on the required application.

"Fraudulent person-with-disabilities license plate or parking decal or device"

means any person-with-disabilities license plate or parking decal or device that purports to be an official person-with-disabilities license plate or parking decal or device and has not been issued by the Secretary ~~of State~~ or an authorized unit of local government.

"IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Metered-exempt decal or device", as that term is used in IVC Section 11-1301.2, means a decal or device that is issued by the Secretary to a natural person who, as determined by a licensed physician, physician assistant or advanced practice nurse, meets the criteria established under IVC Section 11-1301.2(c-5).

"Permanent disability" means a disability that affects an individual indefinitely as defined in the Illinois Identification Card Act [15 ILCS 335/4A].

"Person with disabilities" means a natural person who, as determined by a licensed physician: cannot walk 200 feet without stopping to rest; cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mmhg on room air at rest; uses portable oxygen; has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association (Classification of Functional Capacity and Objective Assessment of Patients with Diseases of the Heart, 7272 Greenville Avenue, Dallas, Texas, effective March 4, 1994, no subsequent dates and editions); or is severely limited in the person's ability to walk due to an arthritic, neurological, oncological or orthopedic condition.

"Secretary" means the Illinois Secretary of State.

"Temporary disability" means a disability that lasts up to six months and is not permanent in nature.

"Unlawfully altered person-with-disabilities license plate or parking decal or device" means any persons with disabilities license plate or parking decal or

device issued by the Secretary ~~of State~~ or authorized unit of local government that has been physically altered or changed in such a manner that false information, which may include but shall not be limited to incorrect expiration date or incorrect decal or device number, appears on the license plate or parking decal or device.

"While the person with disabilities is present", as that term is used in IVC Section ~~625 ILCS 5/~~11-1301.1, means that the person with disabilities must either exit or enter the vehicle while the vehicle is parked in a designated person-with-disabilities parking area or in an area where parking meter time restrictions are waived. In other words, an able-bodied driver cannot drop off the person with disabilities at the entrance to a facility, park in a person-with-disabilities parking space, and then return to pick up the person with disabilities.

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

Section 1100.10 Application Procedures for Plates and Decals or Devices

a) If a person wishes to apply for a person-with-disabilities license plate, he/she must be a resident of the State of Illinois and shall submit the following to the Secretary ~~of State~~:

1) The certification on a form prescribed by the Secretary ~~of State~~ completed by the competent medical specialist and the applicant;

2) The current registration card or a copy of the title if the vehicle is registered in the applicant's name or the title or the manufacturer's certificate of origin if the vehicle is not registered in the applicant's name; and

3) The application form prescribed by the Secretary ~~of State~~ and statutory fee as provided for in IVC Section ~~5/~~3-806~~of the Certificates of Title and Registration of Vehicles Law of the Illinois Vehicle Code [625 ILCS 5/3-806]~~.

b) If a person wishes to apply for a person-with-disabilities parking decal or device, he/she must be a resident of the State of Illinois, must possess a valid Illinois

driver's license, and shall submit the following to the Secretary~~ of State~~ or authorized unit of local government:

1) The certification form completed by the competent medical specialist and applicant unless the person has been issued a disabled veteran or person-with-disabilities license and has a certification form on file or the person has an Illinois Person with a Disability~~Disabled Person's~~ ID card with a 1A~~a~~ or 2A~~a~~ classification as provided in Section 4A~~24~~ of the Illinois Identification Card Act; or

2) A copy of the individual's State of Illinois identification card, disabled veteran identification card, person-with-disabilities identification card, or State of Illinois Driver's License. In the case of a person with disabilities who is under the age of 18, the identification card number of the minor's parent or legal guardian may be submitted.

c) The physician certification form shall contain the following items:

1) The definition of a "person with disabilities" as outlined in IVC Section ~~625 ILCS 5/~~1-159.1 and contained in Section 1100.5 of this Part and the requirements for an applicant to qualify for the metered-exempt parking decal or device set forth in IVC Section 11-1301.2(c-5);

2) An indication from the competent medical specialist as to the qualifying disability;

3) An indication~~Indication~~ from the competent medical specialist whether the disability is permanent or temporary. If temporary, the competent medical specialist shall also indicate the anticipated duration of the disability (not to exceed 6 months). If the disability is permanent, the competent medical specialist shall indicate whether the applicant meets the medical conditions required by IVC Section 1-159.1 for a metered-exempt parking decal or device;

4) The certifying competent medical specialist's name, address, telephone number, professional license number~~,~~ and signature;

5) The applicant's name, address, telephone number, social security number~~,~~ and driver's license number or State identification number;

6) The ~~vehicle identification number and license~~ plate number for the one or two primary vehicles used to transport the person with disabilities; and

7) The name, address, phone number, relationship to the disabled individual, and signature of the family member who is the owner of the vehicle upon which the person with disabilities relies for his/her mode of transportation, and that he/she does not own a vehicle in his/her name, if the vehicle is not owned by the applicant having the disability.

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

Section 1100.15 Authorized Issuing Agents for Person-with-Disabilities Parking Decals or Devices

a) ~~Person-with-disabilities permanent parking decals or devices.~~ The ~~Office of the~~ Secretary ~~of State~~ shall be the only authorized agent to issue person-with-disabilities permanent parking decals or devices. Additionally, the Secretary shall be the only authorized agent permitted to issue metered-exempt parking decals or devices.

b) Person-with-disabilities temporary parking decals or devices may be issued by:

1) Units of local government following the guidelines established by the IVC~~Illinois Vehicle Code and this Code~~; or

2) The ~~Office of the~~ Secretary ~~of State~~.

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

Section 1100.20 Person-with-Disabilities Parking Decals or Devices

a) The decals or devices issued by State and local authorities according to the provisions of IVC Section ~~625 ILCS 5/~~11-1301.2 shall be the following size, color, design, duration~~,~~ and placement.

1) Size − 3" x 9½".

2) Color − Permanent, metered-exempt,~~Permanent~~ and temporary decals or devices shall be of differing distinctive and contrasting colors.

3) Design, Placement, Manufacturing − The decal or device shall contain the international symbol of access, the registration number~~ for the decal or device~~, the expiration date~~ of the decal or device~~, and the name of the issuing agent. Decals shall be placed on the rearview mirror of the vehicle while the vehicle is parked in the person-with-disabilities parking space or metered space, and shall be removed while the vehicle is in motion. If the person is incapable of putting the decal or device on the rearview mirror because of his/her physical disability, the decal or device may be placed on the dashboard of the car in clear view.

4) Duration of the Temporary Decal or Device − Secretary~~ of State~~ Issue: Temporary decals or devices provided by the Secretary~~ of State~~ shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed six months. Recertification of disability is required upon application for renewal.

5) Duration of Temporary Decal or Device − Unit of Local Government Issue: Temporary decals or devices provided by units of local government shall be issued to individuals whose disability is temporary in nature. The temporary decal or device shall be issued for the time specified by the physician certification, but shall not exceed 90 days. Recertification of disability is required upon application for renewal.

6) Duration of Permanent Decal:~~ The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998.~~ The permanent decals or devices ~~issued on or after January 1, 1998~~ shall expire every four years ~~beginning with the April 30, 2002 expiration date~~. A physician's certification of the permanent disability is required for~~ beginning with~~ renewal of permanent decals or devices~~ set to expire June 30, 1998~~.

b) The vehicle in which the disabled parking decal or device is displayed need not bear Illinois registration plates. However, the vehicle's registration plates must be valid and issued in accordance with the individual's ruling state/jurisdiction.

c) A vehicle displaying disabled plates issued under IVC Section 3-609(a) or 3-616 that has also been issued a metered-exempt parking decal or device must display the metered-exempt parking decal or device while parked at a meter to avoid paying the meter.

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

Section 1100.25 Random Professional License Number Checks with the Department of Financial and Professional Regulation~~ Division of Professional Regulation~~

a) At least once every six months, the Secretary~~ of State~~ shall pull at random applications for person-with-disabilities license plates or decals or devices. DFPR~~DFPR-DPR~~ shall verify that the name of the competent medical specialist certifying to the disability matches the licensing number listed on the application form, and that the competent medical specialist is licensed by DFPR~~DFPR-DPR~~ under that licensure number. DFPR~~ DFPR-DPR~~ shall notify the Secretary of State of the results of the match.

b) In the instance that DFPR~~DFPR-DPR~~ finds that a competent medical specialist is not licensed by DFPR~~DFPR-DPR~~ under the licensure number listed on the application, the Secretary~~ of State~~ shall begin proceedings for the revocation of plates or decals or devices outlined in Section 1100.35~~ of this Part~~.

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

Section 1100.30 Corporations, School Districts, and Special Education Cooperatives

a) Corporations, school districts and special education cooperatives may apply for either a person-with-disabilities license plate and/or decal or device providing the corporation, school district and special education cooperative is not already registered pursuant to IVC Sections ~~625 ILCS 5/~~1-142.1, 8-101, 8-101.1 and 3-412(J).~~ A copy of the corporate charter shall be submitted to the Secretary of State.~~ If a vehicle is used to transport persons with disabilities for compensation,

appropriate plates must be issued in accordance with the IVC Sections ~~of the Illinois Vehicle Code~~ cited in this subsection (a)~~above~~.

b) The vehicle must be used primarily (more than 60% of the time) for the transportation of permanently disabled persons to be registered with a person-with-disabilities license plate. If the vehicle is used only occasionally for the transportation of persons with disabilities, a decal or device shall be used.

c) Duration of the decal or device: ~~The permanent decals or devices issued prior to January 1, 1998 shall expire June 30, 1998.~~ The permanent decals or devices ~~issued on or after January 1, 1998~~ shall expire every four years ~~beginning with the April 30, 2002 expiration date~~. An affirmation of the transportation of the persons with permanent disabilities shall be required upon the renewal of the permanent decal or device and/or plate.

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

Section 1100.35 Revocation of Plates and Decals or Devices

a) Upon receipt of a written complaint that a person-with-disabilities plate or decal or device is being used by a person not entitled to the plate, decal or device ~~non-disabled person~~, the Secretary ~~of State~~ shall attempt to verify the license plate or decal or device owner's eligibility for the plate or decal or device.

b) In determining eligibility, the Secretary ~~of State~~ shall notify the license plate or decal or device owner that the complaint has been received regarding the misuse of the license plate or decal or device. If the complaint is related to a metered-exempt parking decal or device, the~~The~~ Secretary shall also request that the license plate or decal or device owner submit an updated certification by a competent medical specialist that the owner is disabled as defined by IVC Section 11-1301.2(c-5) ~~625 ILCS 5/1-159.1~~ and Section 1100.5 of this Part.

1) If the competent medical specialist chosen by the license plate/decal or device owner indicates on the certification form that the owner does not have a qualifying disability, the person-with-disabilities license plate and/or decal or device shall be revoked in accordance with IVC Section 3-704(a)(11)~~625 ILCS 5/3-704(11)~~.

2) If the competent medical specialist indicates that the disability is temporary in nature, not permanent, the license plate and/or permanent decal or device shall be revoked in accordance with IVC Section 3-704(a)(11)~~625 ILCS 5/3-704(11)~~. Upon revocation of the permanent decal or device, a temporary decal or device shall be issued according to the guidelines outlined in Section 1100.20~~ above~~.

3) If the competent medical specialist affirms that the individual has a permanent qualifying disability, no revocation action shall be taken.

4) If the competent medical specialist fails to submit an updated certification, the person-with-disabilities license plate and/or decal or device shall be revoked in accordance with IVC Section 3-704(a)(11).

c) Under authority granted in IVC Section 3-704(a)(11), person-with-disabilities license plates and decals or devices shall be revoked if determined to be issued to a person who is not disabled or determined to be used in an unlawful manner as outlined in IVC Section 11-1301.5 or 11-1301.6. The sources of acceptable proof of the offenses described in this Section are court documents, Department of Vehicle Services applications, Department of Driver Services facility applications, government entity documents, and law enforcement correspondence/reports.

d~~c~~) If a person-with-disabilities license plate is revoked~~ in accordance with 625 ILCS 5/3-704(11)~~, a passenger plate (or other appropriate license plate) shall be issued.

e~~d~~) Any person whose person-with-disabilities parking plate or decal is revoked~~ in accordance with 625 ILCS 5/3-704(11)~~ may request a hearing to be conducted pursuant to 92 Ill. Adm. Code 1001, Subpart A or Subpart C, as the person may choose.

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

Section 1100.40 Revocation Authority for Plates and Decals or Devices (Repealed)

~~a) Under authority granted in 625 ILCS 5/3-704(11), person-with-disabilities license~~

~~plates and decals or devices shall be revoked if determined to be issued to a person who is not disabled or determined to be used in an unlawful manner as outlined in 625 ILCS 5/11-1301.5 or 11-1301.6.~~

~~b)~~ ~~The sources of acceptable proof of a person not being disabled are the written testament of a competent medical specialist, or the failure of an individual to obtain certification from a competent medical specialist that the person has a qualifying disability.~~

~~c)~~ ~~The sources of acceptable proof of the offenses described in subsection (a) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents, and law enforcement correspondence/reports.~~

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

OFFICE OF THE TREASURER

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Procurement

2) Code Citation: 44 Ill. Adm. Code 1400

3)

Section Numbers:	Proposed Action:
1400.505	Repeal
1400.510	Repeal
1400.515	Repeal
1400.520	Repeal
1400.525	Repeal
1400.530	Repeal
1400.1005	Repeal
1400.1010	Repeal
1400.1015	Repeal
1400.1505	Repeal
1400.1510	Repeal
1400.1515	Repeal
1400.2005	Repeal
1400.2010	Repeal
1400.2015	Repeal
1400.2020	Repeal
1400.2025	Repeal
1400.2030	Repeal
1400.2035	Repeal
1400.2040	Repeal
1400.2045	Repeal
1400.2505	Repeal
1400.2510	Repeal
1400.2515	Repeal
1400.2520	Repeal
1400.3005	Repeal
1400.3010	Repeal
1400.3505	Repeal
1400.3510	Repeal
1400.3515	Repeal
1400.3520	Repeal
1400.3525	Repeal

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NOTICE OF PROPOSED REPEALER

1400.4005	Repeal
1400.4010	Repeal
1400.4015	Repeal
1400.4020	Repeal
1400.4505	Repeal
1400.4510	Repeal
1400.4515	Repeal
1400.4520	Repeal
1400.4525	Repeal
1400.4530	Repeal
1400.4535	Repeal
1400.4540	Repeal
1400.4545	Repeal
1400.4550	Repeal
1400.4555	Repeal
1400.4560	Repeal
1400.4565	Repeal
1400.5005	Repeal
1400.5010	Repeal
1400.5015	Repeal
1400.5020	Repeal
1400.5025	Repeal
1400.5030	Repeal
1400.5035	Repeal
1400.5040	Repeal
1400.5045	Repeal
1400.5050	Repeal
1400.5055	Repeal
1400.5060	Repeal
1400.5065	Repeal
1400.5505	Repeal
1400.6005	Repeal
1400.6010	Repeal
1400.6015	Repeal
1400.6020	Repeal
1400.6025	Repeal
1400.6030	Repeal

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NOTICE OF PROPOSED REPEALER

1400.6035 Repeal

4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]

5) A Complete Description of the Subjects and Issues Involved: Having last been amended in 2000, the Office of the Treasurer is repealing its current procurement rules to allow a concurrent rulemaking to bring the Office of the Treasurer into compliance with the PA 96-795 and PA 97-895 and re-organizes the administrative rules in order to allow the public to move seamlessly between the Illinois Procurement Code [30 ILCS 500] and these administrative rules.

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

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

8) Does this rulemaking contain incorporations by reference? No

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

Section Numbers	Proposed Action	*Illinois Register* Citation
1400.100	New	37 Ill. Reg. 14710; September 13, 2013
1400.105	New	37 Ill. Reg. 14710; September 13, 2013
1400.110	New	37 Ill. Reg. 14710; September 13, 2013
1400.111	New	37 Ill. Reg. 14710; September 13, 2013
1400.115	New	37 Ill. Reg. 14710; September 13, 2013
1400.125	New	37 Ill. Reg. 14710; September 13, 2013
1400.130	New	37 Ill. Reg. 14710; September 13, 2013
1400.135	New	37 Ill. Reg. 14710; September 13, 2013
1400.140	New	37 Ill. Reg. 14710; September 13, 2013
1400.145	New	37 Ill. Reg. 14710; September 13, 2013
1400.150	New	37 Ill. Reg. 14710; September 13, 2013
1400.505	New	37 Ill. Reg. 14710; September 13, 2013
1400.523	New	37 Ill. Reg. 14710; September 13, 2013
1400.525	New	37 Ill. Reg. 14710; September 13, 2013
1400.530	New	37 Ill. Reg. 14710; September 13, 2013
1400.1005	New	37 Ill. Reg. 14710; September 13, 2013
1400.1010	New	37 Ill. Reg. 14710; September 13, 2013

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1400.1015	New	37 Ill. Reg. 14710; September 13, 2013
1400.1020	New	37 Ill. Reg. 14710; September 13, 2013
1400.1050	New	37 Ill. Reg. 14710; September 13, 2013
1400.1501	New	37 Ill. Reg. 14710; September 13, 2013
1400.1510	New	37 Ill. Reg. 14710; September 13, 2013
1400.1515	New	37 Ill. Reg. 14710; September 13, 2013
1400.1520	New	37 Ill. Reg. 14710; September 13, 2013
1400.1525	New	37 Ill. Reg. 14710; September 13, 2013
1400.1530	New	37 Ill. Reg. 14710; September 13, 2013
1400.1540	New	37 Ill. Reg. 14710; September 13, 2013
1400.2005	New	37 Ill. Reg. 14710; September 13, 2013
1400.2010	New	37 Ill. Reg. 14710; September 13, 2013
1400.2015	New	37 Ill. Reg. 14710; September 13, 2013
1400.2020	New	37 Ill. Reg. 14710; September 13, 2013
1400.2025	New	37 Ill. Reg. 14710; September 13, 2013
1400.2030	New	37 Ill. Reg. 14710; September 13, 2013
1400.2035	New	37 Ill. Reg. 14710; September 13, 2013
1400.2040	New	37 Ill. Reg. 14710; September 13, 2013
1400.2043	New	37 Ill. Reg. 14710; September 13, 2013
1400.2050	New	37 Ill. Reg. 14710; September 13, 2013
1400.2060	New	37 Ill. Reg. 14710; September 13, 2013
1400.2065	New	37 Ill. Reg. 14710; September 13, 2013
1400.2070	New	37 Ill. Reg. 14710; September 13, 2013
1400.2075	New	37 Ill. Reg. 14710; September 13, 2013
1400.2080	New	37 Ill. Reg. 14710; September 13, 2013
1400.2095	New	37 Ill. Reg. 14710; September 13, 2013
1400.2105	New	37 Ill. Reg. 14710; September 13, 2013
1400.2120	New	37 Ill. Reg. 14710; September 13, 2013
1400.2155	New	37 Ill. Reg. 14710; September 13, 2013
1400.2160	New	37 Ill. Reg. 14710; September 13, 2013
1400.2505	New	37 Ill. Reg. 14710; September 13, 2013
1400.2510	New	37 Ill. Reg. 14710; September 13, 2013
1400.2515	New	37 Ill. Reg. 14710; September 13, 2013
1400.2530	New	37 Ill. Reg. 14710; September 13, 2013
1400.2555	New	37 Ill. Reg. 14710; September 13, 2013
1400.2560	New	37 Ill. Reg. 14710; September 13, 2013
1400.3005	New	37 Ill. Reg. 14710; September 13, 2013

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1400.3505	New	37 Ill. Reg. 14710; September 13, 2013
1400.3510	New	37 Ill. Reg. 14710; September 13, 2013
1400.3525	New	37 Ill. Reg. 14710; September 13, 2013
1400.3530	New	37 Ill. Reg. 14710; September 13, 2013
1400.3535	New	37 Ill. Reg. 14710; September 13, 2013
1400.4005	New	37 Ill. Reg. 14710; September 13, 2013
1400.4010	New	37 Ill. Reg. 14710; September 13, 2013
1400.4015	New	37 Ill. Reg. 14710; September 13, 2013
1400.4020	New	37 Ill. Reg. 14710; September 13, 2013
1400.4025	New	37 Ill. Reg. 14710 September 13, 2013
1400.4030	New	37 Ill. Reg. 14710; September 13, 2013
1400.4505	New	37 Ill. Reg. 14710; September 13, 2013
1400.4510	New	37 Ill. Reg. 14710; September 13, 2013
1400.4515	New	37 Ill. Reg. 14710; September 13, 2013
1400.4520	New	37 Ill. Reg. 14710; September 13, 2013
1400.4525	New	37 Ill. Reg. 14710; September 13, 2013
1400.4530	New	37 Ill. Reg. 14710; September 13, 2013
1400.4535	New	37 Ill. Reg. 14710; September 13, 2013
1400.4540	New	37 Ill. Reg. 14710; September 13, 2013
1400.5001	New	37 Ill. Reg. 14710; September 13, 2013
1400.5002	New	37 Ill. Reg. 14710; September 13, 2013
1400.5013	New	37 Ill. Reg. 14710; September 13, 2013
1400.5014	New	37 Ill. Reg. 14710; September 13, 2013
1400.5039	New	37 Ill. Reg. 14710; September 13, 2013
1400.5055	New	37 Ill. Reg. 14710; September 13, 2013
1400.5310	New	37 Ill. Reg. 14710; September 13, 2013
1400.5320	New	37 Ill. Reg. 14710; September 13, 2013
1400.6005	New	37 Ill. Reg. 14710; September 13, 2013
1400.6010	New	37 Ill. Reg. 14710; September 13, 2013
1400.6015	New	37 Ill. Reg. 14710; September 13, 2013
1400.6020	New	37 Ill. Reg. 14710; September 13, 2013
1400.6030	New	37 Ill. Reg. 14710; September 13, 2013
1400.6040	New	37 Ill. Reg. 14710; September 13, 2013
1400.6050	New	37 Ill. Reg. 14710; September 13, 2013

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

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11) 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:

Bradley A. Rightnowar
Rules Coordinator
Office of the Illinois State Treasurer
1 West Old State Capitol Plaza
Springfield, Illinois 62701

217/557-9360
brightnowar@treasurer.state.il.us

12) 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

13) Regulatory Agenda on which this rulemaking was summarized: None. The need for this rulemaking was not anticipated at the time the two most recent Agendas were published.

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

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NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXI: TREASURER

PART 1400
PROCUREMENT (REPEALED)

SUBPART A: GENERAL

Section
1400.505 Title
1400.510 Policy
1400.515 Applicability
1400.520 Definition of Terms
1400.525 Property Rights
1400.530 Department of Central Management Services

SUBPART B: PROCUREMENT AUTHORITY

Section
1400.1005 Chief Procurement Officer
1400.1010 Purchasing Officer
1400.1015 Small Business Specialist

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section
1400.1505 Publication
1400.1510 Solicitation
1400.1515 Documentation

SUBPART D: PROCUREMENT METHODS

Section
1400.2005 Competitive Sealed Bidding
1400.2010 Multi-Step Sealed Bidding

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1400.2015 Competitive Sealed Proposals
1400.2020 Small Purchases
1400.2025 Sole Source Procurements
1400.2030 Emergency Procurements
1400.2035 Procurement of Professional and Artistic Services
1400.2040 Procurement of Real Property Leases
1400.2045 Other Methods of Source Selection

SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section
1400.2505 General Provisions
1400.2510 Tie Bids and Proposals
1400.2515 Correction or Withdrawal of Proposals
1400.2520 Cancellation of Solicitations and Rejection of Offers

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section
1400.3005 Specifications
1400.3010 Security Requirements

SUBPART G: CONTRACTS

Section
1400.3505 Types of Contracts
1400.3510 Duration of Contracts
1400.3515 Contract Pricing
1400.3520 Contract Provisions
1400.3525 Prevailing Wage Requirements

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section
1400.4005 Disputes and Protests Regarding Solicitations and Awards
1400.4010 Contract Controversies
1400.4015 Remedies

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1400.4020 Suspension

SUBPART I: PREFERENCES

Section
1400.4505 Procurement Preferences
1400.4510 Resident Vendor Preference
1400.4515 Soybean Oil-based Ink
1400.4520 Recycled Materials
1400.4525 Recycled Paper
1400.4530 Correctional Industries
1400.4535 Sheltered Workshops for the Disabled
1400.4540 Gas Mileage
1400.4545 Illinois Agricultural Products
1400.4550 Corn-based Plastics
1400.4555 Vehicles Powered by Agricultural Commodity-based Fuel
1400.4560 Small Businesses
1400.4565 Preferences for Veterans, Minorities, Females, and Persons with Disabilities

SUBPART J: ETHICS

Section
1400.5005 Purpose
1400.5010 Bribery
1400.5015 Felons
1400.5020 Conflicts of Interest
1400.5025 Negotiations for Future Employment
1400.5030 Revolving Door
1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
1401.5040 Reporting Anticompetitive Practices
1400.5045 Confidentiality
1400.5050 Insider Information
1400.5055 Additional Provisions
1400.5060 Other Violations
1400.5065 Supply Inventory

SUBPART K: CONCESSIONS

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Section
1400.5505 Concessions

SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
1400.6005 Severability
1400.6010 Government Furnished Property
1400.6015 Inspections
1400.6020 No Waiver of Sovereign Immunity
1400.6025 Postage Stamps
1400.6030 Printing
1400.6035 Annual Reports

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective August 24, 1998; amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8393, effective May 30, 2000; repealed at 37 Ill. Reg. _____ effective _____.

SUBPART A: GENERAL

Section 1400.505 Title

This Part may be cited as the Office of the Treasurer Procurement Rules.

Section 1400.510 Policy

All procurements by the Treasurer's office will be accomplished in the most competitive, expeditious, economical and commercially reasonable manner that is in accordance with law, this Part and other applicable rules.

Section 1400.515 Applicability

a) This Part applies to all procurements by the Treasurer's office with a Solicitation Date of July 1, 1998 or later with the exception of the following:

1) contracts between the Treasurer's office and any federal, State, or local governmental body;

2) agreements for the deposit of State moneys in interest bearing accounts or the investment of State moneys under the Deposit of State Moneys Act [15 ILCS 520] or the Public Funds Investment Act [30 ILCS 235];

3) hiring employees, including contractual employees but not independent contractors, of the Treasurer's office;

4) collective bargaining agreements;

5) contracts approved by the Chief Legal Counsel as necessary to prepare for anticipated litigation, enforcement actions, or investigations.

b) The terms and conditions and the rights and obligations under contracts resulting from procurements with a Solicitation Date that is earlier than the effective date of this Part will not be impaired.

Section 1400.520 Definition of Terms

Each term listed in this Section has the meaning below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in those Sections.

"Bid" − A 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 catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet Treasurer's office requirements, and that allows the submission of equivalent products.

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"Brand Name Specification" − A specification limited to one or more items by manufacturer's names or catalogue numbers.

"Chief Legal Counsel" − An attorney for the Treasurer's office who reports directly to the Chief of Staff and is primarily responsible for the legal functioning of the Treasurer's office.

"Chief of Staff" − The Chief of Staff for the Treasurer's office.

"Chief Procurement Officer" − The employee of the Treasurer's office who is appointed by the Treasurer to be primarily responsible for the procurement of all goods and services by the Treasurer's office.

"Contract" − Any agreement or lease that requires the payment of State funds by the Treasurer's office in exchange for goods or services.

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

"Invitation for Bids" − A document prepared and distributed by the Treasurer's office soliciting bids for the provision of goods or services to the Treasurer's office.

"Offer" − A bid, proposal, or response solicited by the Treasurer's office.

"Offeror" − The person or entity submitting a bid, proposal or response solicited by the Treasurer's office.

"Procurement Review Board" − A board composed of the Chief of Staff, the Chief Legal Counsel, and the Inspector General for the Treasurer's office.

"Professional and Artistic Services" − Those services provided under contract to the Treasurer's office by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability.

OFFICE OF THE TREASURER

NOTICE OF PROPOSED REPEALER

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

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

"Purchasing Officer" − One or more employees of the Treasurer's office that serve at the direction of the Chief Procurement Officer and are responsible for coordinating the procurement activity of the Treasurer's office.

"Request for Information" − A document prepared and distributed by the Treasurer's office soliciting lease information for real property.

"Request for Proposals" − A document prepared and distributed by the Treasurer's office soliciting proposals for the provision of goods or services to the Treasurer's office.

"Respondent" − The person or entity submitting a response to a Request for Information from the Treasurer's office.

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

"Responsible Bidder, Proposer or Respondent" − 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.

"Responsive Bidder" − A person or entity that has submitted a bid conforming in all material respects to an Invitation for Bids or Request for Proposal.

"Small Business Specialist" − An employee of the Treasurer's office who is responsible for assisting small businesses in submitting offers to the Treasurer's office for the provision of goods and services.

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

"Solicitation Date" − The date that bids or proposals are solicited for the provision of goods or services to the Treasurer's office by communicating the solicitation

orally, depositing the solicitation in the U.S. Mail or posting the solicitation electronically, whichever occurs first.

"Specification" − Any description of the physical, functional or performance characteristics or of the nature of a supply, a service, or construction items. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, a service, or construction item for delivery.

"Treasurer's Web Site" − The World Wide Web site of the Office of the Illinois State Treasurer at www.state.il.us/treas.

Section 1400.525 Property Rights

Receipt of a solicitation or submission of any bid, proposal or response to a solicitation confers no right to receive an award or contract, nor does it obligate the State in any manner.

Section 1400.530 Department of Central Management Services

The Treasurer's office may, without soliciting independent bids, proposals, or responses, procure goods and services from vendors selected by the Department of Central Management Services (CMS) in accordance with a competitive selection process established by CMS under the Illinois Procurement Code [30 ILCS 525].

SUBPART B: PROCUREMENT AUTHORITY

Section 1400.1005 Chief Procurement Officer

The Chief Procurement Officer shall insure that all procurements of the Treasurer's office are in accordance with this Part and in the best interest of the State. The Chief Procurement Officer is responsible for the activities of the Purchasing Officers and the Small Business Specialist who serve under his or her direction and supervision.

Section 1400.1010 Purchasing Officer

a) The Chief Procurement Officer, subject to the approval of the Treasurer, may appoint one or more employees under his or her direction and supervision to serve as Purchasing Officers.

b) Before making an appointment, the Chief Procurement Officer shall, among other factors, consider each individual's character and fitness and understanding of the procurement process.

Section 1400.1015 Small Business Specialist

a) The Chief Procurement Officer, subject to the approval of the Treasurer, may designate an employee of the Treasurer's office with experience negotiating contracts to serve as the Small Business Specialist.

b) Before making the designation, the Chief Procurement Officer shall, among other factors, consider the individual's demeanor, organizational skills, knowledge of the Treasurer's office, and awareness of the issues confronting small businesses.

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section 1400.1505 Publication

a) Electronic Publication
Every solicitation for bids, proposals or responses required under this Part must be published on the Treasurer's Web Site at least 14 calendar days before the date set in the solicitation for the opening of the bids, proposals or responses. Every notice of intention to enter into a sole source contract must be published on the Treasurer's Web Site at least 14 calendar days before the award of the contract. Notices of the exercise of an option to renew a lease must be published on the Treasurer's Web Site at least 60 days prior to the exercise of the option. All other documents required to be published under this Part must be published on the Treasurer's Web Site as soon as practicable and no later than 30 days from the date on which the document was produced. There is no fee assessed for access to the page of the Treasurer's Web Site containing procurement information.

b) Paper Publication
All documents published on the Treasurer's Web Site must be published in a paper format and made available upon request as of the date that it is published electronically. The Treasurer's office may charge a minimal fee that does not exceed the costs of postage and copying. The fee for postage and copying will

not exceed the limits established by the Treasurer's Office for Freedom of Information Act requests at 2 Ill. Adm. Code 651. The paper publication will be available for inspection free of charge at locations in Springfield and Chicago.

c) Content of Publications

1) Solicitations. Every solicitation must include the following:

A) the date of the solicitation;

B) the specifications;

C) a procurement reference number if used;

D) the date, time, and location of any bidders' conferences;

E) the date, time, and location for making submissions;

F) method of source selection;

G) name of the Chief Procurement Officer and the Treasurer; and

H) instructions on how to obtain additional information.

2) Notices of Contract Awarded. Every notice of contract awarded must contain the following information:

A) the name of the vendor selected for the award;

B) a brief description of what the vendor will do or provide;

C) the contract price;

D) the number of unsuccessful vendors;

E) the date the solicitation was first published;

F) the date, time and location for making submissions that led to the contract award;

G) name of the Chief Procurement Officer and the Treasurer; and

H) instructions on how to obtain additional information.

3) Notices of Cancellation or Rejection. The notices of cancellation of a solicitation or rejection of offers must:

A) identify the solicitation;

B) briefly explain the reason for the cancellation or rejection; and

C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar goods or services.

4) Other Publications. All other publications required by this Part must contain any and all information that is required by this Part.

Section 1400.1510 Solicitation

In addition to publishing solicitation notices electronically and in a paper format, the Treasurer's office may directly contact prospective vendors. Direct solicitation may be oral or in writing, but care must be taken to ensure that all vendors receive the same information. At least three vendors should be contacted whenever possible.

Section 1400.1515 Documentation

a) Minutes
Minutes of all meetings of the Procurement Review Board and bidders' conferences will be created and made available for inspection and copying.

b) Procurement File
All official procurement records, notices, contracts, written determinations, minutes, forms, and any other documents required under this Part must be made

part of the procurement file maintained by the Chief Procurement Officer. The procurement file must be open to inspection and copying under conditions established by the Chief Procurement Officer.

c) Contract Filing
Filing of contracts with the Office of the Comptroller must be done in accordance with the rules promulgated by the Comptroller's office.

SUBPART D: PROCUREMENT METHODS

Section 1400.2005 Competitive Sealed Bidding

a) Application
Competitive sealed bidding is the required method of source selection except as allowed by this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) The Invitation for Bids

1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.

2) Content. The Invitation for Bids must include, at a minimum, the following:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the Treasurer's office, and any other special information;

B) the specification, evaluation factors, delivery or performance schedule, and any inspection and acceptance requirements as are not included in the specification; and

C) the contract terms and conditions, including warranty, collateralization, bonding or other security requirements, as

applicable.

3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference if the Invitation for Bids specifies where the documents can be obtained.

4) Publication and Documentation of the Invitation for Bids. The Invitation for Bids must be published as provided in Section 1400.1505 and made a part of the procurement file.

c) Optional Bid Requirements

1) Bid Form. The Invitation for Bids may provide a form which includes a space in which the bid price may be inserted and which the bidder must sign and submit along with all other necessary submissions.

2) Bid Samples and Descriptive Literature.

A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.

B) Unsolicited bid samples or descriptive literature submitted at the bidder's risk may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the Treasurer's office.

d) Prequalification

1) The Chief Procurement Officer may require that vendors be prequalified as a condition of being placed on the bid list. Any bid lists developed will be updated by June 30 of each year. Vendors will be given an opportunity to prequalify prior to each update of the list. The opportunity to prequalify and whether prequalification will be a condition of being awarded a contract must be published as provided in Section 1400.1505.

2) The fact that a prospective vendor has been prequalified does not

necessarily represent a finding of responsibility for a particular procurement.

3) Distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified.

e) Bidders' Conferences
Bidders' conferences may be conducted to enhance understanding of the procurement requirements. The conferences must be announced to all prospective bidders known to have received an Invitation for Bids. The conference may be designated as attendance mandatory or attendance optional. The conference must be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be supplied upon request.

f) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids must be identified and must require that the bidder acknowledge receipt of all amendments issued. The amendment must reference the portions of the Invitation for Bids it amends.

2) Distribution. Amendments must be sent to all prospective bidders known to have received an Invitation for Bids.

3) Timeliness. Amendments must be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time in writing, or by facsimile or telephone and confirmed in writing.

g) Pre-Opening, Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received

in the office designated in the Invitation for Bids prior to the time and date set for bid opening. A facsimile modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, will be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids must be made a part of the procurement file.

h) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification must be time-stamped but not opened and must be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file must so state.

2) Opening and Recording.

A) Bids and modifications must be opened publicly, in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bids. The name of each bidder, the bid price, and any other information that the Chief Procurement Officer deems appropriate must be recorded.

B) The winning bid must be available for public inspection after award, along with the record of the other bids.

3) Confidential Data. The Chief Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid must be rejected as nonresponsive.

i) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest bid by a responsible and responsive bidder, unless otherwise permitted in this subsection (i). No bid may be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2) Determination of Bidder as Responsible and Responsive. The Chief Procurement Officer or Purchasing Officer shall reach the determination of whether each bidder is responsible and responsive. The determination must be conducted to determine whether each bid is acceptable and appropriate for further evaluation and not for the purpose of determining whether one bidder's product or service capability is superior to another. The determination shall be in writing and made part of the procurement file.

3) Product Quality or Service Capability. The Chief Procurement Officer or Purchasing Officer shall also evaluate and make a notation of any differences in the product quality or service capability among the responsible and responsive bidders before reaching the determination of the lowest bidder.

4) Determination of Lowest Responsible and Responsive Bidder. Bids must be evaluated to determine which responsible and responsive bidder offers the lowest cost to the State in accordance with the evaluation criteria in the Invitation for Bids. Only objectively measurable criteria in the Invitation for Bids may be applied in determining the lowest bidder.

5) Award. The Chief Procurement Officer or Purchasing Officer shall award the contract to the lowest responsible and responsive bidder, unless the differences in product quality or service capability suggest that the selection of another bid is in the best interest of the State.

6) Price Negotiation. The Chief Procurement Officer or Purchasing Officer may negotiate with the low bidder to obtain a lower price for the item bid.

j) Notification, Publication and Documentation of Award
Following the award, a notice of contract must be provided to the successful bidder, published as provided in Section 1400.1505, and made a part of the

procurement file. The notice of contract awarded must indicate if a bidder other than the lowest responsible and responsive bidder was selected and the basis for the selection.

Section 1400.2010 Multi-Step Sealed Bidding

a) Description
Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced offers to be evaluated by the Treasurer's office, and a second phase in which those bidders whose unpriced offers are determined to be acceptable during the first phase have their price bids considered.

b) Applicability of Requirements
Except for the variations described in this Section, all the requirements for competitive sealed bidding in Section 1400.2005 apply to multi-step sealed bidding.

c) Conditions for Use
The multi-step sealed bidding method may be used when it is considered impracticable by the Chief Procurement Officer or Purchasing Officer to initially prepare a specification to support an award based on price.

d) Procedure for Phase One of Multi-Step Sealed Bidding

1) Form. Multi-step sealed bidding must be initiated by the issuance of an Invitation for Bids in the form required for competitive sealed bidding by Section 1400.2005 with the addition of the following information:

A) that unpriced offers are requested;

B) whether priced bids are to be submitted at the same time as unpriced offers in a separate sealed envelope;

C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced offers are found acceptable in the first

phase;

D) the criteria to be used in the evaluation of the unpriced offers;

E) that the Treasurer's office, to the extent the Chief Procurement Officer or Purchasing Officer finds necessary, may conduct oral or written discussions of the unpriced offers; and

F) that the item being procured must be furnished generally in accordance with the bidder's unpriced offer as found to be finally acceptable and must meet the requirements of the Invitation for Bids.

2) Amendments to the Invitation for Bids. After receipt of unpriced offers, amendments to the Invitation for Bids will be distributed only to bidders who submitted unpriced offers, and they will be permitted to submit new unpriced offers or to amend those submitted. The Invitation for Bids may be cancelled in accordance with Section 1400.2520 and a new Invitation for Bids issued if, in the opinion of the Chief Procurement Officer, a contemplated amendment will significantly change the nature of the procurement.

3) Receipt and Handling of Unpriced Offers. Unpriced offers submitted by bidders must be opened in the presence of at least one witness. The offers must not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.

4) Evaluation of Unpriced Offers. The unpriced offers submitted by bidders must be evaluated solely in accordance with the criteria in the Invitation for Bids. The unpriced offers must be initially categorized as:

A) acceptable;

B) potentially acceptable; or

C) unacceptable, in which case the Chief Procurement Officer or

Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

5) Discussion of Unpriced Offers. The Chief Procurement Officer must initiate discussion with the vendors of the unpriced offers unless, in the Chief Procurement Officer's opinion, there are sufficient acceptable unpriced offers to assure effective price competition in the second phase without discussions, in which case he or she may initiate phase two of the procedure. The Chief Procurement Officer, or his or her designee, may conduct discussions with any vendor who submits an unpriced offer that is initially categorized as acceptable or potentially acceptable. During the course of the discussions the Chief Procurement Officer, or his or her designee, must not disclose any information derived from an unpriced offer to any other bidder. The Chief Procurement Officer may permit any bidder to submit supplemental information amending its offer.

6) Acceptability of Potentially Acceptable Unpriced Offer. Prior to phase two, the Chief Procurement Officer or Purchasing Officer shall determine whether the unpriced offers which were initially categorized as potentially acceptable are acceptable or unacceptable.

e) Procedure for Phase Two of Multi-Step Sealed Bidding

1) Unless priced bids were submitted at the same time as the unpriced offers, phase two will be conducted by distributing an Invitation for Bids to those bidders whose unpriced offers were ultimately determined to be acceptable during the first phase, requesting priced bids in accordance with the initial or a revised specification.

2) If priced bids were submitted at the same time as unpriced offers, the priced bids from the acceptable bidders will be opened in phase two.

Section 1400.2015 Competitive Sealed Proposals

a) Competitive sealed proposals may be used whenever permitted by this Part or when the Chief Procurement Officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the

State.

b) The types of procurements for which the competitive sealed proposals method of source selection may be used without a written determination of the Chief Procurement Officer include the following:

1) electronic data processing equipment, software, and services;

2) telecommunications equipment, software, and services;

3) consulting services;

4) banking services; and

5) legal services.

c) Generally, the Chief Procurement Officer should determine in writing that competitive sealed bidding is either not practicable or advantageous to the State, and enter into a contract by competitive sealed proposals where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration.

1) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits an award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the specification, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids.

2) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding.

d) Prequalification
The Chief Procurement Officer may require that vendors are prequalified in the manner described in Section 1400.2005 for competitive sealed bidding.

e) Request for Proposals

1) Solicitation. Proposals must be solicited through a Request for Proposals which must be prepared in accordance with the requirements for an Invitation for Bids for competitive sealed bidding in Section 1400.2005 and contain the following additional information:

A) A requirement that proposals are submitted in two parts. The first part should cover all items except price and the second part should cover price.

B) A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably capable of being selected for award, but that proposals may be accepted without a discussion.

C) A statement of when and how price should be submitted.

2) Publication and Documentation of the Request for Proposals. The Request for Proposals must be published as provided in Section 1400.1505 and made part of the procurement file.

f) Receipt, Opening and Recording of Proposals
Proposals and modifications must be time-stamped upon receipt but not opened and held in a secure place until the established due date. Proposals must be opened publicly in the presence of at least one witness at the time and place designated in the Request for Proposals, but proposals must be opened in a manner to avoid disclosure of their contents to competing offerors. A record of proposals must be prepared and must be open for inspection after contract is awarded. The register of proposals must 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 item offered. The register of proposals must be made part of the procurement file and be open to public inspection after

award of the contract. Proposals and modifications may be shown only to personnel having a legitimate interest in them.

g) Evaluation of Proposals

1) Evaluation Factors in the Request for Proposals. The Request for Proposals must state all of the evaluation factors, including price, and their relative importance.

2) Evaluation. The evaluation must be based on the evaluation factors in the Request for Proposals. Factors not specified in the Request for Proposals must not be considered. Numerical rating systems may be used but are not required. The first part of all proposals covering items other than price must be evaluated and ranked independently of the second part of all proposals.

3) Classifying Proposals. For the purpose of conducting discussions, proposals must be initially classified as:

A) acceptable;

B) potentially acceptable; or

C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

h) Proposal Discussions with Individual Offerors

1) Offerors that are classified as acceptable or potentially acceptable must be given a fair and equal opportunity to discuss their proposals.

2) Purposes of Discussions. Discussions are held to:

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

B) facilitate arriving at a contract that is most advantageous to the State taking into consideration price and the other evaluation factors in the Request for Proposals.

3) Clarification of the Request for Proposals. If during discussions there is a need for any substantial clarification of, or change in, the Request for Proposals, the Request for Proposals must be amended to incorporate the clarification or change. Any substantial oral clarification of a proposal must be reduced to writing by the offeror.

4) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the offers. The Chief Procurement Officer, or his or her designee, may conduct additional discussions or change the Treasurer's office requirements and require another submission of best and final offers. 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.

5) Disclosure of Information. In conducting discussions there must be no disclosure of any information derived from proposals submitted by competing offerors. Any other information that is disclosed to any offeror must be provided to all competing offerors.

i) Award

1) Determination. The award must be made by the Chief Procurement Officer or Purchasing Officer in accordance with a written determination showing the basis on which the award was found to be the most advantageous to the State, based on the Request for Proposals.

2) Notification, Publication and Documentation of the Award. The successful offeror will be promptly notified of the award. The notification of the award and the written determination must be published as provided in Section 1400.1505 and made part of the procurement file.

Section 1400.2020 Small Purchases

a) Application
Any individual procurement of supplies that does not exceed $25,000 or any individual procurement of professional or artistic services for a nonrenewable term of less than one year that does not exceed $20,000, may, at the discretion of the Chief Procurement Officer, be made without notice, competition, publication, or use of any prescribed method of source selection.

b) Adjustment
Each July 1, the small purchase maximum established in subsection (a) will be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest $100.

c) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals, as well as the stated value of the goods or services plus any optional goods and services, must be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount must be calculated for a twelve-month period.

d) Procurement requirements must not be artificially divided to avoid using one of the other source selection methods described in this Part.

e) If, after signing the contract, the actual need is determined to be more than the limits provided in this Section, and the Chief Procurement Officer determines that reprocurement is not appropriate, the Chief Procurement Officer may follow the procedures for sole source or emergency procurement, if applicable, to obtain the additional supplies or services.

Section 1400.2025 Sole Source Procurements

a) Application
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) that is above the limit for small purchases in Section 1400.2020 and does not qualify as an emergency procurement as defined in Section 1400.2030.

b) Conditions for Use of Sole Source Procurement
Sole source procurement is permissible when a good or service 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 bidder or offeror authorized to provide that item.

c) Changes to existing contracts germane to the original contract, which are necessary or desirable to complete the project, and which can be best accomplished by the contract holder, may be procured under this provision.

d) The determination as to whether a procurement may be made as a sole source must be made by the Chief Procurement Officer in writing and must include an explanation of why no other source would be suitable or acceptable. The determination must be made part of the procurement file. The Chief Procurement Officer shall also specify the application of the determination and the duration of its effectiveness.

e) The Chief Procurement Officer shall, having defined a sole economically feasible source, issue a notice of intent to utilize the sole source method of procurement that sets forth a description of the item to be procured and the intended sole source contractor. A notice containing the following information must be published as provided in Section 1400.1505:

1) name of the Chief Procurement Officer or Purchasing Officer, who performed the sole source procurement;

2) name of the vendor;

3) brief description of what the vendor will do or provide;

4) contract price; and

5) reason why the vendor was determined to be the sole economically feasible source.

f) If there is no challenge to the Chief Procurement Officer's determination or if the

Chief Procurement Officer is convinced that the sole source designation is appropriate after considering the challenge, the contract will be executed on the scheduled date. If a challenge is received that convinces the Chief Procurement Officer that the sole source designation is not appropriate, the Chief Procurement Officer or Purchasing Officer shall commence a competitive method of procurement unless an emergency situation exists.

g) Negotiation in Sole Source Procurement
The Chief Procurement Officer or Purchasing Officer shall conduct negotiations in an effort to obtain the most favorable price, delivery and other terms and conditions available for the State.

h) Maintenance of Record
The Chief Procurement Officer or Purchasing Officer shall maintain a record of sole source procurements in the procurement file showing:

1) the vendor's name;

2) the amount and type of the contract; and

3) a listing of the goods or services procured under each contract.

Section 1400.2030 Emergency Procurements

a) Applications
The provisions of this Section apply to every procurement over the small purchase limit set in Section 1400.2020 that the Chief Procurement Officer determines is necessary under the following circumstances:

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

2) repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;

3) action is needed to prevent or minimize serious disruption in the operation of the Treasurer's office;

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

5) a supplier of needed goods or services makes an announcement that gives the Chief Procurement Officer reason to determine that making a purchase immediately is in the State's best interest, including but not limited to an announcement of bankruptcy, going out of business, or loss of franchise;

6) commodity items are available on the spot at prices that are favorable enough that good business judgment mandates a purchase;

7) legal services to assist the Treasurer's office in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority are needed more quickly than an alternative method of procurement under this Part would allow;

8) escrow agent services for general obligation bonds and procurements for escrow agent services and registrar and paying agent services for college savings bonds are needed more quickly than an alternative method of procurement under this Part would allow; or

9) bids or proposals received in accordance with a competitive sealed bid or competitive sealed proposal method are unreasonable, noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals.

b) Scope of Emergency Conditions
Emergency procurements must be limited to those supplies, services, or construction items necessary to meet the emergency.

c) Authority to Make Emergency Procurements
The Chief Procurement Officer or Purchasing Officer may make emergency procurements when the need cannot be met through normal procurement methods, but, whenever practicable, existing contracts must be utilized and, whenever practicable, approval by the Chief Procurement Officer must be obtained prior to the procurement.

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

e) Filing with the Auditor General
The Chief Procurement Officer or Purchasing Officer shall file an affidavit with the Auditor General within 10 days after making an emergency procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available, the estimate should be provided in the affidavit and the actual cost must be reported immediately after it is determined.

f) Determination, Record and Publication of Emergency Procurements

1) Determination. The Chief Procurement Officer or Purchasing Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor.

2) Record. A record of each emergency procurement must be made as soon as practicable and must include the following information:

A) the vendor's name;

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

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

D) the reasons for using the emergency procurement method of source selection;

E) the name of the Chief Procurement Officer or Purchasing Officer.

3) The written determination and the record of the emergency procurement must be made part of the procurement file and must be published as provided in Section 1400.1505 of this Part.

Section 1400.2035 Procurement of Professional and Artistic Services

a) The provisions of this Section apply to every procurement of professional and artistic services with the exception of the following:

1) sole source procurements;

2) emergency procurements; and

3) any procurement of professional and artistic services less than $20,000 for a nonrenewable term of less than one year that the Chief Procurement Officer determines, in a writing that contains a brief explanation and is published as provided in Section 1400.1505, should be procured as a small purchase in accordance with Section 1400.2020.

b) Forms
The Chief Procurement Officer shall develop forms for use in the solicitation, review, and acceptance of all professional and artistic services. The following details must be included among the forms:

1) a description of the goal to be achieved;

2) the services to be performed;

3) the need for the service;

4) the qualifications that are necessary; and

5) a plan for post-performance review.

The forms must be published as provided in Section 1400.1505.

c) Contract Requirements

Contracts must contain at least the following information:

1) the details listed in subsection (b);

2) the duration of the contract, with a schedule of services, if applicable;

3) the method for charging and measuring cost;

4) the rate of remuneration;

5) the maximum price; and

6) any provisions that are required by the Chief Legal Counsel.

d) Written Determinations Required Prior to Request for Proposals
Prior to announcing the need for professional or artistic services, the Chief Procurement Officer or Purchasing Officer shall make a written determination that explains the nature of the services and how the Chief Procurement Officer or Purchasing Officer reached the determination that the services are professional or artistic. The written determination must be made part of the procurement file.

e) Prequalification
The Chief Procurement Officer may maintain a list of prequalified professional and artistic vendors. Vendors seeking to be added to the list shall submit a statement of qualifications in the following format:

1) the name of the vendor, the location of the vendor's principal place of business and any other locations that may be used to perform a contract with the Treasurer's office;

2) educational qualifications and licenses;

3) general background and experience;

4) a listing and description of government contracts, including contracts with the Treasurer's office;

5) resumes of the persons who will be responsible for performance of any contract awarded;

6) statement of compliance with all State of Illinois requirements; and

7) any additional relevant information.

Vendors may amend statements of qualifications at any time by filing a new statement.

f) Request for Proposals

1) Contents. The Request for Proposals must be drafted or approved by the Chief Procurement Officer and must contain at least the following information:

A) the type and scope of services required;

B) a date by which proposals for the performance of the services must be submitted;

C) the type of information and data required of each offeror;

D) how the price should be presented;

E) the factors to be used in the evaluation and selection process and their relative importance; and

F) when practicable, a draft contract with a notice to the vendors that by submitting a response they are consenting to the terms and conditions of the draft agreement and agree to be bound by a final agreement that is substantially similar to the draft.

2) Evaluation. Proposals must be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

A) the plan for performing the required services;

B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;

C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

D) a record of past performance of similar work.

3) Publication and Filing. The Request for Proposal must be published as provided in Section 1400.1505 and must be made part of the procurement file.

g) Bidders' Conferences
Bidders' conferences may be conducted to enhance understanding of the procurement requirements. They must be announced to all prospective proposers known to have received a Request for Proposal. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the Request for Proposals has been issued to allow proposers to become familiar with it, but sufficiently before the opening of proposals to allow consideration of the conference results in preparing their proposals. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Request for Proposals unless a change is made by written amendment to the Request for Proposals. Minutes of the conference must be supplied upon request.

h) Amendments to Requests for Proposals

1) Form. Amendments to Requests for Proposals must be identified and must require that the proposer acknowledge receipt of all amendments issued. The amendment must reference the portions of the Request for Proposals it amends.

2) Distribution. Amendments must be sent to all prospective proposers known to have received a Request for Proposal.

3) Timeliness. Amendments must be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time in writing, or by facsimile or telephone and confirmed in the amendment.

i) Receipt and Handling of Proposals
Proposals and modifications must be sent to the Chief Procurement Officer where they must be time-stamped upon receipt but not opened and held in a secure place until the established due date and time, at which time they will be opened by the Chief Procurement Officer. Proposals must not be opened publicly nor disclosed to unauthorized persons and must be opened in the presence of at least one witness. A record of proposals that includes the following must be established for all proposals: the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The register of proposals must be open to public inspection only after award of the contract and must be made part of the procurement file at that time. To the extent permitted by the contract entered into with the vendor, the successful proposal must be available for inspection by the public; however, proposals of offerors who are not awarded the contract must not be open to public inspection.

j) Request for Nondisclosure of Data
If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the Chief Procurement Officer shall examine the request in the proposal to determine its validity prior to entering into negotiations with the offeror. If the parties do not agree as to the disclosure of data in the contract, the Chief Procurement Officer may reject the proposal.

k) Discussions

1) Discussions Permissible. The Chief Procurement Officer or Purchasing Officer shall evaluate all proposals submitted and may conduct discussions with any proposer. The purposes of the discussions are to:

A) determine in greater detail the proposer's qualifications; and

B) 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.

2) No Disclosure of Information. No information derived from proposals submitted by an offeror may be disclosed to any other proposer.

3) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the proposals. The Chief Procurement Officer may conduct additional discussions or change the specifications or other contract requirements and require another submission of best and final proposals. If a proposer does not submit either a notice of withdrawal or another best and final offer, the proposer's immediate previous proposal will be construed as its best and final proposal.

l) Negotiation and Award of Contract

1) General. The Chief Procurement Officer or Purchasing Officer shall negotiate a contract with the best qualified proposer, based on the evaluation factors in the request for proposals, for the required services at compensation determined in writing to be fair and reasonable.

2) Successful Negotiation of Contract with Best-Qualified Proposer. If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified proposer, the contract must be awarded to that proposer, unless the procurement is cancelled.

3) Failure to Negotiate Contract with Best-Qualified Offeror.

A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified proposer, a written record stating the reasons must be made part of the procurement file and the Chief Procurement Officer or Purchasing Officer shall

advise that proposer of the termination of negotiations.

B) Upon failure to negotiate a contract with the best-qualified offeror, the Chief Procurement Officer or Purchasing Officer may enter into negotiations with the next most qualified offeror.

4) Ranking by Price. For contracts with annualized value that exceeds $25,000, evaluation and ranking by price are required. The Chief Procurement Officer may, with the Treasurer's approval, select an offeror other than the offeror with the most favorable price, if the Chief Procurement Officer explains in a written decision why another offeror was selected. A copy of the decision must be forwarded to the Chief of Staff for review. The written decision must be made part of the contract and published as provided in Section 1400.1505.

5) Notice of Award. Written notice of award must be promptly provided to the successful offeror, published as provided in Section 1400.1505 and made a part of the procurement file. The notice must provide, at a minimum, the following:

A) the name of the Chief Procurement Officer or Purchasing Officer;

B) the successful vendor;

C) a contract reference number or other identifier; and

D) the value of the contract.

Section 1400.2040 Procurement of Real Property Leases

a) Applicability
This Section applies to all leases for real property, including office and storage space, buildings, and other facilities for the Treasurer's office, with the exception of the following:

1) property of less than 10,000 square feet;

2) rent of less than $100,000 per year;

3) nonrenewable leases with a duration of less than one year;

4) specialized space available at only one location; or

5) renewal of extension of any lease in effect before July 1, 1998 if:

A) the Chief Procurement Officer determines in writing that the renewal or extension is in the best interest of the State;

B) the Chief Procurement Officer submits his or her written determination and the renewal or extension to the Procurement Review Board;

C) the Procurement Review Board does not object in writing to the renewal or extension within 30 days after its submission; and

D) the Chief Procurement Officer publishes the renewal or extension as provided in Section 1400.1505.

b) Request for Information
Except as otherwise provided in this Section, all contracts for leases of real property must be awarded by the following Request for Information process. The Request for Information must include the following:

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.

c) Publication of Notice

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Notice of the Request for Information must be published as provided in Section 1400.1505 and must also be published in a newspaper of general circulation in the community or communities where the Treasurer's office is seeking space.

d) Evaluation of Responses
The evaluation must be based on price and the ability of the respondent to meet the criteria in the Request for Information.

e) Negotiations with Individual Offerors

1) For the purpose of conducting negotiations, proposals must be initially classified as:

A) acceptable;

B) potentially acceptable; or

C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

2) Negotiations will be entered into with respondents who are classified as acceptable or potentially acceptable for the purpose of securing a lease that is in the best interest of the State.

3) A written determination of the acceptability of each respondent and a report of the negotiations will be retained in the procurement file and will include the reasons for the final selection.

f) Award
The lease will be awarded to the respondent that the Chief Procurement Officer deems to be most capable of meeting the needs of the Treasurer's office. The notice of award must be promptly provided to the successful respondent and must be published as provided in Section 1400.1505. When the lowest proposer by price is not selected, the Chief Procurement Officer shall issue a written explanation for the selection of another proposer. The written explanation must also be published as provided in Section 1400.1505.

g) Lease Agreements

1) All leases must be in writing and approved by the Chief Legal Counsel.

2) Length of Leases.

A) Term. All leases must be for a term that does not exceed 10 years and must include a termination option in favor of the Treasurer's office after five years.

B) Renewal. Leases may include a renewal option if the leases and any renewals do not exceed a 10-year term. An option to renew may be exercised only when the Chief Procurement Officer determines in writing that renewal is in the best interest of the State and notice of the exercise of the option is published as provided in Section 1400.1505.

h) Purchase Option
Initial leases of all space in entire, free-standing buildings must include an option to purchase exercisable by the State, unless the Chief Procurement Officer determines that inclusion of a purchase option is not in the State's best interest and publishes that determination as provided in Section 1400.1505.

i) Rent Without Occupancy
Except when deemed by the Procurement Review Board to be in the best interest of the State, the Treasurer's office may not incur rental obligations before occupying the space rented.

j) Local Site Preference
The Chief Procurement Officer may, in his or her discretion, give leasing preferences to sites located in enterprise zones, tax increment financing districts or redevelopment districts.

Section 1400.2045 Other Methods of Source Selection

a) CMS Warehouses

Prior to any equipment procurement, the Treasurer's office should consider property available from the State and Federal Surplus Warehouses that are under the jurisdiction CMS.

b) State Agencies and Other Governmental Units
Various goods and services are available from State agencies and other governmental units. These may be procured without notice and competition.

c) Auction
Purchases may be made at an auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable will be the amount bid and accepted plus any required buyer's premium.

d) Donations
With approval of the Chief Procurement Officer, if the Treasurer's office receives a donation that provides the majority of the funding for a particular project, it may follow any procurement or contracting requirements established as a condition of the donation, but must follow this Part whenever practicable.

SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section 1400.2505 General Provisions

a) Late Bids, Proposals, Responses, Withdrawals and Modifications

1) Definition. Any bid, proposal or response received after the time, date and place set for receipt is late. Any withdrawal or modification of a bid, proposal or response received after the time and date set for opening of bids, proposals or responses at the place designated for opening is late.

2) Treatment. No late bid, proposal or response, modification, or withdrawal will be considered unless it is received before contract award, and the bid, proposal, response, modification, or withdrawal would have been timely but for the action or inaction of Treasurer's office personnel.

3) Records. Records must be made and kept for each late bid proposal,

response, modification, or withdrawal.

4) Any other submission that has a time or date deadline must be treated in the same manner as a late bid, proposal or response.

b) Extension of Time

1) The date or time for submitting a bid, proposal, response, modification or withdrawal may be extended by the Chief Procurement Officer prior to the date or time for the convenience of the Treasurer's office.

2) After opening bids, proposals, or responses the Chief Procurement Officer may request that the offerors extend the time during which the State may accept their bids, proposals, or responses if, with regard to bids, no other change is permitted. The reasons for requesting the extension must be documented.

c) Electronic and Facsimile Submissions

1) The Invitation for Bids, Request for Proposals, or Request for Information may state that electronic and facsimile submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the Invitation for Bids, Request for Proposals or Request for Information.

2) Electronic submissions will be opened in accordance with electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, the vendors assume the risk of premature disclosure due to submission in unsealed form.

3) Facsimile submissions must be placed in a sealed container upon receipt and opened as other submissions. The vendors assume the risk of premature disclosure due to submission in unsealed form.

d) Intent to Submit
The Invitation for Bids, Request for Proposals, or Request for Information may require that vendors submit, by a certain time and date, a notice of their intent to

submit a bid, proposal, or response. Bids, proposals, and responses submitted without complying with the notice of intent requirement will be rejected.

e) Only One Bid, Proposal or Response Received
If only one responsive bid, proposal, or response is received, an award may be made to the single offeror if the Chief Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective offerors had a reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

1) new bids, proposals or responses may be solicited;

2) the procurement may be cancelled; or

3) if the Chief Procurement Officer determines in writing that the need for the supply or service continues, but that:

A) after attempting to negotiate a better price, the one offer is not fair and reasonable and there is no time for resolicitation;

B) the vendor is not responsible; or

C) resolicitation would likely be futile,

the procurement may be conducted with any vendor as a sole source procurement under Section 1400.2025 or as an emergency procurement under Section 1400.2030, as appropriate.

f) Unsolicited Offers

1) Defined. An unsolicited offer is any offer other than one submitted in response to a solicitation.

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 State.

3) Evaluation. The unsolicited offer will be evaluated to determine its utility to the State and whether it would be to the State's advantage to enter into a contract based on the offer. An unsolicited offer that meets the requirements of subsection (f)(2) above may be considered for award if the procurement also meets the requirements of Section 1400.2020 for small purchases or Section 1400.2025 for sole source procurements, in which case those procedures must be followed as applicable.

4) Confidentiality. Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If an award is made, confidentiality of data must be agreed upon by the parties and governed by the provisions of the contract. If agreement cannot be reached on confidentiality, the Chief Procurement Officer or Purchasing Officer shall reject the unsolicited offer.

g) Clarification of Bids, Proposals and Responses
The Chief Procurement Officer or Purchasing Officer may request that a vendor clarify its bid, proposal or response as a part of the evaluation process. A vendor is not allowed to change its bid, proposal or response in response to a request for clarification without the written approval of the Chief Procurement Officer.

h) Extension of Time on Indefinite Quantity Contracts
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Chief Procurement Officer determines in writing that it is not practicable to award another contract at the time of the extension.

i) Increase in Quantity on Definite Quantity Contracts
The quantity that may be ordered from a definite quantity contract may be increased by up to 20% provided the Chief Procurement Officer or Purchasing Officer determines that separate procurement of the additional quantity is not likely to achieve lower pricing. The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.

j) Novation or Change of Name

1) Assignment. No State contract is transferable, or otherwise assignable without the written consent of the Chief Procurement Officer, but a vendor may assign monies receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee that meets all requirements for contracting with the State.

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 must agree that:

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

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

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

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

3) Change of Name. When a vendor requests to change the name in which it holds a contract with the State, the Chief Procurement Officer shall, upon receipt of a document indicating the change of name, enter into an agreement with the requesting vendor to effect the change of name. The agreement changing the name must specifically indicate that no other terms and conditions of the contract are changed.

k) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate shall not exceed that established by law.

Section 1400.2510 Tie Bids and Proposals

a) Tie bids and proposals are those from responsive and responsible vendors that are

identical in price or terms of the proposal.

b) Tie bids and proposals are treated as follows:

1) If the tied vendors include an Illinois resident vendor and a non-resident vendor, the Illinois resident vendor is given the award. "Illinois resident vendor" has the meaning given in Section 1400.4510. In all other situations, the decision is made in accordance with subsections (b)(2) through (b)(5).

2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award is made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State may be given additional consideration in determining responsibility if the Chief Procurement Officer or Purchasing Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and other similar factors, and with which there has been favorable past experience, increases the likelihood of successful performance.

3) If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality is accepted.

4) If there is no significant difference in responsibility and no difference in quality of the goods or services offered, the vendor offering the earliest delivery time is accepted in any case in which the solicitation specified that the needs of the Treasurer's office require as early delivery as possible.

5) If the bids or proposals are equal in every respect, the award is made by lot unless the Chief Procurement Officer determines that splitting the award among two or more of the tied bidders or proposers is in the best interest of the State. Awards may be split if all affected bidders or proposers agree, if splitting is feasible given the type of good or service requested, if overall pricing would not increase, if delivery would be better ensured, or

if necessary or desirable to promote future competition.

c) Record
Records must be made of all procurements on which tie bids or proposals are received and must be published as provided in Section 1400.1505, showing at least the following information:

1) the identification number of the solicitation;

2) the good or service; and

3) a listing of all the bidders or proposers and the prices submitted.

4) The records must be made part of the procurement file.

Section 1400.2515 Correction or Withdrawal of Proposals

a) General
Corrections to bids, proposals or responses are allowed, but only to the extent correction is not prejudicial to the interest of the State or fair competition as determined by the Chief Procurement Officer or Purchasing Officer. Withdrawals of proposals are allowed as provided in this Section.

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 Chief Procurement Officer or Purchasing Officer knows or has reason to conclude that a mistake has been made, the officer should 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 in the bid, proposal or response, it may be corrected or withdrawn if the conditions in this Section, as applicable, are met.

d) Mistakes Discovered After Opening but Before Award

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1) Minor Mistakes. A minor mistake is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid, proposal or response from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State. The Chief Procurement Officer or Purchasing Officer shall waive minor mistakes or allow the offeror to correct them depending on which is in the best interest of the State. Minor mistakes include insignificant mistakes where the effect on price, quantity, quality, delivery, or contractual conditions is negligible. Examples of minor mistakes as to form include the failure of an offeror to:

A) return the number of signed bids, proposals, or responses required by the solicitation;

B) sign the bid, proposal or response, but only if the unsigned bid, proposal or response is accompanied by other material indicating the offeror's intent to be bound, including but not limited to signature on an auxiliary form, submission of a guarantee or submission of a signed transmittal letter; or

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

i) it is clear from the bid, proposal or response 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) Corrections of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:

A) the mistake and the intended correct offer are clearly evident on the face of the bid, proposal or response, in which event the offer

may not be withdrawn; or

B) the mistake is not clearly evident on the face of the bid, proposal or response, but the offeror submits adequate proof which clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and that correcting the mistake would not be contrary to the fair and equal treatment of other offerors.

3) Withdrawal of Bids, Proposals or Responses. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the bid, proposal or response if:

A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;

B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or

C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.

e) Determinations Required
When a proposal is corrected or withdrawn, or correction or withdrawal is denied, the Chief Procurement Officer or Purchasing Officer shall prepare a written determination documenting that relief was granted or denied in accordance with this Part.

Section 1400.2520 Cancellation of Solicitations and Rejection of Offers

a) Scope of this Section
The provisions of this Section govern the cancellation of any Invitation for Bids, Request for Proposals, Request for Information or any other solicitation issued by the Treasurer's office and the rejection of any or all bids, proposals or responses in whole or in part.

b) Policy
Any solicitation may be cancelled without penalty, and any or all bids, proposals or responses may be rejected in whole or in part, when the Chief Procurement Officer or Purchasing Officer determines in writing that cancellation is in the State's best interest.

c) Notice, Publication and Documentation
When a solicitation is cancelled or the offers are rejected, notice of the cancellation or rejection will be promptly provided to all affected vendors, published as provided in Section 1400.1505, and made part of the procurement file.

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section 1400.3005 Specifications

a) The Chief Procurement Officer's Responsibilities Regarding Specifications
The Chief Procurement Officer shall write or authorize the writing of all specifications. A Purchasing Officer may write specifications for procurements for the Treasurer's office, subject to approval of the Chief Procurement Officer.

b) Specifications Prepared by Other Than State Personnel

1) Specifications may be prepared by other than Treasurer's office personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts. Contracts for the preparation of specifications by other than State personnel must require the specification writer to adhere to State requirements.

2) The person who prepared the specifications may not submit a bid or proposal to meet the procurement need unless the Chief Procurement Officer determines in writing that it would be in the best interest to accept a bid or proposal from that person and a notice to that effect is published as provided in Section 1400.1505.

c) Procedures for the Development of Specifications

1) All procurements must be based on specifications that accurately reflect the State's needs. Specifications must clearly and precisely describe the salient technical or performance requirements.

2) Specifications must not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate State needs. All specifications must be written in a manner that describes 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, a 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 State's requirements.

d) Brand Name or Equal Specification

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

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

B) the nature of the product or the nature of the requirement makes use of a brand name or equal specification suitable for the procurement; or

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

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

3) Required Characteristics. Unless the Chief 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 must include a description of the particular design, functional, or performance characteristics that are required.

4) Nonrestrictive Use of Brand Name or Equal Specifications. When a brand name or equal specification is used in a solicitation, the solicitation must 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. The burden of proof that a product is equal is on the offeror.

e) Brand Name Only Specification

1) Use. A brand name only specification may be used only when the Chief Procurement Officer makes a written determination that is made part of the procurement file that only the identified brand name item or items will satisfy the State's needs.

2) Competition. The Chief Procurement Officer or Purchasing Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit those sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement must be made as a sole source procurement.

Section 1400.3010 Security Requirements

a) The Chief Procurement Officer may require that a vendor furnish bid, proposal, or performance security on any contract.

b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit, or bond. Any bond must

be issued by a surety company authorized to do business in the State of Illinois.

c) Unless the amount is set by law, the Chief Procurement Officer shall determine the amount, in dollars or percentage of contract price, that adequately protects the State's interests.

d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for other similar reasons.

e) The Treasurer's office may require a bid or proposal security or a performance security on any contract.

f) A vendor may submit a single or continuous security each year that will be applicable on all contracts of the Treasurer's office. When a security is obligated in an amount equal to the sum of accumulated security requirements, additional security must be submitted for any new contract awarded.

g) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

SUBPART G: CONTRACTS

Section 1400.3505 Types of Contracts

a) General
The Chief Legal Counsel shall determine the general form of all contracts. Subject to the limitations of this Section, the Chief Legal Counsel may use any type of contract that promotes the best interest of the State.

b) Prohibitions and Limitation
Cost-plus-a-percentage-of-cost contracts are prohibited. Cost-reimbursement contracts may only be used when the Chief Procurement Officer makes a written determination 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 except under that type of contract.

Section 1400.3510 Duration of Contracts

a) General

1) A multi-year contract for a term up to ten years is authorized when it is in the best interest of the State.

2) A license agreement or other agreement may have a term longer than 10 years, including a perpetual term, provided the payment term is limited to no more than ten years.

b) The contractual obligation of the Treasurer's office in each fiscal period after the period in which a contract is executed is subject to appropriation and availability of funds for the obligation. Every contract that extends beyond the fiscal year that the contract is awarded must provide that, in the event that funds are not available for any subsequent fiscal period, the remainder of the contract may be cancelled by the State without penalty to or further payment being required 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 Contracts
A multi-year contract may be used when:

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

2) it is determined by the Chief Procurement Officer that a multi-year contract will serve the best interest of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors must be considered by the Chief Procurement Officer before making the determination:

A) firms that are not willing or able to compete because of high start-

up costs or capital investment in facility expansion and will be encouraged to participate in the competition when they are assured of recouping the 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 Contract Procedure
The solicitation must state:

1) the proposed term;

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

3) whether offerors may submit prices for:

A) the first fiscal period only;

B) the entire time of performance only; or

C) both the first fiscal period and the entire time of performance.

4) that a multi-year contract may be awarded and how award will be determined.

e) Renewals

1) Where the original procurement specifically called for an initial term plus

renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years and the option is reserved solely to the State.

2) Where the original procurement was silent as to renewals, further procurement activity is required.

Section 1400.3515 Contract Pricing

Unless otherwise allowed by the solicitation, prices quoted will be all-inclusive covering transportation, transit insurance, delivery, installation, taxes, and any other costs.

Section 1400.3520 Contract Provisions

a) Mandatory Provisions
The following provisions are required for all contracts entered into by the Treasurer's office, in addition to the requirements of State and federal law and the regulations of the Office of the Comptroller:

1) Subcontractors. Any contract granted hereunder must state whether the services of a subcontractor will be used. The contract must include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract. The contractor will be required to get approval from the Chief Procurement Officer prior to adding or changing subcontractors.

2) Subject to Appropriation. All leases must recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.

3) Right to Audit Books and Records.

A) Maintenance of books and records. Every contract and subcontract must require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged

to the State under the contract or subcontract. The books and records must be maintained by the contractor or subcontractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract or subcontract and the 3-year period must be extended for the duration of any audit in progress at the time of that period's expiration.

B) Audit. Every contract and subcontract must provide that all books and records required to be maintained under subsection (a) must be available for review and audit by the Auditor General and the Treasurer's office. Every contract and subcontract must require the contractor and subcontractor, as applicable, to cooperate fully with any audit.

b) Optional Provision
Any contract entered into by the Treasurer's office under this Part may contain a clause requiring that if more favorable terms are granted by the contractor to any similar governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms will be applicable under the contract.

Section 1400.3525 Prevailing Wage Requirements

a) Applicability
All services, as defined in subsection (b), furnished under service contracts of $2,000 or more or $200 or more per month and under printing contracts are subject to the following prevailing wage requirements:

1) Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced may be paid by the successful vendor to its employees who perform the work on the State contracts. The offeror, in order to be considered to be a responsible offeror for the purposes of this Part, must certify to the Treasurer's office that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be

performed. Prevailing wages and working conditions are determined by the Director of the Illinois Department of Labor.

2) Whenever a collective bargaining agreement is in effect between an employer, other than governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions will be considered as conditions prevalent in that locality and will be the minimum requirements taken into consideration by the Director of Labor.

3) Collective bargaining agreements between State employees and the State of Illinois will not be taken into account by the Department of Labor in determining the prevailing wage rate.

b) As used in this Section, "services" means janitorial cleaning services, window cleaning services, food services, and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this Part "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.

c) For printing contracts, location means one of the following areas:

1) Cook County.

2) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, Woodford.

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

4) Where the printing is performed in a plant outside the jurisdiction of this State, it is deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where the printing is required to be delivered to more than one Illinois locality, it is deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

d) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.

e) This Section does not apply to services furnished under contracts for professional or artistic services.

f) This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops for the severely disabled.

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section 1400.4005 Disputes and Protests Regarding Solicitations and Awards

a) Procedures
Any dispute or protest regarding solicitations and awards must be communicated to the Chief Procurement Officer by the vendors within 7 days after the protester knows or should have known of the facts giving rise thereto and before a contract is executed between the Treasurer's office and the successful vendor. The vendors may be required to provide additional information to the Treasurer's office in order to process the dispute or protest. If the Chief Procurement Officer is unable to resolve the issue in a timely manner, then it will be referred to the

Procurement Review Board for a final determination that will be communicated to the vendors involved in the dispute or protest and made part of the procurement file within 7 days after the referral by the Chief Procurement Officer.

b) Procurement Delays
The investigation of a dispute or protest may cause a delay in the procurement process if deemed necessary by the Chief Procurement Officer. If an action concerning the protest has commenced in court, the Chief Procurement Officer will not act on the protest but will refer the protest to the Attorney General, unless the court requests, expects, or otherwise expresses interest in the decision of the Chief Procurement Officer.

c) Stay or Withdrawal of Award
An award may be stayed or withdrawn by the Chief Procurement Officer if the Procurement Review Board reaches a determination that to do so is necessary in fairness to the other offerors and to protect the interests of the State.

Section 1400.4010 Contract Controversies

Contract controversies must be promptly referred to the Chief Procurement Officer for resolution. If the Chief Procurement Officer is unable to resolve the controversy, the controversy will be referred to the Chief Legal Counsel who will attempt to resolve the matter. If the Chief Legal Counsel is unable to resolve the matter satisfactorily, he or she may request the Attorney General's assistance in resolving the dispute. Every contract entered into by the Treasurer's office must have a provision that deals with any failures by the vendor to fully perform under the terms of the agreement.

Section 1400.4015 Remedies

a) In all of the following cases the Chief Procurement Officer may, with the approval of the Treasurer and subject to the determination of the Chief Legal Counsel under subsection (b), terminate or rescind any contract entered into under this Part in the event:

1) The successful bidder or proposer 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.

3) Any goods or services provided under the contract are:

A) rejected (for not meeting the specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced or corrected by the vendor; or

B) repeatedly rejected, even though the vendor offers to replace the goods or services promptly.

4) There is sufficient evidence to show that the contract was obtained by fraud, collusion, conspiracy, or other unlawful means.

5) The vendor is guilty of misrepresentation in connection with another contract for the sale of goods or services to the State and cannot reasonably be depended upon to fulfill his or her obligations as a responsible vendor under any of his or her contracts with the State.

6) The vendor should be adjudged bankrupt or enters into a general assignment for the benefit of his or her creditors or receivership due to insolvency.

7) The vendor disregards laws and ordinances, rules, or instructions of a contracting officer or acts in violation of any provision of the contract or this Part, or the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.

8) Any other breach of contract or other unlawful act by the vendor occurs.

b) Determination of Right to Terminate or Rescind Contract
The Chief Legal Counsel shall determine in writing that a violation listed in subsection (a) has occurred prior to the termination or rescission of a contract under this Section.

c) Contracts that are terminated under this Section will be terminated at no cost to

the State.

d) 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 his or her part on which the cancellation is based.

e) 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 include, but are not limited to, the following:

1) the additional cost of goods or services bought elsewhere;

2) cost of repeating the procurement procedure;

3) any expenses incurred because of delay in receipt of goods or services; and

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

f) Effect of Declaring a Contract Null and Void
In all cases where a contract is voided, the Treasurer's office will endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments will be made under the contract.

g) In lieu of terminating or rescinding the contract, when appropriate the Chief Procurement Officer may seek to negotiate an alternative resolution that is at least as beneficial to the State as termination or rescission, but the Chief Procurement Officer must not waive the right to terminate or rescind the contract if the situation does not improve.

Section 1400.4020 Suspension

a) Application

This rule applies to all suspensions of vendors from consideration for award of contracts.

b) The Chief Procurement Officer may suspend a vendor from doing business with the Treasurer's office for all or specific types of supplies or services. A suspension may be issued upon a determination by the Chief Procurement Officer that the vendor violated this Part or failed to conform to specifications or terms of delivery.

c) When the Chief Procurement Officer determines that cause exists for suspension, a notice of suspension, including a copy of the determination, must be sent to the suspended vendor. Bids, proposals and responses will not be solicited from the suspended vendor, and, if they are received, they will not be considered during the period of suspension.

d) A contractor may be suspended for any period of time commensurate with the seriousness of the offense. A suspension may be for an indefinite period of time subject to demonstration by the contractor that the suspension in no longer necessary.

e) The suspension will be effective within seven calendar days after receipt of notice unless an objection is filed. If an objection were filed, the suspension would not become effective until the evaluation of the objection by the Chief Procurement Officer is completed.

f) The Treasurer's office will not solicit or accept bids, proposals and responses from vendors of the CMS master list of suspensions and debarments during the period of suspension or debarment.

SUBPART I: PREFERENCES

Section 1400.4505 Procurement Preferences

The procurement preferences identified in this Subpart must be considered in developing procurement documents, conducting evaluations and drafting contracts.

OFFICE OF THE TREASURER

NOTICE OF PROPOSED REPEALER

Section 1400.4510 Resident Vendor Preference

a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced.

b) An Illinois resident vendor will be allowed a preference as against a non-resident vendor, which is equal to the preference, if any, that the state of the non-resident vendor affords vendors from that state.

c) An Illinois resident vendor who would perform the services or provide the supplies from another state will be considered a resident of that other state as against an Illinois resident vendor who would perform the services or provide the supplies from Illinois, if that other state has an in-state preference.

d) If an Illinois resident vendor produces or performs at least 51% of the goods or services in another state, that Illinois resident vendor will be considered a resident of that other state for purposes of application of this reciprocal preference when evaluating the offer of an Illinois resident vendor that produces or performs at least 51% of the goods or services in Illinois.

e) The Chief Procurement Officer shall maintain a list of states with in-state preference that will be considered in all procurements involving out-of-state vendors. The Chief Procurement Officer may satisfy this requirement by maintaining and updating a list that has been created by CMS.

Section 1400.4515 Soybean Oil-based Ink

Contracts requiring the procurement of printing services must specify the use of soybean oil-based ink unless the Chief Procurement Officer or Purchasing Officer determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

OFFICE OF THE TREASURER

NOTICE OF PROPOSED REPEALER

Section 1400.4520 Recycled Materials

When a contract is to be awarded to the lowest responsible offeror, an otherwise qualified offeror who will fulfill that contract through the use of products made of recycled materials may, on a pilot basis or in accordance with a pilot study, be given preference over other offerors unable to do so, if the cost identified in the offer of products made of recycled materials is not more than the cost of products not made of recycled materials.

Section 1400.4525 Recycled Paper

All paper purchased for use by the Treasurer's office must be recyclable paper unless recyclable paper cannot be used to meet the requirements of the Treasurer's office. The Treasurer's office will determine its paper requirements to allow the use of recyclable paper whenever possible, including without limitation using plain paper rather than colored paper that is not recyclable.

Section 1400.4530 Correctional Industries

a) The Chief Procurement Officer will develop a list of the goods or services available from the Department of Corrections and will identify those that must be purchased from Corrections.

b) Those items that must be purchased from Corrections may not be procured from any other source without the express written authorization of the Chief Procurement Officer.

c) Procurements may be made from Corrections without seeking competition or giving public notice, if a record of all the purchases made from Corrections is made part of the procurement file.

Section 1400.4535 Sheltered Workshops for the Disabled

a) Supplies and services may be procured without advertising or calling for offers from any qualified not-for-profit organization for the severely handicapped that:

1) complies with Illinois laws governing private not-for-profit organizations;

2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor; and

3) meets the Illinois Department of Human Services just standards for rehabilitation facilities.

b) Sheltered Workshop List
The Chief Procurement Officer must maintain a list of all qualified sheltered workshops. The Chief Procurement Officer may rely on the list developed by CMS to satisfy this responsibility if a copy is maintained in the Treasurer's office and updated as necessary.

c) Requirements for Selection
In order to be selected as the offeror of a good or service, the not-for-profit organization must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the Treasurer's office, and must set a fair market price that has been approved as provided in this Section.

d) Pricing Approval

1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar goods or services, the policy of this Part to promote procurements from sheltered workshops, and other similarly relevant factors.

2) The Procurement Review Board must approve contracts for reasonableness of price if:

A) the good or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or

B) the good or service is offered and the sheltered workshop is selected even though not the lowest responsible offeror.

3) The Procurement Review Board approval is not required if:

A) the contract does not exceed the bid limit set in Section 1400.2020 for small purchases and no bidding was conducted; or

B) the contract is let to the sheltered workshop under a competitive procedure.

4) When the approval of the Procurement Review Board is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities.

e) Coordination with CMS
A Purchasing Officer will be assigned the task of coordinating with the committee that is created within CMS under the Illinois Procurement Code to insure that the Treasurer's office is aware of the activities, accomplishments and findings of the committee.

Section 1400.4540 Gas Mileage

a) Specification
Contracts for the purchase or lease of new passenger automobiles, other than station wagons, vans and four-wheel drive vehicles, must specify the procurement of a model that, according to the most current mileage study published by the U.S. Environmental Protection Agency, can achieve at least the minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of the Motor Vehicle Information and Cost Savings Act.

b) Exemptions
The Chief Procurement Officer may exempt procurements from the requirement of subsection (a) when there is a demonstrated need, determined in writing and made part of the procurement file, for an automobile that does not meet the minimum average fuel economy standards. The Chief Procurement Officer must not exempt procurements from the requirement of subsection (a) unless it is clear that there is not a compliant vehicle available at a comparable price that will meet the needs of the Treasurer's office.

OFFICE OF THE TREASURER

NOTICE OF PROPOSED REPEALER

Section 1400.4545 Illinois Agricultural Products

In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of agricultural products grown in Illinois.

Section 1400.4550 Corn-based Plastics

In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products.

Section 1400.4555 Vehicles Powered by Agricultural Commodity-based Fuel

In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.

Section 1400.4560 Small Businesses

a) Set-Aside
The Chief Procurement Officer may designate as small business set-asides a fair proportion of contracts for the provision of goods and services for award to small businesses in Illinois. A set-aside designation may last indefinitely or for a stated period of time.

b) Required Use
If the Treasurer's office wishes to make a procurement covered by a set-aside designation, the solicitation must note that responses are limited to those from responsible small businesses. Bids, proposals or responses received from large businesses will be rejected as nonresponsive.

c) Withdrawal of Set-Aside
If the Chief Procurement Officer determines that acceptance of the best bid, proposal or response will result in the payment of an unreasonable price, the Chief Procurement Officer or Purchasing Officer will reject all bids, proposals or

responses and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification must be published as provided in Section 1400.1505 with an explanation. After withdrawal of the small business set-aside, the procurement will be conducted in accordance with the requirements of this Part.

d) Criteria for Small Business
Unless the Chief Procurement Officer provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

1) Independently owned and operated.

2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration must be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

3) With annual sales for the most recently ended fiscal year no greater than:

A) $7,500,000 for wholesale business;

B) $1,500,000 for retail business.

4) With no more than 250 employees if a manufacturing business.

A) A manufacturing business must calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most recently ended fiscal year.

B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for

the period that it has been in existence.

5) If both a wholesaler and a retailer, the combined wholesale and retail annual sales for its most recently completed fiscal year may not exceed $9,000,000. The retail component may not exceed $1,500,000 and the wholesale component may not exceed $7,500,000.

6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates must be included. Concerns are affiliates when either one directly or indirectly control or have the power to control the other, or when a third party or parties control or have the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration must be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship does not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.

e) Reliance on the Determination of CMS
The Treasurer's office may defer to the determination by CMS that a business is a small business.

f) Small Business Specialist
The Small Business Specialist for the Treasurer's office shall assist small businesses seeking to provide goods or services to the Treasurer's office and is specifically responsible for the following:

1) Compiling and maintaining a comprehensive bidders list of small businesses and cooperating with the Federal Small Business Administration in locating potential sources for various products or services. The Small Business Specialist may rely on the bidders list developed by CMS to satisfy this responsibility if a copy is maintained in the Treasurer's office and updated as necessary.

2) Assisting small businesses in complying with the procedures for bidding,

proposing or responding to solicitations of the Treasurer's office.

3) Assisting in the development of small business set-asides if determined by the Chief Procurement Officer to be in the State's best interest.

4) Making recommendations to the Chief Procurement Officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.

5) Assisting in investigations by the Treasurer's office to determine the responsibility of any offeror on any small business set-asides.

g) Small business annual report
The Chief Procurement Officer shall annually before December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report will include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The requirement for reporting to the General Assembly will be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act [25 ILCS 5/3.1].

Section 1400.4565 Preferences for Veterans, Minorities, Females, and Persons with Disabilities

This Part is subject to the applicable provisions of the Veterans Preference Act [330 ILCS 55] and the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]. The Chief Procurement Officer shall do whatever is reasonably necessary to enable veterans, minorities, females, and persons with disabilities to participate in the procurement process. The Chief Procurement Officer may rely on the determination of CMS that a person or business qualifies for a preference under these Acts.

SUBPART J: ETHICS

Section 1400.5005 Purpose

It is the express duty of Chief Procurement Officer, Purchasing Officers and their designees to maximize the value of the expenditure of public moneys in procuring goods, services, and

contracts for the Treasurer's office and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the Treasurer's office.

Section 1400.5010 Bribery

a) Prohibition
No person or business will be awarded a contract or subcontract under this Part 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 the 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 will be barred from contracting with any unit of State or local government 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, 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 [720 ILCS 5/5-4(a)(2)].

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 will be chargeable with the conduct.

d) Certification
Every offer submitted to and contract executed by the State must contain a certification by the vendor that the vendor is not barred from being awarded a contract or subcontract under this Section.

Section 1400.5015 Felons

Unless otherwise provided, no person or business convicted of a felony may do business with the Treasurer's office 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.

Section 1400.5020 Conflicts of Interest

a) Prohibitions

1) The Treasurer and all employees of the Treasurer's office who receive compensation for the employment in excess of 60% of the salary of the Governor of the State of Illinois and the spouses and minor children of those persons may not have or acquire any contract, or any direct pecuniary interest in any contract, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.

2) No firm, partnership, association, or corporation in which any person described in subsection (a)(1) is entitled to receive:

A) more than 7 1/2% of the total distributible income; or

B) an amount in excess of the salary of the Governor,

may have or acquire any contract or direct pecuniary interest in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.

3) No firm, partnership, association, or corporation in which any person

described in subsection (a)(1) together with his or her spouse or minor children is entitled to receive:

A) more than 15%, in the aggregate, of the total distributable income; or

B) an amount in excess of two times the salary of the Governor,

may have or acquire any contract or direct pecuniary interest in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.

b) An individual has a direct pecuniary interest in a contract when the individual is owed any payment in conjunction with performance of a contract, including finders' fees and commission payments.

c) Distributable income means the income to a company after payment of all expenses, including employee salary and bonus, and retained earnings, and which remaining amount is actually distributed to those entitled to receive a share of the income.

d) Applicability
This Section does not apply to or affect the validity of:

1) any bond or other security previously offered for sale, to be offered for sale or sold by or for the State of Illinois;

2) any contract made between the State and a person described in subsection (a)(1) that was in existence before the election or employment of the person if the contract can be completed within 365 days after the person takes office; otherwise, it is voidable by the State;

3) payments made for a public aid recipient;

4) any contract for personal services as a teacher or school administrator between the Treasurer, or an employee of the Treasurer's office, and a school district, public community college district, or the University of

Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor's State University, or Northeastern Illinois University;

5) any contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of the Treasurer or an employee of the Treasurer's office;

6) payments made to the Treasurer or an employee of the Treasurer's office for or on behalf of a child or family served by the Department of Children and Family Services;

7) contracts that are competitively procured as provided in this Part between the Treasurer's office and licensed professionals.

e) Exemptions
The Treasurer, with the approval of the Chief Procurement Officer, may exempt named individuals from the prohibitions in this Section when, in his or her judgement, the public interest in having the individual in the service of the State outweighs the public policy evidenced in this Section. An exemption is effective only when it is filed with the Secretary of State and the Comptroller and includes a statement that includes the name of the individual, all pertinent facts that would make this Section applicable, the reason for the exemption and a declaration that the individual is exempted from this Section. Notice of each exemption must be published as provided in Section 1400.1505 and made part of the procurement file.

Section 1400.5025 Negotiations for Future Employment

a) No person employed in or on a continual contractual relationship with the Treasurer's office may participate in contract negotiations on behalf of the Treasurer's office with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.

b) An individual who performs services under a contract and who meets the requirements of an "employee" or "contractual employee" as opposed to an "independent contractor" is in a "continual contractual relationship" from the effective date of the contract until the time the contract is terminated.

c) "Independent contractors", as opposed to "employees" or "contractual employees", are in a "continual contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the Treasurer's office must act to terminate, or has a definite term of at least three months.

Section 1400.5030 Revolving Door

The Chief Procurement Officer and the Purchasing Officers may not engage in any procurement activity relating to the Treasurer's office for two years after terminating their position as Chief Procurement Officer or Purchasing Officer.

Section 1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

a) All offers from responsive offerors with an annual value of more than $10,000 must be accompanied by disclosure of the financial interests of the offeror. The financial disclosure of each successful offeror must be made part of the procurement.

b) Disclosure by the offerors must 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 offering entity or its parent entity, whichever is less, unless the offeror 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. The form of disclosure will be prescribed by the Chief Procurement Officer 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:

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1) State employment, currently or in the previous 3 years, including contractual employment services.

2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

3) 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.

4) Relationship to anyone holding elective offices currently or in the previous 2 years: spouse, father, mother, son, or daughter.

5) 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.

6) Relationship to anyone holding appointive office currently or in the previous 2 years: spouse, father, mother, son, or daughter.

7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

9) 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.

10) 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.

c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the Chief Procurement Officer, Purchasing Officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

d) In the case of any contract for personal services in excess of $50,000; any contract competitively procured in excess of $250,000; any other contract in excess of $50,000: when a potential for a conflict of interest is identified, discovered, or reasonably suspected, the Chief of Staff shall review and comment on it in writing. The Chief of Staff shall provide his comment to the Chief Procurement Officer who must determine in writing whether to void or allow the contract, bid, proposal or response weighing the best interest of the State of Illinois. The comment and determination must be part of the procurement file.

e) These thresholds and disclosure do not relieve the Chief Procurement Officer, Purchasing Officers, or their designees from reasonable care and diligence for any contract, bid, proposal or response. The Chief Procurement Officer, Purchasing Officers, or their designees shall use 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.

f) Inadvertent or accidental failure to make any disclosure required by this Section will render the contract, bid, proposal, response or relationship voidable by the Chief Procurement Officer 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, bids, proposals, responses or relationships with the State for a period of up to 2 years.

g) Intentional, willful or material failure to make any disclosure required by this Section will render the contract, bid, proposal, response or relationship voidable

by the Chief Procurement Officer if he or she deems it to be in the best interest of the State of Illinois and will result in suspension from future contracts, bids, proposals, responses or relationships 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 on in writing by the Chief of Staff. The Chief of Staff must provide the review to the Chief Procurement Officer who must rule in writing whether and when to reinstate. The comment and determination must be part of the procurement file.

h) In addition, all disclosures must note any other current or pending contracts, leases, bids, proposals, responses or other ongoing procurement relationships the bidding, proposing, or responding entity has with any other unit of State government and must clearly identify the unit and the contract, lease, bid, proposal, response or other relationship.

Section 1400.5040 Reporting Anticompetitive Practices

When, for any reason, any vendor, bidder, proposer, respondent or employee of the Treasurer's office, including the Chief Procurement Officer and Purchasing Officers, suspects collusion or other anticompetitive practice among any bidders, proposers, respondents or employees of the Treasurer's office, a notice of the relevant facts must be transmitted to the Attorney General and the Chief Procurement Officer.

Section 1400.5045 Confidentiality

The Chief Procurement Officer Purchasing Officers, and their designees are subject to immediate dismissal and may be subject to criminal prosecution for willfully using or allowing the use of specifications, procurement documents or proprietary information to compromise the fairness or integrity of the procurement or contract process.

Section 1400.5050 Insider Information

It is unlawful for the Treasurer or any employee of the Treasurer's office to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.

Section 1400.5055 Additional Provisions

This Part is subject to applicable provisions of the following Acts:

a) Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];

b) the Illinois Human Rights Act [775 ILCS 5];

c) the Discriminatory Club Act [775 ILCS 25];

d) the Illinois Governmental Ethics Act [5 ILCS 420];

e) the State Prompt Payment Act [30 ILCS 540];

f) the Public Officer Prohibited Activities Act [50 ILCS 105]; and

g) the Drug Free Workplace Act [30 ILCS 580].

Section 1400.5060 Other Violations

Any employee of the Treasurer's office, including the Chief Procurement Officer and Purchasing Officers, who willfully violates or allows the violation of this Part is subject to immediate dismissal.

Section 1400.5065 Supply Inventory

The Treasurer's office should inventory or stock no more equipment, supplies, commodities, articles, and other items than are reasonably necessary for the efficient functioning of the Treasurer's office. The Treasurer's office must seek to have no more than a 12-month supply of any equipment, supplies, commodities, or other items, unless there is a justifiable reason for doing so.

SUBPART K: CONCESSIONS

Section 1400.5505 Concessions

a) All Concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be

entered into by the Treasurer's office, if the concession is reduced to writing and awarded by one of the procurement methods described in this Part, except that the contract will be awarded to the highest and best offeror. The duration and terms of concessions and leases of State property must be in accordance with this Part.

b) Proposed concessions or leases of State property under this Part must be coordinated with CMS to ensure compliance with the State Property Control Act and rules implementing that Act (44 Ill Adm Code 5000).

SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 1400.6005 Severability

If any provision of this Part or any application thereof is held invalid, the invalidity will not affect other provisions or applications of this Part that can be given effect without the invalid provision or application.

Section 1400.6010 Government Furnished Property

If the Treasurer's office provides any property to the vendor in furtherance of the contract, the property will remain the property of the State but may be consumed by the vendor if necessary to complete the contract. The vendor shall issue a receipt for the property and will be responsible for its safekeeping and return of unused property to the State.

Section 1400.6015 Inspections

a) Inspection of Plant or Site
The State may enter a contractor's or subcontractor's plant or place of business to:

1) inspect supplies or services for acceptance by the State under the terms of a contract;

2) audit the books and records of any contractor or subcontractor under Section 1400.4020(d);

3) investigate an action to suspend a person from consideration for award of contracts in accordance with Section 1400.4020;

4) determine whether the standards of responsibility have been met or are capable of being met; and

5) determine if the contract is being performed in accordance with its terms.

b) Inspection and Testing of Supplies and Services

1) Solicitation and Contractual Provisions. Treasurer's office contracts may provide that the Treasurer's office may inspect supplies and services at the contractor's or subcontractor's facility and perform tests to determine whether they conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. The inspections and tests are conducted in accordance with the terms of the solicitation and contract.

2) Procedures for Trial Use and Testing. The Chief Procurement Officer may establish operational procedures governing the testing and trial use of equipment, material, and other supplies by the Treasurer's office, and the application of resulting information and data to specifications or procurements.

c) Conduct of Inspections

1) Inspectors. Inspections or tests are performed so as not to unduly delay the work of the contractor or subcontractor. No inspector other than the Chief Procurement Officer may change any provision of the specifications or the contract without written authorization of the Chief Procurement Officer. The presence or absence of an inspector does not relieve the contractor or subcontractor from any requirements of the contract.

2) Location. When an inspection is made in the plant or place of business of a contractor or subcontractor, the contractor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

3) Time. Inspection or testing of supplies and services performed at the plant

or place of business of any contractor or subcontractor must be performed at reasonable times.

Section 1400.6020 No Waiver of Sovereign Immunity

Nothing in this Part will be deemed to be a waiver of sovereign immunity.

Section 1400.6025 Postage Stamps

All postage stamps purchased from State funds must be perforated for identification purposes.

Section 1400.6030 Printing

All books, pamphlets, documents, and reports published through or by the Treasurer's office must have printed thereon "Printed by the authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. No publication may have written, stamped, printed, or attached to it "Compliments of . . . (naming a person)" or any words of similar import.

Section 1400.6035 Annual Reports

Every printed annual report produced by the Treasurer's office must bear a statement indicating whether it was printed by the State of Illinois or by contract and indicating the printing costs per copy and the number of copies printed. For every annual report prepared, a report must be prepared detailing the quantity of annual reports printed, the total cost, the cost per copy, and the cost per page of the annual report. The report will be submitted to the General Assembly on the fourth Wednesday of January in each year that a report is produced by the Treasurer's office and made part of the procurement file.

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1) Heading of the Part: Office of the Illinois State Treasurer Procurement

2) Code Citation: 44 Ill. Adm. Code 1400

3)

Section Numbers:	Proposed Action:
1400.100	New
1400.105	New
1400.110	New
1400.111	New
1400.115	New
1400.125	New
1400.130	New
1400.135	New
1400.140	New
1400.145	New
1400.150	New
1400.505	New
1400.523	New
1400.525	New
1400.530	New
1400.1005	New
1400.1010	New
1400.1015	New
1400.1020	New
1400.1050	New
1400.1501	New
1400.1510	New
1400.1515	New
1400.1520	New
1400.1525	New
1400.1530	New
1400.1540	New
1400.2005	New
1400.2010	New
1400.2015	New
1400.2020	New
1400.2025	New

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1400.2030	New
1400.2035	New
1400.2040	New
1400.2043	New
1400.2050	New
1400.2060	New
1400.2065	New
1400.2070	New
1400.2075	New
1400.2080	New
1400.2095	New
1400.2105	New
1400.2120	New
1400.2155	New
1400.2160	New
1400.2505	New
1400.2510	New
1400.2515	New
1400.2530	New
1400.2555	New
1400.2560	New
1400.3005	New
1400.3505	New
1400.3510	New
1400.3525	New
1400.3530	New
1400.3535	New
1400.4005	New
1400.4010	New
1400.4015	New
1400.4020	New
1400.4025	New
1400.4030	New
1400.4505	New
1400.4510	New
1400.4515	New
1400.4520	New

1400.4525	New
1400.4530	New
1400.4535	New
1400.4540	New
1400.5001	New
1400.5002	New
1400.5013	New
1400.5014	New
1400.5039	New
1400.5055	New
1400.5310	New
1400.5320	New
1400.6005	New
1400.6010	New
1400.6015	New
1400.6020	New
1400.6030	New
1400.6040	New
1400.6050	New

4) Statutory Authority: Implementing and authorized by the Illinois Procurement Code [30 ILCS 500]

5) A Complete Description of the Subjects and Issues Involved: Having last been amended in 2000, the proposed rulemaking brings the Office of the Treasurer's procurement rules into compliance with the PA 96-795 and PA 97-895 and re-organizes the administrative rules in order to allow the public to move seamlessly between the Illinois Procurement Code [30 ILCS 500] and these administrative rules.

The proposed rulemaking defines terms and outlines the structure and procurement authority oversight of the Chief Procurement Officer. The rulemaking specifies required documentation of procurement actions, publication requirements, and minimum periods of time for public notice for solicitations. The rulemaking provides instruction on source selection and contract formation and specifies requirements for sole source procurements. It limits the scope of emergency purchases, specifies the requirements for an extension of an emergency purchase and provides for vendor registration with the state board of

elections. Finally, the rules incorporate necessary changes relating to procurement communications reporting, clarifies and simplifies text changes throughout the rules.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

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

Section Numbers	Proposed Action	*Illinois Register* Citation
1400.505	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.510	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.515	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.520	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.525	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.530	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1015	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1505	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1510	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.1515	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2015	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2020	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2025	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2030	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2035	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2040	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2045	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2505	Repealed	37 Ill. Reg. 14623; September 13, 2013

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1400.2510	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2515	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.2520	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3505	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3510	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3515	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3520	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.3525	Repealed	37 Ill. Reg. 14623 September 13, 2013
1400.4005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4015	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4020	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4505	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4510	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4515	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4520	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4525	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4530	Repealed	37 Ill. Reg. 14623 September 13, 2013
1400.4535	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4540	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4545	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4550	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4555	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4560	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.4565	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5015	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5020	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5025	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5030	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5035	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5040	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5045	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5050	Repealed	37 Ill. Reg. 14623 September 13, 2013

1400.5055	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5060	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5065	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.5505	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6005	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6010	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6015	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6020	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6025	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6030	Repealed	37 Ill. Reg. 14623; September 13, 2013
1400.6035	Repealed	37 Ill. Reg. 14623; September 13, 2013

11) Statement of Statewide Policy Objectives: This rulemaking does not affect, create or expand a State mandate under the State Mandates Act. [30 ILCS 805]

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:

Bradley A. Rightnowar
Rules Coordinator
Office of the Illinois State Treasurer
1 West Old State Capitol Plaza
Springfield, Illinois 62701

217/557-9360
brightnowar@treasurer.state.il.us

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

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14) Regulatory Agenda on which this rulemaking was summarized: None. The need for this rulemaking was not anticipated at the time the two most recent Agendas were published.

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXI: TREASURER

PART 1400
OFFICE OF THE ILLINOIS STATE TREASURER PROCUREMENT

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1400.105 Public Policy
1400.110 Application
1400.111 Application of Earlier Amendments
1400.115 Definitions
1400.125 Property Rights
1400.130 Statement of Substantial Accord with Procurement Code
1400.135 Department of Central Management Services
1400.140 Procurements without Notice and Competition
1400.145 No Waiver of Sovereign Immunity
1400.150 Government Furnished Property

SUBPART B: POLICY ORGANIZATION

Section
1400.505 Treasurer Procurement Policy Board
1400.523 Interests of Board Members
1400.525 Rulemaking, Policy and Response
1400.530 Proposed Contracts

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Section
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1400.1010 State Purchasing Officer

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1400.1020 Chief Procurement Officer
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1400.2010 Competitive Sealed Bidding
1400.2015 Competitive Sealed Proposals
1400.2020 Small Purchases
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1400.2035 Competitive Selection Procedures for Professional and Artistic Services
1400.2040 Cancellation of Invitation for Bids or Requests for Proposals
1400.2043 Bidder or Offeror Authorized to do Business in Illinois
1400.2050 Specifications
1400.2060 Duration of Contracts
1400.2065 Right to Audit
1400.2070 Finality of Determinations
1400.2075 Disputes and Protests Regarding Solicitations and Awards
1400.2080 Contract Files
1400.2095 Donations
1400.2105 Printing
1400.2120 Subcontractors
1400.2155 Solicitation and Contract Documents

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1400.2160 Registration with the State Board of Elections by Certain Business Entities

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1400.2515 Method of Source Selection
1400.2530 More Favorable Terms
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1400.2560 Prevailing Wage Requirements

SUBPART G: CONSTRUCTION, CONSTRUCTION-RELATED SERVICES, AND CONSTRUCTION MANAGEMENT SERVICES

Section
1400.3005 General Construction Procurement; Emergency Rule

SUBPART H: PROCUREMENT OF PROFESSIONAL AND ARTISTIC SERVICES

Section
1400.3505 Application
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1400.4505 Procurement Preferences
1400.4510 Resident Vendor Preference
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1400.4525 Sheltered Workshops for the Disabled
1400.4530 Small Businesses
1400.4535 Preferences for Veterans, Minorities, Females and Persons with Disabilities
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SUBPART K: PROCUREMENT ETHICS AND DISCLOSURE

Section
1400.5001 Purpose
1400.5002 Statement of Ethical Procurement
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1400.5014 Environmental Protection Act Violations
1400.5039 Procurement Communications Reporting
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1400.6010 Vehicle Use Officer
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1400.6020 Mileage Reimbursement
1400.6030 Publication of Vehicle Data
1400.6040 Purchase of New Vehicles

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1400.6050 Hybrid Fuel Vehicles

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective August 24, 1998; amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8393, effective May 30, 2000; old Part repealed at 37 Ill. Reg. _____ and new Part adopted at 37 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 1400.100 Title

This Part may be cited as the Office of the Illinois State Treasurer Procurement Rules.

Section 1400.105 Public Policy

It is the purpose of this Part and is declared to be the policy of the Office of the Illinois State Treasurer that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for the Office of the Illinois State Treasurer.

Section 1400.110 Application

a) This Part applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Part shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to July 1, 1998.

b) *This* Part *shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This* Part *shall not apply to:*

1) *Contracts between the* Office of the Illinois State Treasurer, *the State* government and/or *its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this* Part.

2) *Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.*

3) *Collective bargaining contracts.*

4) *Contracts* approved by the General *Counsel* as *necessary to prepare for anticipated litigation, enforcement actions, investigations,* or other legal issues. [30 ILCS 500/1-10(b)]

5) Contract agreements for the deposit of State moneys in interest bearing accounts or the investment of State moneys under the Deposit of State Moneys Act [15 ILCS 520] or the Public Funds Investment Act [30 ILCS 235];

c) The Chief Procurement Officer and the General Counsel shall have final authority in the determination of whether a contract, purchase or other expenditure is subject to this Part. The Chief Procurement Officer and the General Counsel may access those records they determine necessary to make a determination that this Part applies to any procurement, provided the records accessed are not subject to the attorney-client privilege.

Section 1400.111 Application of Earlier Amendments

The terms and conditions and the rights and obligations under contracts resulting from procurements with a solicitation date that is earlier than the effective date of this Part will not be impaired.

Section 1400.115 Definitions

The following terms have the meanings ascribed unless the use clearly requires a different meaning. Terms may be defined in particular Sections for use in those Sections.

"Bid" means a response to an Invitation for Bids.

"Bidder" means the person or entity submitting a bid.

"Biobased Product" *is defined as in the federal Biobased Products Preferred Procurement Program* (7 USC 8102). [30 ILCS 500/45-75]

"Board" means the Procurement Policy Board.

"Brand Name or Equal Specification" means a specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance and other characteristics needed to meet the Office of the Illinois State Treasurer's requirements and that allows the submission of equivalent products.

"Brand Name Specification" means a specification limited to one or more items by manufacturer's names or catalogue numbers.

"Bulletin" means the electronically published Treasurer's Procurement Bulletin that contains the information and data required to be published by this Part.

"Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity. [30 ILCS 500/1-15.10]

"Chief of Staff" means the Chief of Staff for the State Treasurer.

"Chief Procurement Officer" or "CPO" means the employee of the Office of the Illinois State Treasurer who is appointed by the State Treasurer to be primarily responsible for the procurement of all goods and services by the Office of the Illinois State Treasurer.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Contract" means all types of 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 Office of the Illinois State Treasurer 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]

"Cost-reimbursement Contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and provisions of this Part, *and a fee, if any*. [30 ILCS 500/1-15.35

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

"General Counsel" means the chief attorney of the Legal Department, who manages the day to day legal affairs of the Office of the Illinois State Treasurer and provides legal advice to the State Treasurer.

"Invitation for Bids" or "IFB" means the process by which the Office of the Illinois State Treasurer *requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45

"Negotiation" means the process of selecting a contractor other than by competitive sealed bids, multi-step sealed bidding, or competitive sealed proposals, whereby the Office of the Illinois State Treasurer *can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.* [30 ILCS 500/1-15.50]

"Offer" means a bid, proposal or response solicited by the Office of the Illinois State Treasurer.

"Offeror" means the person or entity submitting a bid, proposal or response solicited by the Office of the Illinois State Treasurer.

"Office of the Treasurer" means the Office of the Illinois State Treasurer.

"Person" means any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity. [30 ILCS 500/1-15.55]

"Professional and Artistic Services" means those services provided under contract to the Office of the Treasurer *by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability.* [30 ILCS 500/1-15.60]

"Proposal" means a response to a Request for Proposals.

"Proposer" means the person or entity submitting a proposal.

"Purchase Description" means the words used in a solicitation to describe the supplies, services, professional or artistic services, or construction to be procured or real property or capital improvements to be leased and includes specifications attached to or made a part of the solicitation. [30 ILCS 500/1-15.65]

"Request for Information" or "RFI" means a document prepared and distributed by the Office of the Treasurer soliciting lease information for real property, goods or services.

"Request for Proposals" or "RFP" means the process by which the Office of the Treasurer *requests proposals from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75].

"Respondent" means the person or entity submitting a response to a Request for Information from the Office of the Treasurer.

"Response" means a response to a Request for Information.

"Responsible Bidder, Proposer or Respondent" means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. This definition shall not include a business or other entity that does not exist as a legal entity at

the time a bid or proposal is submitted for a contract with the Office of the Treasurer. [30 ILCS 500/1-15.80].

"Responsive Bidder" means a person who has submitted a bid that conforms in all material respects to the Invitation for Bids or Request for Proposals. [30 ILCS 500/1-15.85]

"Services" means 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. [30 ILCS 500/1-15.90]

"Small Business Specialist" means an employee of the Office of the Treasurer who is responsible for assisting small businesses in submitting offers to the Office of the Treasurer for the provision of goods and services.

"Solicitation" means an Invitation for Bids, Request for Proposals or Request for Information.

"Solicitation Date" means the date that bids or proposals are solicited for the provision of goods or services to the Office of the Treasurer by communicating the solicitation orally, depositing the solicitation in the U.S. Mail, or posting the solicitation electronically, whichever occurs first.

"Specifications" means 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]

"State Purchasing Officer" or "SPO" *means a person appointed by* the State Treasurer or *Chief Procurement Officer to exercise,* under *the* supervision of the Chief Procurement Officer, *procurement authority created by this* Part. [30 ILCS 500/1-15.105]

"State Treasurer" shall mean the Treasurer of the State of Illinois.

"Subcontract" means a contract between a person and a person who has a contract subject to this Part, *pursuant to which the subcontractor provides to the contractor, or, if the contract price exceeds $50,000, 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.* [30 ILCS 500/1-15.107]

"Subcontractor" means a person or entity that enters into a contractual agreement with a total value of $50,000 or more with a person or entity who has a contract subject to this Part *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 a contract* of the Office of the Treasurer. [30 ILCS 500/1-15.108]

"Supplies" means all personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Treasurer's Web Site" means the world wide web site of the Office of the Treasurer at www.treasurer.il.gov.

"Vehicle" means any motor vehicle belonging to the Office of the Treasurer, *including automobiles, motorcycles, trucks, and other types of automotive equipment.* [30 ILCS 617/5]

Section 1400.125 Property Rights

No person shall have any right to a specific contract with the Office of the Treasurer *unless that person has a contract that has been signed by* the CPO *or* other *employee of the* Office of the Treasurer *with appropriate signature authority.* The Office of the Treasurer is *under no obligation to issue an award or execute a contract.* [30 ILCS 500/1-25]

Section 1400.130 Statement of Substantial Accord with Procurement Code

The Office of the Treasurer has promulgated this Part in a manner that is no less restrictive and is substantially in accordance with the requirements of the Illinois Procurement Code [30 ILCS 500].

Section 1400.135 Department of Central Management Services

a) The Office of the Treasurer may, without soliciting independent bids, proposals or responses, procure goods and services from the Joint Purchasing Program under the Department of Central Management Services.

b) Prior to any equipment procurement, the Office of the Treasurer should consider property available from the State and federal surplus warehouses that are under the jurisdiction of the Department of Central Management Services.

Section 1400.140 Procurements without Notice and Competition

Goods and services that are available from State agencies and other governmental units may be procured without the notice and competition provided for in this Part.

Section 1400.145 No Waiver of Sovereign Immunity

Nothing in this Part will be deemed to be a waiver of sovereign immunity.

Section 1400.150 Government Furnished Property

If the Office of the Treasurer provides any property to the vendor in furtherance of the contract, the property will remain the property of the State but may be consumed by the vendor if necessary to complete the contract. The vendor shall issue a receipt for the property and will be responsible for its safekeeping and the return of unused property to the State.

SUBPART B: POLICY ORGANIZATION

Section 1400.505 Treasurer Procurement Policy Board

A Treasurer Procurement Policy Board is hereby created. The Board shall, at a minimum, have three Illinois citizens appointed by the State Treasurer to a term not to exceed three years as determined by the State Treasurer. The Board shall:

a) be authorized to review, comment upon, and recommend rules and practices governing the procurement, management, control and disposal or supplies,

services, professional or artistic services, construction, and capital improvements procured by the Office of the Treasurer;

b) be authorized to review any proposal, bid or contract, and may issue recommendations regarding procurement matters;

c) be notified by the CPO if a conflict of interest is identified, discovered or reasonably suspected to exist. In the event of such notification, the Board is to recommend action and give its recommendation to the CPO and Office of the Treasurer. The Board's recommendation shall be published in the Procurement Bulletin;

d) report to the Inspector General whenever the Board has cause to believe there has been a violation of the Code; and

e) perform other duties as required by law or this Part.

Section 1400.523 Interests of Board Members

Members of the Board employed by or holding an interest in an entity doing business with or attempting to do business with the State of Illinois do not, by their service on the Board, preclude that entity from doing business with or attempting to do business with the State. [30 ILCS 500/5-23]

Section 1400.525 Rulemaking, Policy and Response

a) The CPO shall have the authority to propose rules necessary to carry out his or her authority under this Part.

b) Contractual provisions, specifications and procurement descriptions are not rules.

c) The CPO shall notify the Board of any proposed rule or policy or any proposed change in an existing rule or policy.

d) The CPO shall respond promptly to all inquiries and comments of the Board.

e) The State Treasurer, if he or she concurs with proposed rules offered by the CPO, will adopt the proposed rules in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

Section 1400.530 Proposed Contracts

The Board may request the procurement file of the CPO concerning any proposed contract. The CPO shall provide the procurement file to the Board within 5 business days after the request. The time for the CPO to provide the procurement file to the Board may be extended by the Board in writing. Nothing in this Section is intended to waive or abrogate any privilege or right of confidentiality authorized by law.

SUBPART C: APPOINTMENTS

Section 1400.1005 Procurement Authority of Chief Procurement Officer and State Purchasing Officer

The CPO shall exercise all procurement authority created by this Part. The SPO shall only exercise procurement authority under the direction of the CPO.

Section 1400.1010 State Purchasing Officer

The CPO may designate one or more SPOs to conduct procurement in accordance with the terms of this Part. The SPO shall exercise procurement authority at the direction of the CPO, and the decisions of an SPO are subject to review by the CPO. The SPO shall perform other duties as required by law or this Part.

Section 1400.1015 Procurement Compliance Monitor

The Chief Internal Auditor, appointed pursuant Section 1400.1050, or his or her designee, shall serve as the Procurement Compliance Monitor. It shall be the duty of the Procurement Compliance Monitor to oversee and review the procurement processes. The monitor shall have direct communication with the CPO and the Treasurer. The monitor shall:

a) have the right to review all contracts, attend any procurement meeting, and access reports and files;

b) issue reports to the CPO regarding outstanding procurement problems;

c) ensure transparency and compliance with procurement laws;

d) report findings of waste to the appropriate head of the division in which waste was found. If the head of the division in which the waste was found does not correct circumstances causing the waste, the monitor shall report to the CPO and the Inspector General; and

e) perform other duties as required by law.

Section 1400.1020 Chief Procurement Officer

The State Treasurer will appoint a CPO for a term of 5 years beginning on the date of the CPO's appointment. Upon appointment, the CPO may only be removed for cause. In addition to any other requirement or qualification required by State law, the CPO must, within 12 months after employment, be a Certified Professional Public Buyer or a Certified Public Purchasing Officer, under the system of certification of the Universal Public Purchasing Certification Council, and must reside in Illinois. The CPO, or his or her designee, may conduct any or all procurements on behalf of the Office of the Treasurer. The CPO shall have at least 5 years of experience in State budgeting or procurement activities, or shall be a Universal Public Purchasing Certification Council certified professional public buyer or certified public purchasing officer. The CPO shall owe a fiduciary duty to the State. The CPO is responsible for signing all written award determination letters and shall state the reasoning for any contract award decisions. The CPO shall perform other duties as required by law or by this Part.

Section 1400.1050 Chief Internal Auditor

a) The State Treasurer will appoint a chief internal auditor with a bachelor's degree who is either:

1) a certified internal auditor by examination or a certified public accountant and who has at least 4 years of progressively responsible professional auditing experience; or

2) an auditor with at least 5 years of progressively responsible professional auditing experience.

b) The chief internal auditor shall serve a 5-year term beginning on the date of the appointment. A chief internal auditor may be removed only for cause. Any chief internal auditor who is appointed to replace a removed chief internal auditor may serve only until the expiration of the term of the removed chief internal auditor.

SUBPART D: PROCUREMENT INFORMATION

Section 1400.1501 Publisher

The Office of the Treasurer will publish on the Office of the Treasurer's Web Site all information and data required by this Part, which shall be collectively referred to as the Treasurer's Procurement Bulletin.

Section 1400.1510 Content

The Bulletin shall contain notices and other information required by this Part.

Section 1400.1515 Publication

All documents published on the Bulletin may also be published in a paper format. The Bulletin shall be available upon request in paper form as of the date that it is published electronically. The Office of the Treasurer may charge a minimal fee that does not exceed the costs of postage and copying of the Bulletin in paper format. The fee for postage and copying will not exceed the limits established by the Office of the Treasurer for Freedom of Information Act [140 ILCS 5] requests (see 2 Ill. Adm. Code 651). The paper or electronic publication will be available for inspection free of charge at locations in Springfield and Chicago, Illinois.

Section 1400.1520 Qualified Bidders

Subscription to the Bulletin shall not be a condition precedent to qualifying as a bidder or offeror under this Part.

Section 1400.1525 Bulletin Content

a) Solicitations. Every solicitation must include the following:

1) the date the solicitation was first offered;

2) the date the submission of offers is due;

3) the location that offers are to be submitted;

4) the name of the State Treasurer;

5) the name of the CPO;

6) a brief description of the solicitation;

7) the method of source selection;

8) information on how to obtain a comprehensive solicitation description, disclosure forms or contract forms.

b) Contracts Awarded. Notice of each awarded contract shall:

1) be in written form;

2) be issued electronically to the successful responsible bidder or offeror;

3) be published in the Bulletin within 10 business days;

4) contain all of the information required by subsection (c)(1);

5) include the name of the successful responsible bidder or offeror;

6) include the contract price; and

7) include the number of unsuccessful responsive bidders.

c) Emergency Purchase Disclosure. In exercising emergency purchase authority, the CPO or SPO shall:

1) publish in the Bulletin written notice describing the purchase, the reason for the emergency, the total cost (if known) or estimate (if total cost is unknown), the appropriate contact person within the Office of the Treasurer, and the name of the contracted entity.

2) publish the notice in the Bulletin no later than 3 business days after the contract is awarded.

3) in the event of a hearing to extend an emergency contract, post notice of the hearing in the Bulletin no later than 5 business days prior to the hearing.

d) Renewals. Notice of each contract renewal shall be posted in the online electronic Bulletin within 10 business days after the determination to renew the contract. The notice shall contain at least all of the information required by subsection (b) of this Section.

e) Sole Source Procurements. Before entering into a sole source contract, the CPO shall 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. This notice must be posted in the Bulletin before a sole source contract is awarded. If, within 14 days following the posting, an interest party requests a public hearing, a public hearing shall be had in accordance with Section 1400.2025.

f) Other required disclosure. Notices of cancellation of a solicitation or rejection of offers must:

1) identify the solicitation;

2) briefly explain the reason for the cancellation or rejection; and

3) when appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar goods or services.

Section 1400.1530 Electronic Bulletin Posting

Every solicitation for bids, proposals or responses required under this Part must be published, unless a more restrictive time is contemplated elsewhere by this Part, in the Bulletin at least 14 calendar days before the date set in the solicitation for the opening of the bids, proposals or responses. Every notice of intent to enter into a sole source contract must be published in the Bulletin at least 14 calendar days before the award of the contract. Notices of the exercise of an option to renew a lease must be published in the Bulletin at least 60 days prior to the exercise of the option. There is no fee assessed for access to the page of the Treasurer's Web Site containing procurement information.

Section 1400.1540 Solicitation

In addition to publishing solicitation notices on the Bulletin, the Office of the Treasurer may directly contact prospective vendors. Direct solicitation may be oral or in writing, but care must be taken to ensure that all vendors receive the same information. At least three vendors should be contacted whenever possible.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 1400.2005 Method of Source Selection

Unless otherwise authorized by this Part, all contracts of the Office of the Treasurer will be awarded by competitive sealed bidding.

Section 1400.2010 Competitive Sealed Bidding

a) Conditions for Use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in this Part.

b) Invitation for Bids. Each competitive sealed bid procurement shall be initiated by an IFB.

1) At a minimum, each IFB shall include:

A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be

delivered, the maximum time for bid acceptance by the Office of the Treasurer, and any other special information;

B) the specifications, evaluation factors, delivery or performance schedule, and any inspection and acceptance requirements that are not included in the specification; and

C) the contract terms and conditions, including warranty, collateralization, bonding or other security requirements, as applicable.

2) Each IFB may:

A) incorporate documents by reference if the IFB specifies where the documents can be obtained;

B) provide a form that includes a space in which the bid price may be inserted and that the bidder must sign and submit along with all other necessary submissions;

C) require bid samples or descriptive literature when it is necessary to evaluate required characteristics of the items bid;

D) require that vendors be prequalified as a condition of being placed on the bid list;

E) require a bidders' conference to be conducted to enhance the understanding of the procurement requirements;

F) be amended by the Office of the Treasurer prior to the deadline for submission of bids provided the amendment to the IFB:

i) identifies each change or modification to the IFB;

ii) is sent to all prospective bidders known to have received an IFB; and

iii) are distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids as determined by the CPO; and

G) require a contract to be denied because a vendor was not prequalified.

c) Public Notice. The IFB must be published in the Bulletin 14 days before the date set in the invitation for the opening of bids and made a part of the procurement file.

d) Extension of Time to File

1) The date or time for submitting a bid, proposal, response, modification or withdrawal may be extended by the CPO prior to the date or time set in the invitation for the opening of bids for the convenience of the Office of the Treasurer.

2) After opening bids, proposals or responses, the CPO may request that the offerors extend the time during which the State may accept their bids, proposals or responses if, with regard to bids, no other change is permitted. The reasons for requesting the extension must be documented.

e) Bid Opening

1) Receipt of Bids. Upon its receipt, each bid and modification must be time-stamped but not opened and must be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file must so state.

2) Prohibition of Opening Late Bids. Every bid received by the Office of the Treasurer after the time and date set for receipt of bids designated in the IFB is prohibited from being opened.

3) Opening and Recording

A) Bids and modifications must be opened publicly, in the presence of one or more witnesses, at the time, date and place designated in the IFB.

B) The name of each bidder, the bid price, and any other information that the CPO deems appropriate must be recorded.

C) The winning bid must be available for public inspection after award, along with the record of the other bids.

D) The CPO shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree to the disclosure of data or other information, the bid must be rejected as nonresponsive.

f) Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or corrections, except as authorized in this Part. Bids shall be evaluated based on the requirements set forth in the IFB, which may include criteria to determine acceptability, such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs and total or life cycle costs, shall be objectively measurable. The IFB shall set forth the evaluation criteria to be used.

g) Correction or Withdrawal of Bids

1) A bid may be modified or withdrawn by written notice received in the office designated in the IFB prior to the time and date set for bid opening. A facsimile modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.

2) Records. All documents relating to the modification or withdrawal of bids must be made a part of the procurement file.

3) After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted.

4) All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by the CPO.

h) Award

1) General. The contract is to be awarded to the lowest bidder by a responsible and responsive bidder, unless otherwise permitted in this subsection (h). No bid may be evaluated for any requirements or criteria that are not disclosed in the IFB.

2) Determination of Bidder as Responsible and Responsive. The CPO shall reach the determination of whether each bidder is responsible and responsive. The determination must be conducted to determine whether each bid is acceptable and appropriate for further evaluation and not for the purpose of determining whether one bidder's product or service capability is superior to another. The determination shall be in writing and made part of the procurement file.

3) Product Quality or Service Capability. The CPO shall also evaluate and make a notation of any differences in the product quality or service capability among the responsible and responsive bidders before reaching the determination of the lowest bidder.

4) Determination of Lowest Responsible and Responsive Bidder. Bids must be evaluated to determine which responsible and responsive bidder offers the lowest cost to the State in accordance with the evaluation criteria in the IFB. Only objectively measurable criteria in the IFB may be applied in determining the lowest bidder.

5) Bid Award. The CPO shall award the contract to the lowest responsible and responsive bidder, unless the differences in product quality or service capability suggest that the selection of another bid is in the best interest of the State. If the lowest responsible and responsive bidder is not awarded

the contract, the CPO shall publish in the bulletin a written explanation as to why the lowest responsible and responsive bidder was not awarded the contract. *The written explanation must include* the following:

A) *a description* of the *needs* of the Office of the Treasurer;

B) *a determination that the anticipated cost will be fair and reasonable;*

C) *a listing of all responsible and responsive bidders; and*

D) *the name of the bidder selected, the total contract price, and the reasons for selecting that bidder*. [30 ILCS 500/20-10(g)]

6) Price Negotiation. The CPO may negotiate with bidders to obtain a lower price for the item bid.

7) Following the award, a notice of contract must be provided to the successful bidder, published as provided in Section 1400.1515, and made a part of the procurement file. The notice of contract awarded must indicate if a bidder other than the lowest responsible and responsive bidder was selected and the basis for the selection.

i) *Multi-Step Sealed Bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an IFB may be issued requesting the submission of unpriced offers to be followed by an IFB limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.* [30 ILCS 500/20-10(h)]

j) 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 IFB 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 IFB. 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 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* CPO or *SPO and the lowest responsible bidder.*

5) Prohibition. *This subsection* (j) *does not apply to procurements of professional and artistic services, telecommunications services, communication services or information services.* [30 ILCS 500/20-10(j)]

k) Prequalification is Not Finding of Responsibility. The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.

Section 1400.2015 Competitive Sealed Proposals

a) Conditions for Use. When provided under this Part, or when the CPO determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Office of the Treasurer, a contract may be entered into by competitive sealed proposals.

b) Request for Proposals. Proposals shall be solicited through an RFP.

c) *Public Notice. Public notice of the* RFP *shall be published in the Bulletin at least 14 days before the date set in the* RFP *for the opening of proposals.*

d) *Receipt of Proposals. Proposals shall be opened publicly in the presence of one or more witnesses at the time and place designated in the* RFP*, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and shall be open for public inspection after contract award.*

e) *Evaluation Factors. The* RFP *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.*

f) *Discussion with Responsible Offerors and Revisions of Proposals. As provided in the Request for Proposals and under* this Part*, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.*

g) *Award. Awards shall be made to the responsible offeror whose proposal is determined in writing* by the CPO *to be the most advantageous to the* Office of the Treasurer*, taking into consideration price and the evaluation factors set forth in the* RFP. *The contract file shall contain the basis on which the award is made.* [30 ILCS 500/20-15]

Section 1400.2020 Small Purchases

a) *Amount. Any individual procurement of goods and supplies not exceeding* $50,000 *and any individual procurement of professional and artistic services not*

exceeding $20,000 *may be made without competitive sealed bidding. Procurements shall not be artificially divided so as to constitute a small purchase under this Section.*

b) *Adjustment. Each July 1, the small purchase maximum established in* subsection (a) *shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest $100.* [30 ILCS 500/20-20]

c) The small purchase maximum may be raised by the CPO by memorandum that is approved by the Board and posted in the Bulletin for 14 days prior to its effective date.

Section 1400.2025 Sole Source Procurements

a) Contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item as determined by the CPO. If, within 14 days after notice of the CPO's intent to enter into a sole source contract is published in the Bulletin, an interested party submits a written request for a hearing, a contract with the Office of the Treasurer may not be awarded as a sole source procurement unless approved by the CPO following a public hearing at which the CPO presents written justification for the procurement method. The public may present testimony.

b) This Section 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.

c) Notice of intent to enter into a sole source contract shall be provided by publication in the Bulletin at least 14 days before the public hearing required in subsection (a). The notice shall include a description of the item to be procured, the intended sole source contractor, and the date, time and location of the public hearing. A copy of the notice and all documents provided at the hearing shall be included in the next available Bulletin.

d) Examples of sole source procurements, include but are not limited to, procurements:

1) for which compatibility of equipment, accessories, replacement parts or service is a paramount consideration;

2) of a sole supplier's items for trial use or testing;

3) of a sole supplier's item for commercial resale;

4) of public utility regulated services;

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

6) of media for advertising;

7) of a good or service that is available from only a single supplier or when only one supplier is deemed economically feasible by the CPO;

8) of art, educational (including training for a continuing professional education) or entertainment services; and

9) that involve changes to existing contracts.

e) After the public hearing required by subsection (a), the CPO, in his or her professional judgment, may:

1) Execute the contract for the sole source procurement if no written objections are presented at the public hearing;

2) Execute the contract for the sole source procurement after preparing a written response to the written objections submitted at the public hearing;

3) Commence a competitive method of procurement if the CPO becomes convince that a sole source designation is not appropriate.

f) Nothing in this Section shall prohibit the CPO from, in his or her professional judgment, conducting negotiations in an effort to obtain the most favorable price, delivery and other terms and conditions available to the State.

Section 1400.2030 Emergency Procurements

a) *Conditions for Use.* The Office of the Treasurer *may make emergency procurements without competitive sealed bidding or prior notice when,* as determined by the CPO, *there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in* critical *State services that affect health, safety, or collection of substantial State* revenues*, or to ensure the integrity of State records; provided, however, that 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 CPO determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the CPO must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.*

b) *Notice. Notice of all emergency procurements shall be published in the Bulletin no later than 3 business days after the contract is awarded. Notice of intent to extend an emergency contract shall be published in the Bulletin at least 14 days before the 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. A copy of this notice and all documents provided at the hearing shall be included in the* next available *Bulletin. Before the next appropriate volume of the Bulletin,* the Office of the Treasurer will publish in the Bulletin *a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. 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.*

c) *Affidavits.* When making a procurement under this Section, the CPO *shall file an affidavit with the Auditor General within 10 days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 days after the procurement, the actual cost shall be reported immediately after it is determined.*

d) *Quick Purchases. The CPO may extend the circumstances by which the* Office of the Treasurer *may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.* [30 ILCS 500/20-30]

Section 1400.2035 Competitive Selection Procedures for Professional and Artistic Services

a) The services specified in Subpart H (Procurement of Professional and Artistic Services) shall be procured in accordance with this Section, except as authorized under Sections 1400.2025 and 1400.2030.

b) *Statement of Qualifications. Potential contractors shall submit statements of qualifications and expressions of interest. The* CPO *shall specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.*

c) *Public Announcement and Form of Request for Proposals. Public notice of the need for the procurement shall be given in the form of an RFP and published on the* Treasurer's Bulletin *at least 14 days before the date set in the RFP for the opening of proposals. The RFP shall describe the services required, list the type of information and data required of each offeror, and state the relative importance of particular qualifications.*

d) *Discussions.* The Office of the Treasurer *may conduct discussions with any offeror who has submitted a proposal to determine the offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.*

e) *Award. Award shall be made to the offeror determined in writing by the* CPO *to be best qualified based on the evaluation factors set forth in the Request for Proposals and negotiation of compensation determined to be fair and reasonable.* [30 ILCS 500/20-35]

Section 1400.2040 Cancellation of Invitation for Bids or Requests for Proposals

An Invitation for Bids, a Request for Proposals, or any other solicitation may be cancelled without penalty, or any and all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the Office of the Treasurer. *The reasons for cancellation or rejection shall be made part of the procurement file.* [30 ILCS 500/20-40]

Section 1400.2043 Bidder or Offeror Authorized to do Business in Illinois

In addition to meeting any other requirement of law or rule, a person (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror under the Code *only if the person is a legal entity authorized to do business in Illinois prior to submitting the bid, offer, or proposal.* [30 ILCS 500/20-43]

Section 1400.2050 Specifications

a) CPO's Responsibilities Regarding Specifications
The CPO shall write or authorize the writing of all specifications. An SPO may write specifications for procurements for the Office of the Treasurer, subject to approval of the CPO.

b) Specifications Prepared by Other Than State Personnel

1) Specifications may be prepared by other than Office of the Treasurer's personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts. Contracts for the preparation of specifications by other than State personnel must require the specification writer to adhere to State requirements.

2) The person who prepared the specifications may not submit a bid or proposal to meet the procurement need unless the CPO determines in writing that it would be in the best interest to accept a bid or proposal from that person and a notice to that effect is published in the Bulletin 14 days before the date set in the invitation for the opening of bids.

3) The CPO may utilize a Request for Information as follows:

A) Prior to issuing a solicitation, a CPO may issue an RFI to obtain services of any person or business to conduct research, analyze requirements or provide general design or other assistance to help the Office of the Treasurer develop its procurement strategy, specifications and documents and to identify and address other related needs. No services may be obtained to assist the Office of the Treasurer in reviewing, drafting and preparing an RFP or RFI or to provide similar assistance.

B) Notice. An RFI shall be published in the Bulletin for at least 14 calendar days. All information received in response to an RFI shall be published in the Bulletin for at least 14 calendar days.

C) At a minimum, the RFI shall contain a brief description of the needs of the Office of the Treasurer and a statement that the RFI is not a solicitation.

c) Procedures for the Development of Specifications

1) All procurements must be based on specifications that accurately reflect the State's needs. Specifications must clearly and precisely describe the salient technical or performance requirements.

2) Specifications must not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate State needs. All specifications must be written in a manner that describes 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, a not-for-profit organization or a governmental unit may be adopted by reference.

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

d) Brand Name or Equal Specification

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

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

B) the nature of the product or the nature of the requirement makes use of a brand name or equal specification suitable for the procurement; or

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

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

3) Required Characteristics. Unless the CPO 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 must include a description of the particular design, functional or performance characteristics that are required.

4) Nonrestrictive Use of Brand Name or Equal Specifications. When a brand name or equal specification is used in a solicitation, the solicitation must 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. The burden of proof that a product is equal is on the offeror.

e) Brand Name Only Specification

1) Use. A brand name only specification may be used only when the CPO makes a written determination that is made part of the procurement file that only the identified brand name item or items will satisfy the State's needs.

2) Competition. The CPO shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit those sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement must be made as a sole source procurement.

f) *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.* [30 ILCS 500/20-50]

Section 1400.2060 Duration of Contracts

a) General
The term of a contract, including potential renewals, may not exceed 10 years except:

1) A software license designated as a perpetual license is not considered a multi-term contract; it is instead a one-time purchase.

2) The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25 of the Code.

b) Subject to Appropriation
Each contract is contingent upon and subject to the availability of funds. The State, at its sole option, may terminate or suspend a contract, in whole or in part, without penalty 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 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 Office of the Treasurer of a failure to receive, or a reduction or decrease in, any appropriation affecting the contract. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the General Assembly or other governmental entity.

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

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

2) a multi-year contract will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in State 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 costs during the period of contract performance;

B) lower production costs because of a 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 vendor's work force over a longer period of time may promote economy and consistent quality; or

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

d) Multi-Year 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) The initial term of a contract plus available renewals may not exceed 10 years. When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, except for the publication of the renewal in the Bulletin as required by Section 15-25 of the Code and Section 1400.1525 of this Part and subject to review by the Board under Section 5-30 of the Code.

2) When the original procurement was silent as to renewals, the renewal must be procured using one of the methods of source selection authorized by the Code and this Part. The renewal shall start a new term not to exceed 10 years, except the term of a sole source contract renewal shall include previous sole source contracts and shall in total not exceed 10 years.

3) When a renewal will result in the total term, counting the initial term and any previous renewals, exceeding 10 years, the Office of the Treasurer's need will be procured using one of the methods of source selection authorized by the Code and this Part.

Section 1400.2065 Right to Audit

a) *Maintenance of Books and Records. Every contract and subcontract must require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract* and necessary to support amounts charged to the State under the contract or subcontract. The books and records must be maintained by the contractor or subcontractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract or subcontract *and the 3-year period must be extended for the duration of any audit in progress at the time of that period's expiration.*

b) *Audit. Every contract and subcontract must provide that all books and records required to be maintained under* subsection (a) *must be available for review and audit by the Auditor General* and the State Treasurer. *Every contract and subcontract must require the contractor and subcontractor, as applicable, to cooperate fully with any audit.*

c) *Failure to Maintain Books and Records. Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State for the recovery of any funds paid by the State for which required books and records are not available.* [30 ILCS 500/20-65]

Section 1400.2070 Finality of Determinations

Except as otherwise provided in this Part, determinations made by the CPO under this Part are final and conclusive unless they are clearly erroneous, arbitrary, capricious or contrary to law as determined by the General Counsel.

Section 1400.2075 Disputes and Protests Regarding Solicitations and Awards

a) Procurement-Related Protests Allowed

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.

b) Protest Review Officer. The CPO may appoint one or more Protest Review Officers (PRO) 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) Submission of Protest

1) A protesting party must submit a protest in writing to the PRO identified in the solicitation document. Fax and email qualify as writing, but the PRO does not guarantee receipt using those means.

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.

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 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 Bulletin establishes the "known or should have known" date for the subject matter of the notice.

4) Protests must be clearly marked 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;

B) 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 with supporting facts and arguments may not be sufficient);

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. If submitting the protest by fax, supporting documentation over 20 pages in length shall not be included without authorization. If the protest is by fax or e-mail, the protesting party may be required to submit documentation by mail or carrier within 2 business days after the request; and

E) specific relief sought.

d) Requested Information. The protesting party must supply any additional information requested by the PRO within the time periods set in the Request for Proposals. 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.

e) Stay of Procurements During Protest. Unless the CPO determines the needs of the State 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 CPO 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.

f) Resolution. The CPO shall resolve the protest by means of a written determination. The resolution may include affirming the State's initial decision, in whole or in part, or revoking the State's decision in whole or in part. The PRO shall resolve the protest as expeditiously as possible after receiving all relevant, requested information.

g) Effect of Judicial 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.

Section 1400.2080 Contract Files

The Office of the Treasurer will maintain its contract files in accord with Section 20-80 of the Code.

Section 1400.2095 Donations

With approval of the CPO, if the Office of the Treasurer receives a donation that provides the majority of the funding for a particular project, it may follow any procurement or contracting requirements established as a condition of the donation, but must follow this Part whenever practicable.

Section 1400.2105 Printing

a) *All books, pamphlets, documents, and reports published through or by* the Office of the Treasurer *shall have printed thereon "Printed by authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number.*

b) The Office of the Treasurer *shall be responsible for ascertaining the compliance of printing materials procured by or for it with this* Section.

c) *No printing or reproduction contract shall be let and no printing or reproduction shall be accomplished when that wording does not appear on the material to be printed or reproduced.*

d) *No publication may have written, stamped, or printed on it, or attached to it, "Compliments of ..... (naming a person)" or any words of similar import.* [30 ILCS 500/20-105]

e) This Section does not apply to the printing of material not paid for in any portion from funds appropriated by the General Assembly.

Section 1400.2120 Subcontractors

a) Unless expressly stated in the contract that the use of subcontractors is permitted, the use of subcontractors is prohibited.

b) If a contract expressly allows for the use of subcontractors, then, and only then, *the contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value of more than $50,000 and the general type of work to be performed by these subcontractors, and the expected amount of money each will receive under the contract.*

1) *Upon the request of the* CPO *the contractor shall provide the* CPO *a copy of a subcontract so identified within 15 days after the request is made.*

2) *A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the* CPO *determines the information is not relevant to the primary contract, the* CPO *may excuse the inclusion of the information. If the* CPO *determines the information is proprietary or could harm the business interest of the subcontractor, the* CPO *may, in his or her discretion, redact the information. Redacted information shall not become part of the* procurement file.

c) *If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the* CPO *of the names and addresses of each new or replaced subcontractor and the general type of work to be performed. Upon the request of the* CPO*, the contractor shall provide the* CPO *a copy of any new or amended subcontract so identified within 15 days after the request is made.*

d) *In addition to any other requirements of this* Part, *a subcontract subject to this* Section *must include all of the subcontractor's certifications required by* Subpart K (Procurement Ethics and Disclosure). [30 ILCS 500/20-120]

Section 1400.2155 Solicitation and Contract Documents

a) *After award of a contract and subject to provisions* of 2 Ill. Adm. Code 651 (Access to Information of the Office of the Illinois State Treasurer), the Office of the Treasurer *shall make available for public inspection and copying all pre-award, post-award, administration, and close-out documents relating to that particular contract.*

b) A procurement file shall be maintained for all contracts, regardless of the method of procurement. *The procurement file shall contain:*

1) *the basis on which the award is made;*

2) *all submitted bids and proposals;*

3) *all evaluation materials;*

4) *score sheets;*

5) *all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process;*

6) *A written determination, signed by the* CPO, *setting forth the reasoning for the contract award decision*; and

7) other documents required by this Part.

c) *The procurement file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information.*

d) *The procurement file shall be open to public inspection within 7 business days following award of the contract.* [30 ILCS 500/20-155]

OFFICE OF THE TREASURER

NOTICE OF PROPOSED RULES

Section 1400.2160 Registration with the State Board of Elections by Certain Business Entities

The Office of the Treasurer requires strict compliance with Section 20-160 of the Code.

SUBPART F: SUPPLIES AND SERVICES

Section 1400.2505 Applicability of Subpart F

All contracts for supplies and services, excluding professional or artistic services, shall be procured in accordance with the provisions of Subpart F. [30 ILCS 500/25-5]

Section 1400.2510 Authority of SPO

At the direction of and under the supervision of the CPO, an SPO shall have the authority to procure supplies and services.

Section 1400.2515 Method of Source Selection

Except as provided in Sections 1400.2020, 1400.2025 and 1400.2030, *all State contracts for supplies and services shall be awarded by competitive sealed bidding in accordance with Section* 1400.2010. [30 ILCS 500/25-15]

Section 1400.2530 More Favorable Terms

A supply or service contract may include, if determined by the CPO or General Counsel *to be in the best interests of the State, a clause requiring that, if more favorable terms are granted by the contractor to any similar state or local governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms shall be applicable under the contract.* [30 ILCS 500/25-30]

Section 1400.2555 Annual Reports

Every printed annual report produced by the Office of the Treasurer must *bear a statement indicating whether it was printed by the State of Illinois or by contract and indicating the printing costs per copy and the number of copies printed.* [30 ILCS 500/25-55] For every annual

report prepared, a report must be prepared detailing the quantity of annual reports printed, the total cost, the cost per copy, and the cost per page of the annual report. The report will be submitted to the General Assembly on the fourth Wednesday of January in each year that a report is produced by the Office of the Treasurer and made part of the procurement file.

Section 1400.2560 Prevailing Wage Requirements

a) Applicability
All services, as defined in subsection (b), *furnished under service contracts of $2,000 or more, or $200 or more per month, and under printing contracts are subject to the following prevailing wage requirements:*

1) *Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced may be paid by the successful vendor to its employees who perform the work on the State contracts. The offeror, in order to be considered to be a responsible offeror for the purposes of this* Part, must certify to the Office of the Treasurer *that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed. Prevailing wages and working conditions are determined by the Director of the Illinois Department of Labor.*

2) *Whenever a collective bargaining agreement is in effect between an employer, other than a governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions* will *be considered as conditions prevalent in that locality and will be the minimum requirements taken into consideration by the Director of Labor.*

b) *As used in this Section:*

1) *"Services" means janitorial cleaning services, window cleaning services, food services, and security services.*

2) *"Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this* Part *"printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.*

c) *This Section does not apply to services furnished under contracts for professional or artistic services.*

d) *This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops for the severely disabled.* [30 ILCS 500/25-60]

SUBPART G: CONSTRUCTION, CONTRUCTION-RELATED SERVICES, AND CONSTRUCTION MANAGEMENT SERVICES

Section 1400.3005 General Construction Procurement; Emergency Rule

The Office of the Treasurer recognizes that the primary focus of its constitutionally and statutorily prescribed obligations are not in the procurement of construction, construction related services, or construction management services under Article 30 of the Code. To this end, the Office of the Treasurer will generally procure construction and construction-related services or the services of a construction manager or a pre-qualified construction manager in accordance with rules of the CPO-Capital Development Board (44 Ill. Adm. Code 8, 1025 and 990), substituting the Treasurer's CPO for the term "CPO" in those rules.

SUBPART H: PROCUREMENT OF PROFESSIONAL AND ARTISTIC SERVICES

Section 1400.3505 Application

All professional and artistic services shall be procured in accordance with the provisions of this Subpart. [30 ILCS 500/35-5]

OFFICE OF THE TREASURER

NOTICE OF PROPOSED RULES

Section 1400.3510 Authority

At the direction of and under the supervision of the CPO, an SPO shall have the authority to procure professional and artistic services.

Section 1400.3525 Uniformity in Contract; Forms

Contracts must contain at least the following information:

a) the duration of the contract, with a schedule of services, if applicable;

b) the method for charging and measuring cost;

c) the rate of remuneration;

d) the maximum price; and

e) any provisions that are required by the General Counsel.

Section 1400.3530 Awards

a) *All State contracts for professional and artistic services, except as provided in* Section 1400.3535, *shall be awarded using the competitive Request for Proposal outlined in Section* 35-30 of the Code.

b) All interested respondents shall return their responses to the CPO who shall open and record them.

c) After evaluation, ranking, and selection, the CPO shall forward a copy of the signed contract to the successful respondent; the CPO shall also publish the names of the responsible procurement decision-maker, the successful respondent, a contract reference, and the value of the let contract in the next Bulletin.

d) For contracts with annualized value that exceeds $25,000, evaluation and ranking by price are required. The CPO may, with the State Treasurer's approval, select an offeror other than the offeror with the most favorable price, if the CPO explains in a written decision why another offeror was selected. A copy of the

decision must be forwarded to the Chief of Staff for review. The written decision must be made part of the contract and published as provided in Section 1400.1515.

Section 1400.3535 Exceptions

a) Exceptions to Section 1400.3505 are allowed for:

1) sole source procurements;

2) emergency procurements; and

3) at the discretion of the CPO, procurement of professional and artistic contracts that are nonrenewable, one year or less in duration, and have a value of less than $20,000.

b) All exceptions granted under this Section must be approved by the CPO in writing. That writing shall contain a brief explanation for the exception and shall be published in accordance with the requirements of Section 1400.1515.

SUBPART I: REAL PROPERTY AND CAPITAL IMPROVEMENT LEASES

Section 1400.4005 Applicability

All leases for real property or capital improvements, including office and storage space, buildings, and other facilities for State agencies, shall be procured in accordance with the provisions of this Subpart I. [30 ILCS 500/40-5]

Section 1400.4010 Authority

At the direction of and under the supervision of the CPO, an SPO *shall have the authority to procure leases for real property or capital improvements.* [30 ILCS 500/40-10]

Section 1400.4015 Method of Source Selection

a) *Except as provided in* this Section, *all contracts for leases of real property or capital improvements shall be awarded by a Request for Information process* as provided for in Section 1400.4020.

b) An RFI *process need not be used in procuring any of the following leases:*

1) *Property of less than 10,000 square feet with rent of less than $100,000 per year.*

2) *Duration of less than one year that cannot be renewed.*

3) *Specialized space,* as determined by the Board, *available at only one location.*

4) *Renewal or extension of a lease, provided that:*

A) *the* CPO *determines in writing that the renewal or extension is in the best interest of the State*; and

B) *the* CPO *publishes the renewal or extension in the Bulletin for 14 days prior to the renewal or extension of the lease being executed.* [30 ILCS 500/40-15]

Section 1400.4020 Request for Information

a) *Conditions for Use. Leases shall be procured by Request for Information except as otherwise provided in* Section 1400.4015.

b) *Form.* 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.*

c) Public Notice. Notice of the RFI must be published in the Bulletin for 14 days before the date set forth in the RFI for receipt of responses and must also be published in a newspaper of general circulation in the community or communities where the Office of the Treasurer is seeking space.

d) *Response*

1) *The* RFI *response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the* RFI.

2) *The* CPO *may enter into discussions with respondents for the purpose of clarifying the* Office of the Treasurer's *needs and the information supplied by the respondents.*

3) *On the basis of the information supplied and discussions, if any, the* CPO *shall make a written determination identifying the responses that meet the minimum criteria set forth in the* RFI.

4) *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.* [30 ILCS 500/40-20]

A) For the purpose of conducting negotiations, proposals must be initially classified as:

i) acceptable;

ii) potentially acceptable; or

iii) unacceptable, in which case the CPO shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

B) Negotiations shall be entered into with respondents who are classified as acceptable or potentially acceptable for the purpose of securing a lease that is in the best interest of the State.

C) A written determination of the acceptability of each respondent and a report of the negotiations shall be retained in the procurement file and shall include the reasons for the final selection.

5) A written report of the negotiations shall be retained in the procurement files and shall include the reasons for the final selection.

6) All leases shall be reduced to writing. One copy shall be filed with the Comptroller in accordance with the provisions of Section 1400.2080

7) When the lowest response by price is not selected, the CPO shall prepare a written statement for the selection of a different response. The CPO shall publish the written reasons in the next published Bulletin.

Section 1400.4025 Length of Leases

a) *Leases shall be for a term not to exceed 10 years inclusive, beginning January 1, 2010, of proposed contract renewals and shall include a termination option in favor of the* Office of the Treasurer *after 5 years*.

b) Leases may include a renewal option if the leases and any renewals do not exceed a 10-year term. An option to renew may be exercised only when the CPO determines in writing that renewal is in the best interest of the State and notice of the exercise of the option is published in the Bulletin for 14 days prior to the execution of the option.

c) *Subject to Appropriation. All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.*

d) *Beginning January 1, 2010, no lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.* [30 ILCS 500/40-25]

Section 1400.4030 Additional Leasing Requirements

The Office of the Treasurer recognizes the following Code requirements concerning leases and will fully apply each:

a) Purchase Option [30 ILCS 500/40-30];

b) Rent Without Occupancy [30 ILCS 500/40-35];

c) Local Site Preference [30 ILCS 500/40-40];

d) Lessor's Failure to Make Improvements [30 ILCS 500/40-55].

SUBPART J: PREFERENCES

Section 1400.4505 Procurement Preferences

The procurement preferences identified in this Subpart must be considered in developing procurement documents, conducting evaluations and drafting contracts.

Section 1400.4510 Resident Vendor Preference

a) "Illinois Resident Vendor" as used in this Section, means a person, including a foreign corporation, authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it is actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced.

b) *A "Resident Bidder" is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it* is *actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder includes a foreign corporation duly authorized to transact business in this State that has a bond fide establishment for transacting business within this State where it* is *actually transacting business on the date when any bid for a public contract is first advertised or announced.*

c) *This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation.* [30 ILCS 45-10]

Section 1400.4515 Green Procurements

The Office of the Treasurer is committed to procurements that are sustainable and provide both economic and environmental benefits to the State. To this end, the Office of the Treasurer recognizes and will apply the following Code preferences in their entirety:

a) Energy Conservation Program [30 ILCS 500/25-45];

b) Soybean Oil-based Ink [30 ILCS 500/45-15];

c) Recycled Supplies [30 ILCS 500/45-20];

d) Recyclable Supplies [30 ILCS 500/45-25];

e) Environmentally Preferable Procurement [30 ILCS 500/45-26];

f) Gas Mileage [30 ILCS 500/45-40];

g) Illinois Agricultural Products [30 ILCS 500/45-50];

h) Corn-based Plastics [30 ILCS 500/45-55];

i) Vehicles Powered by Agricultural Commodity-based Fuel [30 ILCS 500/45-60];

j) Biobased Products [30 ILCS 500/45-75].

Section 1400.4520 Correctional Industries

Procurements may be made from Correctional Industries, without seeking competition or giving public notice, if a record of all the purchases made from Correctional Industries is made part of the procurement file.

Section 1400.4525 Sheltered Workshops for the Disabled

a) *Supplies and services may be procured without advertising or calling for offers from any qualified not-for-profit* organization for the severely handicapped that:

1) *complies with Illinois laws governing private not-for-profit organizations;*

2) *is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor or is an accredited vocational program that provides transition services to youth between the ages of 15½ and 22 in accordance with individualized education plans under Section 14-8.03 of the School Code* [105 ILCS 5] *and that provides residential services at a child care institution, as defined under Section 2.06 of the Child Care Act of 1969* [225 ILCS 10], *or at a group home, as defined under Section 2.16 of the Child Care Act of 1969; and*

3) *meets the Illinois Department of Human Services just standards* for rehabilitation facilities. [30 ILCS 500/45-35]

b) Pricing Approval

1) While notice and competition are not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable shall be determined based upon current market prices, historical prices, prices received by other State agencies for similar goods or services, the policy of the Office of the Treasurer to promote procurements from sheltered workshops, and other similarly relevant factors.

2) The Board must approve contracts for reasonableness of price if:

A) the good or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or

B) the good or service is offered and the sheltered workshop is selected even though not the lowest responsible offeror.

3) The Board approval is not required if:

A) the contract does not exceed the bid limit set in Section 1400.2020 for small purchases and no bidding was conducted; or

B) the contract is let to the sheltered workshop under a competitive procedure.

4) When the approval of the Board is required, it shall be given or denied in an expeditious manner so as not to disrupt procurement activities.

Section 1400.4530 Small Businesses

a) *Set-asides. The* CPO *has authority to designate as small business set-asides a fair proportion of supply and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.*

b) *Small Business. "Small Business" means a business that is independently owned and operated and that is not dominant in its field of operation.* When designating a small business set-aside, the CPO may provide for additional relevant criteria that may include, but is not limited to, the number of employees, the dollar volume of business, the annual sales and receipts, and affiliates. *When computing the size status of a bidder, annual sales and receipts of the bidder and all of its affiliates shall be included*. Subject to the following limitations, *the maximum number of employees and the maximum dollar volume that a small business may have in a designation by the* CPO *may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries:*

1) *No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed $10,000,000.*

2) *No retail business or business selling services is a small business if its annual sales and receipts exceed $6,000,000.*

3) *No manufacturing business is a small business if it employs more than 250 persons.*

d) *Withdrawal of Designation. A small business set-aside designation may be withdrawn by the* CPO *when deemed in the best interests of the State. Upon withdrawal, all bids or offers shall be rejected, and the bidders or offerors shall be notified of the reason for rejection. The contract shall then be awarded in accordance with this* Part *without the designation of small business set-aside.*

e) *Small Business Specialist. The* CPO *may designate an employee who will be responsible for engaging an experienced contract negotiator to serve as its small business specialist whose duties shall include:*

1) *Compiling and maintaining a comprehensive bidders list of small businesses. In this duty, he or she shall cooperate with the* U.S. *Small Business Administration in locating potential sources for various products and services.*

2) *Assisting small businesses in complying with the procedures for bidding on State contracts.*

3) *Examining requests from State agencies for the purchase of property or services to help determine which* Invitations for Bids *are to be designated small business set-asides.*

4) *Making recommendations to the* CPO *for the simplification of specifications and terms in order to increase the opportunities for small business participation.*

5) *Assisting in investigations by purchasing agencies to determine the responsibility of bidders on small business set-asides.* [30 ILCS 500/45-45]

Section 1400.4535 Preferences for Veterans, Minorities, Females and Persons with Disabilities

This Section is subject to the applicable provisions of the Veterans Preference Act [330 ILCS 55], the Procurement of Domestic Products Act [30 ILCS 517], and the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]. The CPO shall do whatever is reasonably necessary to enable veterans, service disabled veteran-owned businesses, minorities, females, and persons with disabilities to participate in the procurement process. The CPO may rely on the determination of any Chief Procurement Officer appointed pursuant to Section 1-15.15 of the Code that a person or business qualifies for a preference under these Acts.

Section 1400.4540 Encouragement to Hire Qualified Veterans

a) The CPO *may, as part of any solicitation, encourage prospective vendors to consider hiring qualified veterans and to notify them of any available financial incentives or other advantages associated with hiring* those *persons*.

b) *For the purposes of this* Section, *"Qualified Veteran" means:*

1) *an Illinois resident who:*

A) *was a member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of any reserve component of the Armed Forces of the United States; or*

B) *served on active duty in connection with Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; and*

2) *was honorably discharged.* [30 ILCS 500/45-37]

SUBPART K: PROCUREMENT ETHICS AND DISCLOSURE

Section 1400.5001 Purpose

It is the express duty of the CPO and designees *to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the* Office of the Treasurer *and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty,* the CPO or designee is *charged to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the* Office of the Treasurer. [30 ILCS 500/50-1]

OFFICE OF THE TREASURER

NOTICE OF PROPOSED RULES

Section 1400.5002 Statement of Ethical Procurement

The Office of the Treasurer believes the citizens and taxpayers of Illinois have the fundamental right to expect that the expenditure of public money is based on objective public policy to maximize the value of public monies in procuring goods and services while maintaining strict adherence to ethical procurement. The Office of the Treasurer will apply Article 50 of the Code in its entirety, except when further delineation is added in this Subpart.

Section 1400.5013 Conflicts of Interest

a) Prohibitions

1) The Office of the Treasurer and all employees of the Office of the Treasurer *who receive compensation for their employment in excess of 60% of the salary of the Governor of the State of Illinois and the spouses and minor children of those persons may not have or acquire any contract, or any direct pecuniary interest in any contract, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.*

2) No *firm, partnership, association, or corporation in which any person* described in subsection (a)(1) *is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor* may *have or acquire any contract or direct pecuniary interest* in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.

3) No firm, partnership, association, or corporation in which any person described in subsection (a)(1), together with his or her spouse or minor children, is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of two times the salary of the Governor may have or acquire any contract or direct pecuniary interest in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.

b) An individual has a direct pecuniary interest in a contract when the individual is owed any payment in conjunction with performance of a contract, including finders' fees and commission payments.

c) Distributable income means the income to a company after payment of all expenses, including employee salary and bonus, and retained earnings when the remaining amount is actually distributed to those entitled to receive a share of the income.

d) Applicability. This Section does not apply to or affect the validity of:

1) any bond or other security previously offered for sale, to be offered for sale or sold by or for the State of Illinois;

2) any contract made between the State and a person described in subsection (a)(1) that was in existence before the election or employment of the person if the contract can be completed within 365 days after the person takes office; otherwise, it is voidable by the State;

3) payments made to the State Treasurer or an employee of the Office of the Treasurer for or on behalf of a child or family served by the Department of Children and Family Services; and

4) contracts that are competitively procured as provided in this Part between the Office of the Treasurer and licensed professionals.

e) *A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000.* [30 ILCS 500/50-13]

Section 1400.5014 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* [405 ILCS 5] *shall do business with the* Office of the Treasurer *or enter into a subcontract that is subject to this* Part *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.

b) *A person or business otherwise barred from doing business with the* Office of the Treasurer *or subcontracting under this* Part *by* subsection (a) *may be allowed to do business with the* Office of the Treasurer *if it is shown that there is no practicable alternative to the State to contracting with that person or business.*

c) *Every bid submitted to and contract executed by the State and every subcontract subject to Section* 1400.2120 *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* Office of the Treasurer *may declare the related contract void if any of the certifications completed pursuant to* this subsection (c) *are false. If the false certification is a 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]

Section 1400.5039 Procurement Communications Reporting

a) *Any written or oral communication received by an 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 procurement matter, including but not limited to an application, a contract or a project, shall report the communication within 3 days to* the Board. [30 ILCS 500/50-39(a)] A communication must be reported if it is material, regarding a potential action, relating to a procurement matter and not otherwise excluded from reporting.

1) Materiality

A) "Material Information" is information that a reasonable person would deem important in determining his or her course of action. It

is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance.

B) "Material Argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It 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 purpose of providing information to evaluate new products, trends, services or technologies.

C) In determining whether a communication is material, the Office of the Treasurer must consider:

i) whether the information conveyed is new or already known to the Office of the Treasurer (or repeated or restated privately) and other participants in the communication; and

ii) the likelihood that the information would influence a pending procurement matter.

2) A "Potential Action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.

3) "Procurement Matters", unless otherwise excluded, are the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property (whether the State is the lessor or lessee), or capital improvements, and include master contracts, contracts for financing through use of installment or lease purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Procurement matters are activities that occur during the time period beginning with the time an agency has identified a need for procurement as documented by the initiation of a procurement business case or equivalent document, as designated by the CPO, 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 Board review period, if applicable. Procurement matters include:

A) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;

B) drafting, reviewing or preparing any Invitations for Bid, Requests for Information, Requests for Proposals, sole source procurement justifications, emergency procurement justifications or selection information;

C) evaluating bids, responses and offers and other communications between an evaluation team and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;

D) letting or awarding a contract;

E) resolving protests;

F) determining inclusion on prequalification lists or prequalification in general;

G) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;

H) allowing a conflict or subcontract pursuant to Section 50-60 of the Code; and

I) approving change orders or the renewal or extension of an existing contract.

c) This Section does not apply to the following communications:

1) *Communications made by a person publicly made in a public forum* [30 ILCS 500/50-39] (however, communications made in a public forum, if made again privately, must be reported).

2) *Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter* [30 ILCS 500/50-39].

3) Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract.

4) Communications between an Office of the Treasurer's employee and:

A) the Office of the Treasurer employee's supervisors;

B) other employees of the Office of the Treasurer;

C) employees of the Executive Ethics Commission; or

D) 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 Office of the Treasurer's CPO; or

ii) exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities.

5) Unsolicited communications providing general information about products, services or industry best practices, prior to those products or services becoming involved in a procurement matter.

6) Communications received in response to procurement solicitations pursuant to the Code, including, but not limited to, vendor responses to a Request for Information, Request for Proposals, Request for Qualifications, Invitation for Bids or a small purchase, sole source or

emergency solicitation, questions and answers posted in the 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.

7) Communications that are privileged, protected or confidential under law.

8) Communications that are part of a formal procurement process as set out by the Code, this Part or the solicitation, guidance or procedures, such as the posting of procurement opportunities, the process for approving a procurement business case 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.

d) Notwithstanding any exemption provided in subsection (c), an Office of the Treasurer's employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if that communication attempts to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.

e) Notwithstanding any exemption provided in subsection (c), an Office of the Treasurer's employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.

f) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first in a series of related communications described in subsection (b), the Office of the Treasurer's employee shall report the communication to the CPO for publication in the Bulletin in accordance with this Section.

g) For purposes of this Section, "State Employee" means:

1) any person employed full-time, part-time or pursuant to a personal services contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed;

2) any appointed or elected commissioner, trustee, director or member of a board of a State agency; or

3) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.

h) For purposes of this Section:

1) "Public Forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120], but also includes other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required, such as educational seminars and conferences.

2) "Procurement Business Case" means a formal request for approval to procure using either an electronic system or document designated for this purpose by the CPO.

3) *"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* Board *review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals, or extensions.* [30 ILCS 500/50-39]

Section 1400.5055 Supply Inventory

The Office of the Treasurer should *inventory or stock no more equipment, supplies, commodities, articles, and other items* [30 ILCS 500/50-55] than are reasonably necessary for the efficient functioning of the Office of the Treasurer. The Office of the Treasurer will seek to have no more

than a 12-month supply of any equipment, supplies, commodities or other items, unless there is a justifiable reason for doing so.

SUBPART L: CONCESSIONS

Section 1400.5310 Concessions

All *concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be entered into by the* Office of the Treasurer *if the concession is reduced to writing and awarded by one of the procurement methods described in this* Part, *except that the contract will be awarded to the highest and best offeror.* [30 ILCS 500/53-10] *The duration and terms of concessions and leases of State property must be in accordance with this* Part. [30 ILCS 500/53-20]

Section 1400.5320 Contract Duration and Terms

The duration and terms of concessions and leases of property shall be in accordance with this Part or other applicable law.

SUBPART M: MOTOR VEHICLES

Section 1400.6005 Introduction

The Office of the Treasurer promulgates this Subpart pursuant to the State Vehicle Use Act [30 ILCS 617] and the provisions applicable to the Office of the Treasurer of Section 405-280 of the Department of Central Management Services Law [20 ILCS 405].

Section 1400.6010 Vehicle Use Officer

The CPO, or his or her designee, shall serve as the Office of the Treasurer's Vehicle Use Officer and shall monitor the use of the vehicles owned by the Office of the Treasurer to ensure compliance with this Subpart.

Section 1400.6015 Vehicle Use Policy

a) The Vehicle Use Officer shall prepare a Vehicle Use Policy that, at a minimum, shall include the following:

1) a policy concerning take-home vehicles, including requirements for emergency use of take-home vehicles and restrictions on the use of take-home vehicles solely for commuting; and

2) procedures regarding daily vehicle use logs and mileage recording.

b) The Vehicle Use Policy shall be made available to all employees of the Office of the Treasurer and posted on the Office of the Treasurer's official Web Site.

Section 1400.6020 Mileage Reimbursement

For cases in which an *employee* of the Office of the Treasurer *would otherwise use a State-owned vehicle but uses his or her own vehicle instead,* the Office of the Treasurer *may reimburse* the *employee for automobile travel expenses in accordance with the State Travel Regulations and Reimbursement Rates adopted under Section 12-2 of the State Finance Act* [30 ILCS 105]. [30 ILCS 617/20]

Section 1400.6030 Publication of Vehicle Data

a) The Vehicle Use Officer shall *distribute a spreadsheet or otherwise make data entry available to* employees of the Office of the Treasurer *to facilitate the collection of data for publishing on the* Office of the Treasurer's Web Site.

b) No later than *July 1, 2013, the* Office of the Treasurer *shall make available to the public on its Web Site the following information:*

1) *vehicle cost data, organized by individual vehicle, and including repair, maintenance, fuel, insurance, and other costs, as well as whether required vehicle inspections have been performed; and*

2) *an annual vehicle breakeven analysis, organized by individual vehicle, comparing the number of miles a vehicle has been driven with the total cost of maintaining the vehicle.* [20 ILCS 405/405-280(c)]

Section 1400.6040 Purchase of New Vehicles

a) Prior to the purchase of any vehicle by the Office of the Treasurer, the Vehicle Use Officer shall perform a breakeven analysis that considers the following:

1) the likely number of miles the vehicle will be driven each year;

2) the anticipated costs associated with the ownership of the vehicle; and

3) an analysis as to whether there are no other available means, including car sharing, rental agreements, or mileage reimbursement, that would be more cost-effective to the Office of the Treasurer.

b) Notwithstanding the conclusions of the analysis performed under subsection (a), the Office of the Treasurer *may purchase a vehicle not meeting or exceeding a breakeven analysis only if*:

1) the CPO determines *there is no alternative available to carry out* the Office of the Treasurer *work functions;* and

2) *the purchase is approved by the* Chief of Staff *upon the receipt of a written explanation from the* Department *head of the operational needs justifying the purchase.* [20 ILCS 405/405-280(d)]

Section 1400.6050 Hybrid Fuel Vehicles

a) *All gasoline-powered vehicles purchased from State funds must be flexible fuel or fuel efficient hybrid vehicles. For purposes of this* Part:

1) *"Flexible Fuel Vehicles" are automobiles or light trucks that operate on either gasoline or E-85 (85% ethanol, 15% gasoline) fuel.*

2) *"Fuel Efficient Hybrid Vehicles" are automobiles or light trucks that use a gasoline or diesel engine and an electric motor to provide power and gain at least a 20% increase in combined USEPA city/highway fuel economy over the equivalent or most-similar conventionally-powered model.*

b) *Any vehicle purchased from State funds that is fueled by diesel fuel shall be certified by the manufacturer to run on 5% biodiesel (B5) fuel.*

c) *The* CPO *may determine that certain vehicle procurements are exempt from this* Section *based on intended use or other reasonable considerations such as health and safety of Illinois citizens.* [30 ILCS 500/25-80]

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Nonscheduled Bus Inspections

2) Code Citation: 92 Ill. Adm. Code 456

3)

Section Numbers:	Proposed Action:
456.10	Amend
456.20	Amend
456.40	Amend
456.50	Amend
456.60	Amend
456.75	Amend
456.95	Amend
456.100	New
456.105	New

4) Statutory Authority: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812]

5) A complete description of the subjects and issues involved: The Department is updating this Part to clarify and correct existing provisions. The Department is also proposing to add two new Sections, at 456.100 and 456.105, to establish procedures that Department officers will follow to conduct nonscheduled inspections of multifunction school activity buses (MFSABs) that are either manufactured prior to July 1, 2012, or on or after July 1, 2012, and that are owned or operated by, or for, public school districts, private schools or school transportation contractors. In February 2012, the Department promulgated two rules governing the construction and inspection of MFSABs (92 Ill. Adm. Code 435 and 436) that are manufactured on or after July 1, 2012. The standards and equipment established in Parts 435 and 436 are also prescribed in Section 456.105 of this Part to apply them to nonscheduled bus inspections.

The new Section 456.100 provides criteria for MFSABs manufactured prior to July 1, 2012. Sections 12-802 and 12-821 of the Illinois Vehicle Code (Code) require specific marking requirements for all MFSABs owned or operated by, or for, public school districts, private schools, or school transportation contractors, not just those manufactured on or after July 1, 2012. These vehicles are subject to the inspection requirements in 92

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Ill. Adm. Code 448 and, in addition to the marking requirements required by statute, the criteria in Section 456.100 reflect the requirements of Part 448.Appendices A and C.

The following summaries highlight the changes the Department is proposing to update this Part:

At **Section 456.10, Purpose and Scope,** the Department is adding MFSABs that are owned or operated by, or for, public school districts, private schools, or school transportation contractors to the list of vehicles subject to the nonscheduled bus inspection program.

At **Section 456.20, Application,** the Department is adding owners and operators of MFSABs that are used by, or for, public school districts, private schools, or school transportation contractors to the list of entities this Part is applicable to.

At **Section 456.40, Definitions,** the Department is adding a definition of "Multifunction School Activity Bus" per Section 1-148.3a-5 of the Code and updating the definition of "School Bus" per Section 1-182 of the Code.

At **Section 456.50, Enforcement Procedures,** the Department is adding references to the new Sections 456.100 and 456.105 when appropriate. In subsection (f)(2), the Department is clarifying that if a vehicle is placed out-of-service, a complete inspection, not just an inspection of those components that were found defective during the nonscheduled bus inspection, is required at an Illinois Official Testing Station. In subsection (i), the Department is adding a provision that allows bus owners, at the discretion of the Division's officers, to repair or replace defective items while the officers are still on location, except as provided in new subsection (j). A new subsection (j) is being added to prescribe that, if out-of-service criteria are met or exceeded for four specific components, the bus will automatically be placed out-of-service. The four components are: Brakes, Exhaust System, Steering System, and Tires.

At **Section 456.60, Violation Criteria for School Buses,** the following components are either being amended or are being added to this Section. Minor editorial corrections are being made to other components not listed below. To make this Part easier for Department officers to use, the Department is also providing, when appropriate, the actual requirement instead of a cross reference to the requirement in another Part. There

are instances when it is sometimes not practical to set out the actual requirement and a cross reference is provided.

Aisle
Axles
Barrier, Guard
Battery or Batteries
Battery Cables
Brakes
Bumper, Front
Bumper, Rear
Child Check System
Cleanliness
Comunication Device
Crossing Control Arm
Dash
Drive Shaft Guard
Emergency Exits
Entrance (Service) Door/Driver's Door/Additional Doors
Exhaust System
Fenders
First Aid Kit
Floor, Floor Covering, Firewall, Occupant Compartment, and Engine Cover
Frame and Body
Fuel Storage and Delivery System
Grab Handles
Heaters
Horn
Instruments and Instrument Panel
Lettering
Lights/Lamps
Locked Compartment (renamed Storage Compartment, Interior)
Mirrors (Exterior and Interior)
Paint Requirements
Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake)
Radio Speakers
Seat Belts (Driver and Passenger)

Seats, Passenger
Steps, Entrance
Stop Signal Arm Panel
Storage Compartment (Interior)
Suspension
Sun Visor
Suspension
Trash Container
Warning Devices
Wheels
Windshield Washer
Windshield Wipers
Wiring (Interior, Exterior, Engine Compartment) and Insulation

At **Section 456.75 Violation Criteria for Special Education School Buses**, the Department is providing, when appropriate, the actual requirement instead of a cross reference to the requirement in another Part.

At **Section 456.95, Violation Criteria for Religious Organization Buses, Buses Registered as Charitable Vehicles,** the Department is adding an introductory paragraph for consistency with other Sections. The following components are being amended or amended in this Section:

Doors (Interior and Exterior)
Emergency Exits
Paint Requirements
Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake)
Lights/Lamps
Warning Devices
Wheels

At new **Section 456.100, Violation Criteria for Multifunction School Activity Buses Manufactured Prior to July 1, 2012 and Owned by a Public School District, Private School, or School Transportation Contractor,** the Department is adding this new Section to require the MFSABs applicable to this Section to display specific marking requirements pursuant to Sections 12-802 and 12-821 of the Code. Section 12-802 of the Code requires the vehicle's weight, maximum passenger capacity, name of the MFSABs

owner or operator and an identification number be displayed on the vehicle. Section 12-821 of the Code requires a "TO COMMENT ON MY DRIVING CALL" or "TO REPORT ERRATIC DRIVING CALL" decal to be displayed. The remaining inspection criteria varies only slightly from Section 456.95 (e.g., religious organization buses may be equipped with a unison flashing amber signal system whereas MFSABs may not).

At new **Section 456.105, Violation Criteria for Multifunction School Activity Buses Manufactured On or After July 1, 2012 and Owned or Operated by Public School Districts, Private Schools, and School Transportation Contractors,** the following components are included in this Section:

Air Cleaner
Aisle
Alternator (Generator)
Axles
Barrier, Guard
Battery or Batteries
Battery Cables
Battery Carrier/Compartment
Brakes
Bumper, Front
Bumper, Rear
Certificate of Safety
Certification Label (Federal)
Child Check System
Cleanliness
Communication Device
Crossing Control Arm
Dash
Defrosters
Drive Shaft Guard
Emergency Exits
Engine Compartment
Entrance (Service) Door/Driver's Door/Additional Doors
Exhaust System
Fenders
Fire Extinguisher

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First Aid Kit
Floor, Floor Covering, Firewall, Occupant Compartment, and Engine Cover
Frame and Body
Fuel Storage and Delivery System
Grab Handles (Interior)
Heaters
Hood
Horn (Interior)
Instruments and Instrument Panel
Lettering (Interior and Exterior)
Lights/Lamps (Exterior and Interior)
Mirrors (Exterior and Interior)
Paint Requirements
Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake)
Projections
Radio Speakers
Reflectors/Reflective Tape (also see Paint Requirements)
Rub Rails
Seat Belts
Seat, Driver's
Seats, Passenger
Steering System
Steps, Entrance
Stop Signal Arm Panel (not applicable)
Storage Compartment (Interior)
Sun Visor
Suspension
Tow Hooks (optional)
Trash Container (optional)
Warning Devices
Wheels
Window Glazing
Windshield Washer
Windshield Wipers
Wiring (Interior, Exterior, and Engine Compartment) and Insulation

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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 affects school districts that own or operate school buses or MFSABs.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

217/785-3031

By Messenger or Inter-Agency Mail:

IDOT/Division of Traffic Safety
1340 N. 9th Street
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

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Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking affects small businesses in Illinois that own or operate school buses or MFSABs.

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 this proposed rulemaking begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 456
NONSCHEDULED BUS INSPECTIONS

Section
456.10 Purpose and Scope
456.20 Application
456.30 Standards of Construction
456.40 Definitions
456.50 Enforcement Procedures
456.60 Violation Criteria for School Buses
456.70 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles (Renumbered)
456.75 Violation Criteria for Special Education School Buses
456.80 Violation Criteria for Alternate Fuel School Buses
456.90 Violation Criteria for Special Education School Buses (Renumbered)
456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles
456.100 Violation Criteria for Multifunction School Activity Buses Manufactured Prior to July 1, 2012 and Owned by a Public School District, Private School, or School Transportation Contractor
456.105 Violation Criteria for Multifunction School Activity Buses Manufactured On or After July 1, 2012 and Owned by Public School Districts, Private Schools, or School Transportation Contractors

AUTHORITY: Implementing and authorized by Section 13-109 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109] and Section 12-812 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812].

SOURCE: Adopted at 15 Ill. Reg. 5894, effective April 8, 1991; amended at 16 Ill. Reg. 16649, effective October 16, 1992; amended at 17 Ill. Reg. 22070, effective December 10, 1993; amended at 18 Ill. Reg. 11650, effective July 7, 1994; amended at 31 Ill. Reg. 6457, effective April 11, 2007; amended at 37 Ill. Reg. _____, effective _____.

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Section 456.10 Purpose and Scope

This Part prescribes the requirements and procedures used to implement Section 13-109(b) of the Illinois Vehicle Inspection Law [625 ILCS 5/13-109(b)] that provides for periodic nonscheduled inspections of school buses, MFSABs that are owned or operated by, or for, public school districts, private schools, or school transportation contractors, buses registered as charitable vehicles, and religious organization buses at locations where the buses are stored or parked. The Division's nonscheduled bus inspection program is used to monitor the maintenance and condition of the buses for safety purposes.

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

Section 456.20 Application

This Part applies to the following persons:

a) Department Personnel;

b) Owners or Operators of MFSABs that are used by, or for, public school districts, private schools, or school transportation contractors;

c~~b~~) School Bus Owners or Operators;

d~~c~~) Religious Organization Bus Owners or Operators; and

e~~d~~) Owners or Operators of Buses Registered as Charitable Vehicles.

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

Section 456.40 Definitions

"Bus" – Every motor vehicle, other than a commuter van, designed for carrying more than 10 persons, including the driver. (See Section 1-107 of the Illinois Vehicle Code ~~[625 ILCS 5/1-107]~~.)

"Certificate of Safety" – The visible symbol, authorized by Section 13-110 of the Code and provided by the Division's Commercial Vehicle Safety Section (CVSS)

for use by an Official Testing Station, that is directly affixed to a vehicle by a Certified Safety Tester only after the completion of a proper safety test demonstrating that the vehicle meets the minimum standards established by the Division (i.e., 92 Ill. Adm. Code 448, 441, 443, and 445).

"Charitable Vehicle" − Any vehicle that is exclusively owned and operated by a religious or charitable not-for-profit organization and is used primarily in conducting the official activities of such organization. This definition does not include:

> *a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on special trips or in connection with special events and not over a regular or customary religious organization bus route;*
>
> a *school bus as defined in Section 1-182 of* the *Code; or*
>
> *a First Division vehicle, other than one designed for transporting not less than 7 nor more than 10 passengers, as defined in Section 1-217 of* the *Code; except that, for purposes of determining the number of persons a vehicle is designed to carry in this Section, in any vehicle equipped with one or more wheelchair tiedowns, each wheelchair tiedown shall be counted as 4 persons. Each wheelchair tiedown shall be counted as 1 person for any other purpose of* the *Code.* (Section 1-111.1a of the Code)

"Code" – The Illinois Vehicle Code [625 ILCS5].

"Commercial Vehicle Safety Section" or "CVSS" – A section of the Bureau of Safety Programs of the Division of Traffic Safety, Illinois Department of Transportation.

"Department" – The Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code)

"Division" − The Illinois Department of Transportation, Division of Traffic Safety.

"Illinois Vehicle Inspection Law" or "The Law" – 625 ILCS 5/Ch. 13.

"Multifunction School Activity Bus" or "MFSAB" means a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. An *MFSAB is prohibited from meeting the special requirements for school buses in Sections 12-801, 12-803, and 12-805 and Section 12-802(a) of* the *Code.* (Section 1-148.3a5 of the Code)

"Nonscheduled Inspection" – The Division's program used to monitor the maintenance and condition of school buses, religious organization buses and buses registered as charitable vehicles. Nonscheduled inspections are performed on a periodic basis at locations where the buses are stored or parked.

"Nonscheduled~~Non-scheduled~~ Inspection Report" or "NIR" – The form used by the Division to document nonscheduled inspection findings and to indicate actions taken when necessary.

"Official Testing Station" – All contiguous real and personal property that houses the testing lane or lanes (if required) and any and all equipment (if applicable) and supplies relating to the safety testing of vehicles. Official testing stations are classified as either public or private. Public stations are open to the public and are authorized to safety test vehicles as required by Section 13-101 of the Law and Section 6-410 of the Code. Private stations are established by companies for the purpose of safety testing vehicles that are owned or operated by the company; therefore, private stations are not open to the public.

"Officer" or "Inspector" – An employee of the Illinois Department of Transportation, Commercial Vehicle Safety Section.

"Operator" – The owner or the individual responsible for the maintenance and condition of a school bus, religious organization bus or a bus registered as a charitable vehicle.

"Out-of-Service Penalty" – The most serious penalty that can be assessed. This penalty requires a bus to be inspected at an Official Testing Station before being placed back in service. (See Section 13-109(b) of the Law.)

"Religious Organization Bus" – See the definition of "charitable vehicle" in this Section.

"School Bus Brake Inspection Report" or "SBBIR" – The form used by school bus operators to verify that brake inspections have been performed as required by 92 Ill. Adm. Code 447. The required brake inspection report is subject to inspection by the Division's officers. Religious organization buses, buses registered as charitable vehicles, and MFSABs are exempt from the requirements of 92 Ill. Adm. Code 447.

"School Bus" –

Every motor vehicle, except as provided in this definition~~*below*~~*, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:*

Any public or private primary or secondary school;

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

Any public, private or religious nursery school.

This definition shall not include the following:

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

On a regularly scheduled route for the transportation of

other fare paying passengers;

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

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

A motor vehicle of the First Division.

A multifunction school activity bus.~~A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic school sponsored activities.~~ (Section 1-182 of the Code)

"Three-Day Notice Penalty" – This penalty requires a violation to be corrected within 3 working days before Division officers return for a reinspection. (See Section 13-109(c) of the Law.)

"Type I School Bus" − *A school bus with a gross vehicle weight rating of more than 10,000 pounds*. (Section 1-213.4 of the Code)

"Type II School Bus" − *A school bus with a gross vehicle weight rating of 10,000 pounds or less*. (Section 1-213.5 of the Code)

"Type I-A School Bus" − A term commonly used by school bus manufacturers to classify a certain type of school bus that is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door, designed for carrying more than 10 persons. The type~~Type~~ I-A school bus has a Gross Vehicle Weight Rating (GVWR) of more than 10,000 pounds.

"Warning Penalty" – This penalty requires a violation to be corrected within 30

days and the appropriate copy of the NIR to be mailed to the CVSS as soon as repairs are made. (See Section 13-109(d) of the Law.)

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

Section 456.50 Enforcement Procedures

a) The Division will conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. (See Section 13-109(b) of the Law.)

b) The nonscheduled inspections will be conducted by the Division's officers at locations where the vehicles listed in subsection (a) of this Section are stored or parked. The SBBIR must be kept for a period of at least 12 months at the location where the bus is stored or parked and the SBBIR must be available for inspection by the Division's officers during normal business hours.

c) Nonscheduled inspections will consist of inspecting those items listed in Section 456.60, 456.75, 456.80, ~~or~~ 456.95, 456.100 or 456.105 of this Part, depending on the type of vehicle being inspected. The Division's officers will note any violation of this Part on the NIR and fill in the penalty portion of the NIR according to the most serious penalty assessed. Penalties are separated into three categories: Out-of-Service, Three-Day Notice, and Warning. All violations listed on the NIR shall be corrected within the time period noted on the NIR. (See subsections (f), (g), and (h) of this Section.)

d) The NIR consists of the original form and three copies. The original and one copy will be issued to the bus operator. One copy will be mailed to the CVSS by the Division's officer and the remaining copy will be retained by the Division's officer.

e) The bus operator's copy of the NIR shall be returned to the CVSS after either all warning violations have been corrected, or the Division's third day follow-up inspection has been completed, or inspection at an Official Testing Station for an out-of-service penalty has been conducted. See subsection (f), (g) or (h) of this Section for penalty procedures.

f) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, ~~or~~ 456.95, 456.100 or 456.105 meets the "out-of-service" criteria listed in those Sections, the Division's officer will remove the Certificate of Safety from the vehicle and will place the vehicle out-of-service. (See Section 13-109(b) of the Law.)

1) *A bright orange, triangular decal will be placed on an out-of-service vehicle where the Certificate of Safety has been removed.* (Section 13-109(b) of the Law)

2) The vehicle must pass a complete safety test at an official testing station before it is again placed in service. (See Section 13-109(b) of the Law.) A complete inspection includes all of the components required to be inspected,~~pertinent components listed in this Part~~ plus a valid SBBIR (see 92 Ill. Adm. Code 447), if required. The complete inspection is not limited to the components listed in the penalty portion of the NIR.

3) An out-of-service penalty requires the bus operator's copy of the NIR to be returned to the CVSS by the bus operator after the bus passes a complete inspection at an Official Testing Station.

4) *Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service decal is a Class 3 felony.* (Section 13-109 (e) of the Law)

g) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, ~~or~~ 456.95, 456.100 or 456.105 meets the "three-day notice" criteria listed in those Sections, the Division's officer will issue a three-day notice penalty. (See Section 13-109(c) of the Law.)

1) A bright yellow triangular decal will be placed next to the Certificate of Safety. (See Section 13-109(c) of the Law.)

2) The Division will reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. (See Section 13-109(c) of the Law.)

3) A three-day notice penalty requires the bus operator's copy of the NIR to be completed and returned to the CVSS by the Division's officer when the officer returns for the follow-up inspection after the third day.

4) If the violation is not corrected within 3 working days, the Division will place the vehicle out-of-service in accordance with subsection (f) of this Section. (See Section 13-109(c) of the Law.)

5) *Causing or allowing the operation of a vehicle with a 3-day* decal *for longer than 3 days with the* decal *attached or the unauthorized removal of a 3-day* decal *is a Class C misdemeanor.* (Section 13-109(e) of the Law)

h) If a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80 or 456.95 meets any of the warning criteria listed in those Sections, the Division will issue a warning notice to the bus operator requiring correction of the violation or violations. The NIR will be provided to the bus operator and will list all warning notice violations. (See Section 13-109(d) of the Law.)

1) The bus operator shall correct the violation or violations as soon as practicable and submit a report to the Division within 30 days after the date of the nonscheduled inspection affirming that the corrections have been made. (See Section 13-109(d) of the Law.)

2) A warning penalty requires the bus operator's copy of the NIR to be returned to the CVSS by the bus operator after all violations have been corrected.

3) If the Division has not been advised that the corrections have been made by receipt of the bus operator's copy of the NIR, and the violations still exist, the Division will place the vehicle out-of-service in accordance with subsection (f) of this Section. (See Section 13-109(d) of the Law.)

i) Except as provided in subsection (j), if~~If~~ a nonscheduled inspection reveals that any component listed in Section 456.60, 456.75, 456.80, ~~or~~ 456.95, 456.100 or 456.105 warrants the issuance of a penalty, the Division's officers may, at their discretion, allow the bus operator to~~may~~ repair or replace defective items while

the Division's officers are on location. If the bus operator chooses to repair or replace the defective item, it must be done while the Division's officers are still on location and shall not alter the Division's officers' schedule. All components repaired or corrected on location will be documented on the NIR by the Division's officers.

j) If a nonscheduled inspection reveals that any of the following components meet or exceed the out-of-service criteria established in Section 456.60, 456.95, 456.100 or 456.105, the vehicle will immediately be placed out-of-service and the procedures provided in subsection (f) will apply: Brakes, Exhaust System, Steering System, or Tires.

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

Section 456.60 Violation Criteria for School Buses

The following components will be inspected during a nonscheduled inspection. A violation of one component may only necessitate a warning while other components may require a 3-day notice or cause the vehicle to be declared out-of-service. Certain components have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed below exists, the corresponding penalty will be issued:

a) Air Cleaner:

WARNING – missing; not properly attached.

b) Aisle:

1) OUT-OF-SERVICE – obstructed.

2) WARNING – at least 12 inches (305 mm) of clearance (at seat cushion level) from service door to emergency door (or back of bus) is not present~~does not meet minimum dimension requirements (refer to 92 Ill. Adm. Code 441.Appendix A(b))~~.

c) Alternator:

3-DAY – belts are torn, broken or slipping; does not meet capacity rating or electrical requirements; not functioning.

d) Axles:

1) OUT-OF-SERVICE – not firmly attached; cracked; broken; wheel seals leaking grease or fluids~~; insufficient capacity (as determined by 49 CFR 568.4 (October 1, 2004))~~.

2) WARNING − pinion seal leaking.

e) Barrier, Guard:

1) OUT-OF-SERVICE – missing; not solidly attached.

2) WARNING – padding or covering is missing or shows wear and tear; barrier is not the same height as the seat back directly behind the barrier~~does not meet minimum height requirements (refer to 92 Ill. Adm. Code 441.Appendix A(e))~~.

f) Battery or Batteries:

1) OUT OF SERVICE – battery housing is cracked or hole is present.

2) WARNING – excessive corrosion; not secured; insufficient capacity; missing cap.

g) Battery Cables:

1) OUT-OF-SERVICE – cables are rubbing through the insulation; wrong type cable is being used (e.g., top post cable is being used with side post battery); connectors or wires are bare.

2) WARNING – broken; corroded; not securely attached.

h) Battery Carrier/Compartment:

WARNING – when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment; compartment door does not latch.

i) Brakes:

1) OUT-OF-SERVICE – any problem found with service brake system (includes the anti-lock braking system (ABS) indicator lamp). SBBIR forms not being completed, maintained or available for inspection. Any defect in emergency/parking brake system (other than indicator light).

2) WARNING – SBBIR not completed properly. Emergency/parking brake indicator light not functioning. ~~(See 92 Ill. Adm. Code 441.Appendix B(d)).~~

j) Bumper, Front:

1) OUT-OF-SERVICE – missing; bumper damage that interferes with tire condition or movement; loose; broken; protruding parts.

2) WARNING – for type I school bus, bumper is not made of rolled steel approximately 3/16 (.18) inch thick or not energy absorbing type; for type II school bus, bumper is not metal construction or not energy absorbing; for type I-A school bus, the bumper may meet manufacturer's specifications when the school bus is equipped with a driver side air bag~~does not meet thickness requirements (refer to 92 Ill. Adm. Code 441.Appendix B(c))~~.

k) Bumper, Rear:

1) OUT-OF-SERVICE − missing; loose; broken; protruding parts.

2) WARNING – hitchable; for type I school bus, bumper is not made of channel-type steel approximately 3/16 (.18) inch thick; for type II school bus, bumper is not metal construction or not energy absorbing~~does not meet thickness requirements (refer to 92 Ill. Adm. Code 441.Appendix C(a))~~.

l) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; voided; over on mileage; incorrect type of Certificate of Safety.

m) Certification Label, Federal:

WARNING – missing; defaced; destroyed; illegible; not permanently affixed; required information is missing (refer to 92 Ill. Adm. Code 441.Appendix C(c) or 92 Ill. Adm. Code 443.Appendix C(c)).

n) Child Check System:

WARNING − a mechanical or electronic child check system is installed but the interior lights are not illuminated when the ignition is either turned off or to the "accessories" position; mechanical or electronic system is not functioning and no company policy is evident that a manual child check system is used.

o~~n~~) Cleanliness:

WARNING – excessive rubbish or trash; excessive dirt; spilled fluids; decorations~~; clutter on dash~~.

p) Communication Device:

WARNING − two-way radio or cell phone does not operate; two-way radio or cell phone is not present and no documentation is provided indicating the communication device requirement is being met by the use of a cell phone.

q~~o~~) Crossing Control Arm:

1) OUT-OF-SERVICE − missing; does not work or function properly; illegal on/off switch; does not meet minimum length of 5 feet from the front face of the bumper.

2) 3-DAY − red~~illegal~~ light or red reflector is present~~color; not minimum length~~.

r) Dash:

1) OUT-OF-SERVICE – attached equipment.

2) WARNING – clutter on dash.

s~~p~~) Defrosters:

1) OUT-OF-SERVICE – does not function properly between October 2 and April 14; blades are not protected.

2) WARNING – does not function properly between April 15 and October 1; auxiliary fans are not securely mounted.

t~~q~~) Drive Shaft Guard:

1) OUT-OF-SERVICE – missing on any segment of the drive shaft.

2) WARNING – not solid; not firmly attached~~; missing~~.

u~~r~~) Emergency Exits:

1) OUT-OF-SERVICE – illegal locks (refer to 92 Ill. Adm. Code 441. Appendix D(b)(4)) or 92 Ill. Adm. Code 443.Appendix D(b)(4)); no engine cutoff; obstructed; latch broken; exit does not operate; both audible and visible alarms on emergency exit doors do not operate; no audible alarm on emergency window exits; audible alarm is not continuous; child passenger restraint system (i.e., car seat) is located on the bench seat next to a designated emergency exit window (does not include a factory-installed built-in child restraint system).

2) WARNING – binding; no guard; exterior handle is hitchable; door does not seal properly; either audible or visible alarms on emergency exit doors do not operate; stop bracket on door that allows the door to stay open is

missing or does not function (buses manufactured prior to May 2, 1994 are exempt).

v~~s~~) Engine Compartment:

1) 3-DAY – excessive oil in engine compartment.

2) WARNING − minor oil in engine compartment; does not start or run properly (except when the bus is in the process of being repaired).

w~~t~~) Entrance (Service) Door/Driver's Door/Additional Doors:

1) OUT-OF-SERVICE – fails to close; view is obstructed; illegal locks; does not operate properly; manual override is missing or not functioning on power operated doors; special service door not made inoperable if seats are installed next to the special service door.

2) WARNING – rubber seals are missing or torn; holes are present; not sealing properly; minor binding.

x~~u~~) Exhaust System:

1) OUT-OF-SERVICE – any leaks in the exhaust system; broken; disconnected; discharge is located beneath fuel filler location or beneath emergency exit door;~~does not discharge in proper location or under the bus body;~~ improper size reduction~~; not securely attached or supported~~.

2) WARNING – shield is not present if required (refer to 92 Ill. Adm. Code 441.Appendix D(d)(2) or 92 Ill. Adm. Code 443.Appendix D(d)(2)); extends more than one inch past the body~~too far outside body~~; not securely attached or supported.

y~~v~~) Fenders:

OUT-OF-SERVICE – protruding components; not securely~~properly~~ attached; excessive collision damage that is detrimental to the safe operation of the vehicle; missing.

z~~w~~) Fire Extinguisher:

1) OUT-OF-SERVICE – not fully charged; missing.

2) WARNING – seal is broken; improper rating; overcharged; not mounted in readily accessible location; not labeled if in compartment.

aa~~x~~) First Aid Kit:

1) OUT-OF-SERVICE – missing; empty.

2) WARNING – kit does not contain (at a minimum) 2 packages of 4" bandage compresses (one per package), 2 packages of 2" bandage compresses (4 per package), one package of 1" bandage or adhesive compresses (16 per package), 40" triangle bandage with 2 safety pins, one splint (wire or wood)~~kit not complete (at least 4 packages are not present) (refer to 92 Ill. Adm. Code 441.Appendix E(c))~~; medicine or tourniquet is present; not mounted in readily accessible location; defective container.

bb) Floor, Floor Covering, Firewall, Occupant Compartment and Engine Cover:

1) OUT-OF-SERVICE – holes are present; sagging so that the integrity of the frame is jeopardized; broken; not firmly attached.

2) WARNING – sagging except when the integrity of the frame is jeopardized; torn, loose or missing covering; missing or damaged floor stripping; defective boots; engine cover does not latch or seal properly; loose carpeting or floor mat in driver's area.

~~y) Floor and Wheel Floor Coverings; Firewall; Passenger Compartment:~~

~~1) OUT-OF-SERVICE – holes are present (other than screw holes); sagging; broken; not firmly attached.~~

~~2) WARNING – screw holes are present; sagging; broken; torn or missing covering; missing or damaged floor stripping; defective boots; engine~~

~~cover is not secure; does not seal.~~

cc~~z~~) Frame and Body:

1) Frame:

OUT-OF-SERVICE – broken; cracked; improper welds; rusted through; structurally unsafe; sagging.

2) Body (Exterior and Interior):

A) OUT-OF-SERVICE – collision damage that is detrimental to the safe operation of the vehicle; not properly attached to the frame. Body tie downs are loose or missing. Holes penetrating the interior of the vehicle.

B) WARNING – ~~rusted through;~~ holes are present but are not penetrating the interior of the vehicle; any other component is loose, missing or broken.

dd~~aa~~) Fuel Storage and Delivery System:

1) OUT-OF-SERVICE – fuel tank is leaking or loose; no fuel tank guard ~~if required (refer to 92 Ill. Adm. Code 441.Appendix F(a)(5))~~; fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.

2) 3-DAY – alternate fuel system not removed after conversion to gasoline or diesel (alternate fuel is no longer used).

3) WARNING – no metal heat shield is present if any flammable material, insulated wire, brake hose/line, or fuel system component containing fuel is located within 12 inches (300 mm) (4 inches for diesel powered engines) of a component containing exhaust gas~~(if required) (refer to 92 Ill. Adm. Code 441.Appendix D(d)(2)~~.

ee~~bb~~) Grab Handles (Exterior and Interior):

1) OUT-OF-SERVICE − exterior and/or interior grab handles are missing (type II school buses are exempt from exterior grab handles); hitchable; snagable.

AGENCY NOTE: "Hitchable" is defined as being designed to allow riding or grasping on to an exterior portion of the bus so as to "hitch" a ride.

2) WARNING – handles are loose.

ff~~ee~~) Heaters:

1) OUT-OF-SERVICE − heaters are not working between October 2 and April 14 (except stepwell heater).

2) WARNING – poor working condition; defective, damaged, ~~or~~ unsecured hoses, supports or baffles; not firmly attached; rear heater is not protected by a seat and is not ~~covered or~~ padded; defective or missing switches; not working between April 15 and October 1; stepwell heater is not working.

gg~~dd~~) Hood:

OUT-OF-SERVICE – does not open; broken, missing or defective latches or hinges.

hh~~ee~~) Horn (Interior ~~and Exterior~~):

1) OUT-OF-SERVICE – missing horn or horn component; not audible for 200 feet; cannot be controlled from driver's seat.

2) WARNING − not readily accessible to driver; unsecured wiring; not labeled if location is other than steering column.

ii~~ff~~) Instruments and Instrument Panel:

1) OUT-OF-SERVICE – brake failure indicator gauges or devices do not operate properly or are missing; headlight switch defective; odometer not working; turn signal lever not functioning properly.

2) 3-DAY – 8-light flasher or high beam indicator lights do not operate properly or are missing; switches (other than headlight) are defective or missing; speedometer not functioning.

3) WARNING − instruments or instrument panel obstructed by unauthorized material (e.g., books, radios, trash, food, etc.); emergency brake indicator light does not function.

jjgg) Lettering (Interior and Exterior):

WARNING – required lettering is missing (see 92 Ill. Adm. Code 441.Appendix G(c) or 92 Ill. Adm. Code 443.Appendix G(c)); incorrect location; incorrect color; illegible; decals or lettering not authorized or allowed by Section 12-802 of the Code or 92 Ill. Adm. Code 441 or 443 is present; lettering is obstructed; no window stop lines; lettering does not contrast with its background.

kkhh) Lights/Lamps (Exterior and Interior) (seerefer to 92 Ill. Adm. Code 441.Appendix G(d)) or 92 Ill. Adm. Code 443.Appendix G(d) for proper colors):

1) Backup:

A) 3-DAY – both lights do not function.

B) WARNING − one light does not function; improper color; broken lens or other component.

2) Clearance:

WARNING – do not function; improper color; broken lens or other component; faded lens color.

3) Cluster:

WARNING – do not function; improper color; broken lens or other component; faded lens color.

4) Flashing 8-light System:

A) OUT-OF-SERVICE – do not function; incorrect sequence; do not cancel; illegal by-pass activation switch (red lights only); improper color; broken lens or other component.

B) WARNING − 8-light activation indicator panel not functioning properly; crossing control arm override switch not wired properly.

5) Headlights:

A) OUT-OF-SERVICE – do not function; improper color; dimmer switch defective; not securely attached.

B) WARNING – cracked lens; water accumulated in the headlight.

6) Interior:

WARNING – do not function; improper color; broken lens or other component; missing or broken switches.

7) License Plate:

WARNING – does not function; missing; improper color; broken lens or other component.

~~8) Marker:~~

~~WARNING – missing; do not function; improper color; broken lens or other component.~~

8~~9~~) Parking:

WARNING – do not function; improper color; broken lens or other

component.

9) Sidemarker:

WARNING – missing; do not function; improper color; broken lens or other component; faded lens color.

10) Stepwell: (required when headlights are ON)

WARNING – does not function; improper color; broken lens or other component.

11) Stop/Brake:

A) OUT-OF-SERVICE – does not function; does not release; improper color; broken lens.

B) WARNING – cracked lens.

12) Strobe:

AGENCY NOTE: Mandatory on all school buses manufactured after December 31, 1999.

A) OUT-OF-SERVICE – missing (if required); obstructed.

B) 3-DAY – not operating properly.

C) WARNING – location is incorrect (see AGENCY NOTE below)~~; shielding is present~~.

AGENCY NOTE: The~~Ideally, the~~ correct strobe location is determined by the strobe's filament height. The filament height (in inches) is multiplied by 30 and the lamp is located that distance (in inches) from the rear of the bus. If this formula cannot be met (e.g., length of the bus, air conditioner, or roof hatch prohibits), the strobe can be located as near as practicable above the rear axle, horizontally centered between the rear

tires, and always to the rear of roof exits and/or air conditioners.

13) Tail:

A) OUT-OF-SERVICE – do not function; improper color; broken lens.

B) 3-DAY – cracked lens.

14) Turn Signal (Left and Right Armored included):

A) OUT-OF-SERVICE – missing; front or rear do not function; broken lens; driver activation lever is defective or missing.

B) WARNING – improper color; cracked lens;~~.~~ for type I school bus, side~~Side~~ armored turn signal or signals are missing; do not function; or "armor" is missing ~~or are missing~~.

~~ii) Locked Compartment:~~

~~1) 3-DAY – not readily accessible to driver; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are stored in locked compartment).~~

~~2) WARNING – lettering or identification is missing.~~

ll~~jj~~) Mirrors (Exterior and Interior):

1) OUT-OF-SERVICE – missing; not functioning as required; broken mirror or mount; ~~mirror is broken or cracked;~~ mirror is cracked, pitted or clouded to obstruct driver's view; size or type not approved.

2) WARNING – cracked, clouded or ~~cracked; clouded;~~ pitted but not obstructing driver's view; stickers or unauthorized materials are present; loose mounting.

mm~~kk~~) Paint Requirements~~Requirement~~:

1) OUT-OF-SERVICE − exterior is not national school bus glossy yellow except: rooftop may be white; body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black; hood and upper cowl may be lusterless black or lusterless school bus yellow; grilles on the front, lamp trim and hubcaps may be a bright finish; name or emblem of a manufacturer may be colorless or any color; wheels and rims may be black, gray or manufacturer's option; lug nut torque indicators may be any colorpaint does not meet color requirements (refer to 92 Ill. Adm. Code 441.Appendix H(b)).

2) WARNING – reflective tape outlining emergency exits is missing, defective, improperly located, improper color, poor condition; paint is in poor condition.

nnll) Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake):

1) OUT-OF-SERVICE − missing; damaged; pedal extensions are not from a manufacturer.

2) 3-DAY – damaged; rubber cover or non-skid material is missing; altered in a manner not approved by the Division.

oomm) Pre-trip Book − (See 92 Ill. Adm. Code 458 (School Bus Driver's Pretrip Inspection Requirements).):

WARNING – not being prepared; missing; improper completion; operator not complying with recordkeeping requirements of 92 Ill. Adm. Code 458.

ppnn) Projections:

1) Exterior:

A) OUT-OF-SERVICE − dangerous to pedestrians or other vehicles.

B) WARNING – hitchable.

2) Interior:

WARNING – not padded (if required); interferes with entering or exiting the bus or with head impact zone (e.g., cameras, air conditioners, brooms, etc).

qq~~oo~~) Radio Speakers:

WARNING − located within restricted area and not disconnected (includes portable radio speakers). (Two-way radio speakers are exempt.)

rr~~pp~~) Reflectors/Reflective Tape (also see Paint Requirements):

WARNING – missing; damaged; not properly located; wrong color.

ss~~qq~~) Rub Rails:

WARNING – missing; damaged; not securely attached.

tt) Seat Belts (Driver and Passenger):

AGENCY NOTE: Each school bus shall be equipped with a retractable lap belt assembly for the driver's seat. A shoulder harness is optional. Federal motor vehicle safety standards require passenger safety belts on any school bus that has a GVWR of 10,000 pounds or less (i.e., a type II school bus). Passenger safety belts are optional on any school bus that has a GVWR of more than 10,000 pounds (i.e., a type I school bus). However, optional safety belts installed on any type I school bus manufactured on or after October 21, 2011 are required to meet the same federal motor vehicle safety standards that are required for type II school buses (see 49 CFR 571.210).

1) OUT-OF-SERVICE – missing (if required); broken; improper mounting; buckle does not operate properly; required number of belts not present.

2) WARNING − driver's retractor does not operate properly; driver's seat belt is on the floor.

~~rr)~~ ~~Seat Belts (Driver and Passenger):~~

~~1)~~ ~~OUT-OF-SERVICE – missing (if required) (refer to 92 Ill. Adm. Code 441.Appendix I(a) and 92 Ill. Adm. Code 443.Appendix I(a)); broken; improper mounting; buckle does not operate properly; required number of belts not present (refer to 92 Ill. Adm. Code 443.Appendix I(a)).~~

~~2)~~ ~~WARNING – driver's retractor does not operate properly; not off floor; dirty.~~

uu~~ss~~) Seat, Driver's:

1) OUT-OF-SERVICE − broken; loose; missing.

2) WARNING – damaged covering; not adjustable.

vv~~tt~~) Seats~~Seat~~, Passenger~~Passenger's~~:

1) OUT-OF-SERVICE – loose; broken frame or components; seats installed in a manner other than prescribed in 49 CFR 571.222 (except special education buses with prior Division approval).

2) WARNING – incorrect height or center-to-center seat spacing (refer to 92 Ill. Adm. Code 441.Appendix I(c) or~~and~~ 92 Ill. Adm. Code 443.Appendix I(c)); damaged covering; loose seat cushion; metal seat frame not protected by padding.

ww~~uu~~) Steering System:

1) Exterior:

A) Linkage Components:

OUT-OF-SERVICE – broken; bent; welded repairs; loose; insecurely mounted; missing.

B) Steering Components:

OUT-OF-SERVICE – broken; loose; leaking; binding; belts and hoses frayed or cracked; power or power-assist unit inoperative or missing; reservoir low or empty; incorrect fluid.

2) Interior:

OUT-OF-SERVICE – column support bracket is broken, loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

xx~~vv~~) Steps, Entrance:

1) OUT-OF-SERVICE – broken; rusted through.

2) WARNING – sagging; damaged ribbing; defective or missing white nosing; obstructed.

yy~~ww~~) Stop Signal Arm Panel:

1) OUT-OF-SERVICE – missing; lights not functioning (if equipped with lights); entire surface is not retroreflective and no lamps are present; panel does not operate properly.

2) 3~~THREE~~-DAY – incorrect panel; lights not flashing alternately (i.e., one light not functioning, if equipped with lights); optional second stop arm panel is not located on the left side of the bus; optional second panel does not operate in conjunction with the required panel; optional second panel contains any marking or reflective material on the front side of the panel; optional second panel is not located in the rear half of the bus adjacent to the rearmost window ~~does not meet requirements~~.

3) WARNING – incorrect paint (refer to 92 Ill. Adm. Code 441.Appendix J(a) or 92 Ill. Adm. Code 443.Appendix J(a)); poor condition; crossing control arm override switch is wired improperly allowing stop arm panel to activate when the 8-way flashing signal system is deactivated.

zz) Storage Compartment (Interior):

1) 3-DAY − not readily accessible to driver; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are located in storage compartment).

2) WARNING – lettering (i.e., FIRE EXTINGUISHER, FIRST AID KIT, and/or WARNING DEVICES) is missing (only when fire extinguisher, warning devices, or first aid kit are located in storage compartment). Red Cross formed of 5 equal squares is missing (if first aid kit is located in storage compartment).

aaa~~xx~~) Sun Visor:

WARNING – broken; damaged; missing; not adjustable; not transparent (type I school bus only); measures less than 6 inches by 30 inches (type I school bus only); measures less than 5 inches by 16 inches (type II school bus); not installed above windshield; interferes with view of interior rear view mirror; for type I-A school buses, the sun visor may meet manufacturer's standards~~does not comply with requirements~~.

bbb~~yy~~) Suspension:

1) Shocks:

A) OUT-OF-SERVICE – broken; missing; broken mounts.

B) WARNING – leakage; ~~loose;~~ loose mounting.

2) Springs and Spring Assembly Components:

OUT-OF-SERVICE – broken; cracked; damaged; loose; missing spring or spring assembly component.

3) Air

OUT-OF-SERVICE − leaking; damaged; leaning excessively; rubbing on

frame or body.

cccz) Tow Hooks (optional):

WARNING – extend beyond bumper; not securely attached.

dddaa) Trash Container (optional):

WARNING − if present, not secure; obstructsobstructing aisle or exits; overflowing with trash; poses a tripping hazard. (Trash container, if present, is not required to be attached to the school bus.).

eeebb) Warning Devices:

1) OUT-OF-SERVICE − missing.

2) WARNING – incomplete set; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely stored; notmounted or readily accessible.

fffcc) Wheels:

1) Wheel Housing:

OUT-OF-SERVICE – tire rubs against any portion of chassis, body or bumper; housing does not allow for unimpeded wheel and tire service or removal; housing does not provide clearance for installation and use of tire chainsdoes not meet clearance requirements; not firmly secured; holes are present.

2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; missing or broken lug nuts; lock ring damaged; bent; improper welds.

3) Tires (refer to 92 Ill. Adm. Code 441.Appendix K(d)(3)):

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A) Steering axle:

i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged; improper inflation; tire does not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle.

ii) WARNING – signs of excessive dry rot~~flat tire~~.

B) Drive axle:

i) OUT-OF-SERVICE – missing; regrooved or recut on tire not labeled "regroovable"; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord; any sign of carcass failure; tires are not same construction; placement of mud/snow tread tire and regular tread tire on same axle is not the same on each side of the axle; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged; improper inflation; tire does not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle~~insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord~~.

~~ii) 3-DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.~~

ii~~iii~~) WARNING – signs of excessive dry rot~~flat tire on single wheel axle~~.

ggg~~ddd~~) Window Glazing:

1) Emergency Exit Windows:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE − missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade;

driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING − any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by Section 12-503 of the Code~~625 ILCS 5/12-503)~~.

hhh~~eee~~) Windshield Washer:

~~1) 3-DAY – broken or missing components.~~

~~2)~~ WARNING – does not operate properly; no fluid; broken; missing components.

iii~~fff~~) Windshield Wipers:

1) OUT-OF-SERVICE – wipers do not operate; broken blades or arms~~; wipers operate on only one speed~~; driver activation knob is defective or missing.

2) WARNING – does not cover entire cleaning area; rubber blades are damaged; does not park properly; scratches windshield; wipers operate on only one speed.

jjj~~ggg~~) Wiring (Interior, Exterior, Engine Compartment) and Insulation:

1) OUT-OF-SERVICE − for school buses manufactured on or after January 1, 2006, noise suppression switch is missing or does not turn off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios~~function properly (refer to 92 Ill. Adm. Code 440.420(vv)(8) or 442.620(e))~~. (Two-way radio and emergency exit alarms are exempt from noise suppression switch.)

2) WARNING – insulation is broken, frayed, or missing; 2 extra fuses for each fuse used are not conveniently mounted for easy access (only applicable to electrical systems that utilize fuses)~~fuses or breakers are not present (refer to 92 Ill. Adm. Code 441.Appendix D(a)(4))~~; not securely attached; not on proper circuit.

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

Section 456.75 Violation Criteria for Special Education School Buses

Special education school buses are subject to the inspection requirements of Section 456.60 and the following:

~~a)~~ ~~Fastening Devices:~~

~~OUT-OF-SERVICE – do not secure wheelchair; not forward facing (if required); broken; damaged.~~

a~~b~~) Grab Handles:

1) OUT-OF-SERVICE − missing; hitchable or snagable.

2) WARNING – not securely attached; not located on each side of front right service door (when this door is used for entry and exit of children)~~do not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A and Appendix B(a))~~.

b~~c~~) Lifts and Ramps:

1) OUT-OF-SERVICE – does not operate properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A or~~and~~ Appendix B(b)); lift operates when door is closed.

2) WARNING − non-skid material for ramp or lifts missing or defective.

~~d)~~ ~~Restraining or Safety Devices:~~

~~1) OUT-OF-SERVICE − missing (when required) or broken.~~

~~2) WARNING − damaged; not securely fastened.~~

c~~e~~) Seating (Monitor or Aide Use Only):

3-DAY − damaged, not securely mounted, ~~illegal~~ folding chair is present;~~,~~ barrier is not present in front of aide's seat and no seat safety belt is provided; no letter of approval from the CVSS is provided. ~~no barrier (when required) or seatbelts missing (when required) for forward facing seat or non-forward facing seat.~~

AGENCY NOTE: All exceptions must be approved by the Division.

d~~f~~) Special Light:

WARNING − missing; does not operate properly at special service door area; illegal color; broken lens.

e~~g~~) Special Service Door:

1) 3-DAY − defective door handle or latch; binding; will not close properly.

2) WARNING − does not operate or seal properly; does not meet requirements (refer to 92 Ill. Adm. Code 445.Appendix A or~~and~~ Appendix B(f)); audible or visible alarm does not work or is missing.

f) Wheelchair Occupant Restraints

1) OUT-OF-SERVICE − missing; broken; for buses manufactured on or after January 17, 1994, each wheelchair location that transports a student in a wheelchair is not equipped with:

A) At least one anchorage for the upper end of the upper torso restraint;

B) At least 2 floor anchorages for wheelchair occupant pelvic and upper torso restraint; and

C) At least one wheelchair occupant pelvic and one upper torso restraints.

2) WARNING – damaged; not securely fastened.

g) Wheelchair Securement Anchorages:

OUT-OF-SERVICE − for buses manufactured prior to January 17, 1994, anchorages are not provided and attached to the floor, walls, or both, that will securely hold wheelchair in position in bus; for buses manufactured on or after January 17, 1994, each wheelchair location is not equipped with forward-facing anchorages (2 in the front and 2 in the rear of the chair); anchorages are broken or damaged.

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

Section 456.95 Violation Criteria for Religious Organization Buses and Buses Registered as Charitable Vehicles

The following components will be inspected during a nonscheduled inspection. A violation of one component may only necessitate a warning while other components may require a 3-day notice or cause the vehicle to be declared out-of-service. Certain components have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed in this Section exists, the corresponding penalty will be issued.

a) Axles and Tag Axles:

1) OUT-OF-SERVICE − not firmly attached; cracked; broken; wheel seals leaking grease; tag axle not operating properly; air leak.

2) WARNING − pinion seal leaking.

b) Brakes:

1) OUT-OF-SERVICE – any problem found with the service brake system; any problem found with emergency brake system (other than indicator

light).

2) WARNING – emergency brake indicator light does not function.

c) Bumpers (Front and Rear):

OUT-OF-SERVICE – missing; loose; broken; protruding components.

d) Certificate of Safety:

OUT-OF-SERVICE – missing; expired; voided; incorrect type of Certificate of Safety.

e) Doors (Interior and Exterior):

1) OUT-OF-SERVICE − fails to open or close properly; fails to latch; hinges broken; door handles missing~~; over-the-center control not installed or operating properly~~.

2) WARNING − seals damaged or missing; damage that prevents proper sealing.

f) Emergency Exits:

1) OUT-OF-SERVICE – obstructed; does not comply with required number or size of exits (refer to 92 Ill. Adm. Code 448~~.Appendix C~~); latch or hinges broken; does not open or close properly; missing components; child passenger restraint system (i.e., car seat) is located on the bench seat next to a designated emergency exit window (does not include a factory-installed built-in child restraint system).

2) WARNING – binding; does not seal properly; damage that prevents proper sealing.

g) Exhaust System:

OUT-OF-SERVICE – any leaks in system into or under passenger compartment; broken; disconnected; not securely attached.

h) Fenders:

OUT-OF-SERVICE – protruding components; not securely attached; missing.

i) Fire Extinguisher:

1) OUT-OF-SERVICE – not fully charged; missing.

2) WARNING – seal is broken; not mounted in readily accessible location; not labeled if in compartment; improper rating; overcharged.

AGENCY NOTE: 10 BC is proper rating for fire extinguisher.

j) Floor, Floor Covering, Firewall, Occupant Compartment, and Engine Cover:

1) OUT-OF-SERVICE − holes in floorboard; sagging; broken; not firmly attached.

2) WARNING – torn covering; defective boots; engine cover does not latch or seal properly.

k) Frame and Body:

1) Frame:

OUT-OF-SERVICE – broken; cracked; rusted through; structurally unsafe; sagging; improper welds.

2) Body (Interior and Exterior):

A) OUT-OF-SERVICE − damage that is detrimental to the safe operation of the vehicle; body tie downs loose or missing; holes penetrating interior of the vehicle.

B) WARNING – holes not penetrating interior of the vehicle; any other component loose, missing or broken.

l) Fuel Storage and Delivery System:

OUT-OF-SERVICE – fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

m) Hood:

OUT-OF-SERVICE – missing; broken; does not open; defective latches or hinges.

n) Horn (Interior and Exterior):

OUT-OF-SERVICE – missing; defective; not audible.

o) Lettering (Interior and Exterior):

WARNING – signs or words "SCHOOL BUS" are present; emergency exits are not labeled (if required); operating instructions are not present on emergency exits (if required); "NO STANDEES" not present (if required) (refer to 92 Ill. Adm. Code 448~~.Appendix C~~).

p) Lights/Lamps (Interior and Exterior):

1) Backup:

A) 3-DAY – both lights do not function.

B) WARNING – one light does not function; improper color; broken lens or other component.

2~~1~~) Flashing 8-light System:

WARNING − if present, not made inoperable.

3~~2~~) Headlights~~Headlamps~~:

A) OUT-OF-SERVICE – missing; do not function; not securely mounted.

B) WARNING – cracked lens on replaceable light source; improper color; defective dimmer switch.

4~~3~~) License Plate:

WARNING – missing; does not function; improper color; broken lens or other component.

5) Parking:

WARNING – missing; do not function; improper color; broken lens or other component.

6) Sidemarker:

WARNING – missing; do not function; improper color; broken lens or other component; faded lens color.

~~4) Parking/Marker:~~

~~WARNING – missing; do not function; improper color; broken lens or other component.~~

7~~5~~) Stop/Brake:

A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.

B) WARNING – improper color; cracked lens.

8~~6~~) Strobe

WARNING − strobe lamp is present (only allowed on school buses).

9~~7~~) Tail:

A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.

B) WARNING – cracked lens.

10~~8~~) Turn Signal (Interior and Exterior):

A) OUT-OF-SERVICE – missing; do not function properly; driver activation lever defective or missing; broken lens; improper color.

B) WARNING – cracked lens.

11~~9~~) Unison Flashing Amber "4-light" Warning System (allowed on Religious Organization Buses only):

WARNING – improper color; system flashes alternately; indicator light does not function in driver's compartment; not made inoperative if vehicle is not a Religious Organization Bus; school bus "8-light" system is present.

q) Mirrors (Interior and Exterior):

1) OUT-OF-SERVICE – missing (if required); shattered.

2) WARNING – cracked; pitted; clouded; loose or broken mounting; incorrect size; incorrect location; obstructed.

r) Paint Requirements:

WARNING – vehicle is painted national school bus glossy yellow~~school bus yellow is still primary color~~.

s) Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake):

1) OUT-OF-SERVICE – missing; damaged; pedal extensions are not from a manufacturer.

2) 3-DAY − rubber cover or non-skid material is missing.

ts) Reflectors and Reflective Tape:

WARNING – missing; damaged; wrong color; not properly located (refer to 92 Ill. Adm. Code 448.Appendix A).

ut) Seats (Driver and Passenger):

1) OUT-OF-SERVICE – driver's seat adjusting mechanism slips out of place; any seat or frame is loose or broken; seat belt is missing (if required); seat belt is inoperative (if present).

2) WARNING − seat coverings are torn or missing.

vu) School Bus Identification:

WARNING − any of the following are present: "SCHOOL BUS" lettering; "school bus yellow" paint; flashing 8-light system; stop arm panel; strobe light.

wv) Steering System:

1) Exterior:

OUT-OF-SERVICE – linkage components are bent; binding; jamming; welded repairs; loose; insecurely mounted; missing. Steering components are loose or leaking; belts are frayed or cracked; loose, missing or inoperative power or power assist unit; reservoir is low or empty.

2) Interior:

OUT-OF-SERVICE – column support bracket is loose or missing; excessive up and down movement in steering shaft; excessive damage to

steering wheel; spokes are missing; lash exceeds acceptable limits.

x~~w~~) Steps, Entrance:

1) OUT-OF-SERVICE − broken; rusted through.

2) WARNING − sagging; obstructed.

y~~x~~) Stop Arm Panel:

WARNING – present (allowed on school buses only).

z~~y~~) Suspension:

1) Shocks:

A) OUT-OF-SERVICE – broken; missing; broken or loose mounts.

B) WARNING – leakage.

2) Springs and Spring Components:

OUT-OF-SERVICE – any missing, broken, cracked, damaged, or loose spring or spring component.

3) Air

OUT-OF-SERVICE − damaged; leaking air; not properly attached; not sitting level; rubbing on any part of the frame or body.

aa~~z~~) Warning Devices:

1) OUT-OF-SERVICE – missing.

2) WARNING – ~~missing;~~ incomplete set; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely stored; not readily accessible.

bb~~aa~~) Wheels:

1) Wheel Housing:

OUT-OF-SERVICE − tire rubs against any portion of body, chassis, bumper; ~~does not meet clearance requirements;~~ not firmly attached; holes are present.

2) Rim:

OUT-OF-SERVICE – cracked; broken; elongated holes; defective welds; missing or broken lugs or lug nuts; lock ring damaged; bent.

3) Tires:

A) Steering axle:

i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged.

ii) WARNING – flat tire.

B) Drive axle:

i) OUT-OF-SERVICE – missing; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord.

ii) 3-DAY – radial and bias ply tires are used incorrectly; regular and mud/snow tread are improperly mixed on same axle; tire exceeds diameter of its mate; regrooved or recut

on tire not labeled "regroovable"; bias tube installed on radial; damaged valve stem; flat tire on dual wheel axle.

iii) WARNING – flat tire on single wheel axle.

cc~~bb~~) Window Glazing:

1) Emergency Exits:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE − missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.

B) WARNING − improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE − missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept

by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING − any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by 625 ILCS 5/12-503).

ddee) Windshield Washer:

1) 3-DAY − broken; missing components.

2) WARNING – does not operate properly; no fluid.

eedd) Windshield Wipers:

1) OUT-OF-SERVICE – wipers do not operate properly; broken blades or arms; driver activation knob is missing.

2) WARNING – does not cover entire cleaning area; rubber blades are damaged; does not park properly.

ffee) Wiring (Interior, Exterior, and Engine Compartment) and Insulation:

WARNING – broken; not on proper circuitshort circuiting; frayed; not securely attached; missing.

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

Section 456.100 Violation Criteria for Multifunction School Activity Buses Manufactured Prior to July 1, 2012 and Owned by a Public School District, Private School, or School Transportation Contractor

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

The following components will be inspected during a nonscheduled inspection. A violation of one component may only necessitate a warning while other components may require a 3-day notice or cause the vehicle to be declared out-of-service. Certain components have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed in this Section exists, the corresponding penalty will be issued.

a) Axles and Tag Axles:

1) OUT-OF-SERVICE – not firmly attached; cracked; broken; wheel seals leaking grease; tag axle not operating properly; air leak.

2) WARNING – pinion seal leaking.

b) Brakes:

1) OUT-OF-SERVICE − any problem found with the service brake system; any problem found with emergency/parking brake system (other than indicator light).

2) WARNING − emergency brake indicator light does not function.

c) Bumper, Front:

1) OUT-OF-SERVICE – missing; bumper damage that interferes with tire condition or movement; loose; broken; protruding parts.

2) WARNING – not metal construction or energy absorbing type.

d) Bumper, Rear:

1) OUT-OF-SERVICE – missing; loose; broken; protruding parts.

2) WARNING – hitchable; not made of channel-type steel approximately 3/16 (.18) inch thick.

e) Certificate of Safety:

OUT-OF-SERVICE − missing; expired; voided; incorrect type of Certificate of Safety.

f) Doors (Interior and Exterior):

1) OUT-OF-SERVICE − fails to open or close properly; fails to latch; hinges broken; door handles missing.

2) WARNING – seals damaged or missing; damage that prevents proper sealing.

g) Emergency Exits:

1) OUT-OF-SERVICE − obstructed; does not comply with required number or size of exits (refer to 92 Ill. Adm. Code 448); latch or hinges broken; does not open or close properly; missing components; child passenger restraint system (i.e., car seat) is located on the bench seat next to a designated emergency exit window (does not include a factory-installed built-in child restraint system).

2) WARNING − binding; does not seal properly; damage that prevents proper sealing.

h) Exhaust System:

1) OUT-OF-SERVICE − any leaks in the exhaust system; broken; disconnected; discharge is located beneath fuel filler location or beneath emergency exit door.

2) WARNING – not securely attached or supported.

i) Fenders:

OUT-OF-SERVICE − protruding components; not securely attached; missing; excessive collision damage that is detrimental to the safe operation of the vehicle.

j) Fire Extinguisher:

1) OUT-OF-SERVICE − not fully charged; missing.

2) WARNING − seal is broken; not mounted in readily accessible location; not labeled if in compartment; improper rating; overcharged.

AGENCY NOTE: 10 BC is proper rating for fire extinguisher.

k) Floor, Floor Covering, Firewall, Occupant Compartment, and Engine Cover:

1) OUT-OF-SERVICE – holes are present; sagging so that the integrity of the frame is jeopardized; broken; not firmly attached.

2) WARNING − sagging except when the integrity of the frame is jeopardized; torn, loose or missing covering; missing or damaged floor stripping; defective boots; engine cover does not latch or seal properly; loose carpeting or floor mat in driver's area.

l) Frame and Body:

1) Frame:

OUT-OF-SERVICE − broken; cracked; rusted through; structurally unsafe; sagging; improper welds.

2) Body (Interior and Exterior):

A) OUT-OF-SERVICE – collision damage that is detrimental to the safe operation of the vehicle; not properly attached to the frame; body tie downs loose or missing; holes penetrating interior of the vehicle.

B) WARNING – holes not penetrating interior of the vehicle; any other component loose, missing or broken.

m) Fuel Storage and Delivery System:

OUT-OF-SERVICE − fuel tank is leaking or loose; fuel lines are loose, leaking, sagging, rubbing, chaffing, cracked or broken; fuel cap is missing.

n) Hood:

OUT-OF-SERVICE – missing; broken; does not open; defective latches or hinges.

o) Horn (Interior):

OUT-OF-SERVICE – missing horn or horn component; defective; not audible.

p) Lettering (Interior and Exterior):

WARNING − signs or words "SCHOOL BUS" are present; emergency exits are not labeled (if required); operating instructions are not present on emergency exits (if required); vehicle empty weight and maximum passenger capacity to the left of the service door is missing; name of the owner or the entity for which the MFSAB is operated on both sides, centered as high as practicable below the window line, is missing; identification number on both the front and rear is missing; the decal, "TO COMMENT ON MY DRIVING CALL" or "TO REPORT ERRATIC DRIVING CALL" followed by the area code and phone number of the owner located either on the rear window glazing below the rear seat back, on the body below the rear window line, or on the rear bumper is missing.

q) Lights/Lamps (Interior and Exterior):

1) Flashing 8-light Signal System:

WARNING – MFSAB is equipped with functioning flashing 8-light signal system.

2) Headlights:

A) OUT-OF-SERVICE – missing; do not function; not securely mounted.

B) WARNING – cracked lens on replaceable light source; improper color; defective dimmer switch.

3) License Plate:

WARNING – missing; does not function; improper color; broken lens or other component.

4) Parking:

WARNING – missing; do not function; improper color; broken lens or other component.

5) Sidemarker:

WARNING – missing; do not function; improper color; broken lens or other component; faded lens color.

6) Stop/Brake:

A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.

B) WARNING − improper color; cracked lens.

7) Tail:

A) OUT-OF-SERVICE – missing; do not function properly; broken lens; improper color.

B) WARNING − cracked lens.

8) Turn Signal (Interior and Exterior) (Left and Right Armored included):

A) OUT-OF-SERVICE – missing; front or rear do not function; broken lens; driver activation lever is defective or missing.

B) WARNING − improper color; cracked lens. Side armored turn signals do not function or are missing, if required.

r) Mirrors (Exterior and Interior):

1) OUT-OF-SERVICE – missing; not functioning as required; broken mirror or mount; mirror is cracked, pitted or clouded to obstruct driver's view; size or type not approved.

2) WARNING – cracked, clouded or pitted but not obstructing driver's view; stickers or unauthorized materials are present; loose or broken mounting.

s) Paint Requirements:

WARNING – MFSAB is painted national school bus glossy yellow.

t) Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake):

1) OUT-OF-SERVICE – missing; damaged; pedal extensions are not from a manufacturer.

2) 3-DAY − rubber cover or non-skid material is missing.

u) Reflectors and Reflective Tape:

WARNING – missing; damaged; wrong color; not properly located (refer to 92 Ill. Adm. Code 448).

v) School Bus Identification:

WARNING – any of the following are present: "SCHOOL BUS" lettering; "school bus yellow" paint; flashing 8-light system; stop arm panel.

w) Seat Belts (Driver and Passenger):

AGENCY NOTE: Each MFSAB shall be equipped with a retractable lap belt assembly for the driver's seat. A shoulder harness is optional. Federal motor vehicle safety standards require passenger safety belts on any MFSAB that has a GVWR of 10,000 pounds or less (i.e., a type II MFSAB). Passenger safety belts are optional on any MFSAB that has a GVWR of more than 10,000 pounds (i.e., a type I MFSAB). However, optional safety belts installed on any type I MFSAB manufactured on or after October 21, 2011 are required to meet the same federal motor vehicle safety standards that are required for type II MFSAB (see 49 CFR 571.210).

1) OUT-OF-SERVICE – missing (if required); broken; improper mounting; buckle does not operate properly; required number of belts not present.

2) WARNING − driver's retractor does not operate properly; driver's seat belt is on the floor.

x) Seat, Driver's:

1) OUT-OF-SERVICE − broken; loose; missing.

2) WARNING − damaged covering; not adjustable.

y) Seats, Passenger:

1) OUT-OF-SERVICE − loose; broken frame or components.

2) WARNING − incorrect height or center-to-center seat spacing; damaged covering; loose seat cushion; metal seat frame not protected by padding.

z) Steering System:

1) Exterior:

A) Linkage Components:

OUT-OF-SERVICE – broken; bent; welded repairs; loose; insecurely mounted; missing.

B) Steering Components:

OUT-OF-SERVICE – broken; loose; leaking; binding; belts and hoses frayed or cracked; power or power-assist unit inoperative or missing; reservoir low or empty; incorrect fluid.

2) Interior:

OUT-OF-SERVICE − column support bracket is broken, loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

aa) Steps, Entrance:

1) OUT-OF-SERVICE – broken; rusted through.

2) WARNING – sagging; damaged ribbing; obstructed.

bb) Stop Arm Panel (not applicable):

WARNING – MFSAB is equipped with a stop signal arm panel.

cc) Suspension:

1) Shocks:

A) OUT-OF-SERVICE − broken; missing; broken mounts.

B) WARNING – leakage; loose mounting.

2) Springs and Spring Components:

OUT-OF-SERVICE – any missing, broken, cracked, damaged or loose spring or spring component.

3) Air

OUT-OF-SERVICE – damaged; leaking air; not properly attached; not sitting level; rubbing on any part of the frame or body.

dd) Warning Devices:

1) OUT-OF-SERVICE − missing.

2) WARNING – incomplete set; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely stored; not readily accessible.

ee) Wheels:

1) Wheel Housing:

OUT-OF-SERVICE − tire rubs against any portion of chassis, body or bumper; housing does not allow for unimpeded wheel and tire service or removal; housing does not provide clearance for installation and use of tire chains; not firmly secured; holes are present.

2) Rim:

OUT-OF-SERVICE − cracked; broken; elongated holes; missing or broken lug nuts; lock ring damaged; bent; improper welds.

3) Tires:

A) Steering axle:

i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged; improper inflation; tire does

not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle.

ii) WARNING – signs of excessive dry rot.

B) Drive axle:

i) OUT-OF-SERVICE – missing; regrooved or recut on tire not labeled "regroovable"; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord; any sign of carcass failure; tires are not same construction; placement of mud/snow tread tire and regular tread tire on same axle is not the same on each side of the axle; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged; improper inflation; tire does not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle.

ii) WARNING – signs of excessive dry rot.

ff) Window Glazing:

1) Emergency Exits:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE – missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING – any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by Section 12-503 of the Code).

gg) Windshield Washer:

WARNING − does not operate properly; no fluid; broken; missing components.

hh) Windshield Wipers:

1) OUT-OF-SERVICE − wipers do not operate properly; broken blades or arms; driver activation knob is defective or missing.

2) WARNING − does not cover entire cleaning area; rubber blades are damaged; does not park properly; scratches windshield; wipers operate on only one speed.

ii) Wiring (Interior, Exterior, and Engine Compartment) and Insulation:

WARNING – broken; not on proper circuit; frayed; not securely attached; missing.

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

Section 456.105 Violation Criteria for Multifunction School Activity Buses Manufactured On or After July 1, 2012 and Owned by Public School Districts, Private Schools, or School Transportation Contractors

The following components will be inspected during a nonscheduled inspection. A violation of one component may only necessitate a warning while other components may require a 3-day notice or cause the vehicle to be declared out-of-service. Certain components have criteria listed in more than one penalty category, depending on the degree of the specific violation. If any criteria listed in this Section exists, the corresponding penalty will be issued.

a) Air Cleaner:

WARNING − not properly attached or is missing.

b) Aisle:

1) OUT-OF-SERVICE – obstructed.

2) WARNING − at least 12 inches (305 mm) of clearance (at seat cushion level) from service door to emergency door (or back of bus) is not present.

c) Alternator (Generator):

3-DAY – belts are torn, broken or slipping; does not meet capacity rating or electrical requirements; not functioning.

d) Axles:

1) OUT OF SERVICE − not firmly attached; cracked; broken; wheel seals leaking grease or fluids.

2) WARNING – pinion seal is leaking.

e) Barrier, Guard:

1) OUT OF SERVICE – missing; not solidly attached.

2) WARNING − padding or covering is missing or shows wear and tear; barrier is not the same height as the seat back directly behind the barrier.

f) Battery or Batteries:

1) OUT-OF-SERVICE – battery housing is cracked or hole is present.

2) WARNING − excessive corrosion; not secured; insufficient capacity; missing cap.

g) Battery Cables:

1) OUT-OF-SERVICE – cables are rubbing through the insulation; wrong type cable is being used (e.g., top post cable is being used with side post battery); connectors or wires are bare.

2) WARNING – broken; corroded; not securely attached.

h) Battery Carrier/Compartment:

WARNING − when battery is mounted outside of engine compartment, it is not properly attached in weather-tight vented compartment; compartment door does not latch.

i) Brakes:

1) OUT-OF-SERVICE – any problem found with service brake system (includes the anti-lock braking (ABS) indicator lamp). Any defect in emergency/parking brake system (other than indicator light).

2) WARNING – emergency/parking brake indicator light not functioning.

j) Bumper, Front:

1) OUT-OF-SERVICE – missing; bumper damage that interferes with tire condition or movement; loose; broken; protruding parts.

2) WARNING – not metal construction or energy absorbing type.

k) Bumper, Rear:

1) OUT-OF-SERVICE – missing; loose; broken; protruding parts.

2) WARNING – hitchable; not made of channel-type steel approximately 3/16 (.18) inch thick.

l) Certificate of Safety:

OUT-OF-SERVICE − missing; expired; voided; incorrect type of Certificate of Safety.

m) Certification Label (Federal):

WARNING − missing; defaced; destroyed; illegible; not permanently affixed; required information is missing (refer to 92 Ill. Adm. Code 436.Appendix C(b)).

n) Child Check System:

WARNING − a mechanical or electronic child check system is installed but the interior lights are not illuminated when the ignition is either turned off or to the "accessories" position; mechanical or electronic system is not functioning and no company policy is evident that a manual child check system is used.

o) Cleanliness:

WARNING − excessive rubbish or trash; excessive dirt; spilled fluids; decorations.

p) Communication Device:

WARNING − two-way radio or cell phone does not operate; two-way radio or cell phone is not present and no documentation is provided indicating the communication device requirement is being met by the use of a cell phone.

q) Crossing Control Arm:

1) OUT-OF-SERVICE – missing; does not work or function properly; illegal on/off switch; does not meet minimum length of 5 feet from the front face of the bumper.

2) 3-DAY – red light or red reflector is present.

r) Dash:

1) OUT-OF-SERVICE – attached equipment.

2) WARNING − clutter on dash.

s) Defrosters:

1) OUT-OF-SERVICE − does not function properly between October 2 and April 14; blades are not protected.

2) WARNING − does not function properly between April 15 and October 1; auxiliary fans are not securely mounted.

t) Drive Shaft Guard:

1) OUT-OF-SERVICE – missing on any segment of the drive shaft.

2) WARNING − not solid; not firmly attached.

u) Emergency Exits:

1) OUT-OF-SERVICE – illegal locks (refer to 92 Ill. Adm. Code 436.Appendix D(b)(4)); no engine cutoff; obstructed; latch broken; exit does not operate; both audible and visible alarms on emergency exit doors do not operate; no audible alarm on emergency window exits; audible alarm is not continuous; child passenger restraint system (i.e., car seat) is located on the bench seat next to a designated emergency exit window (does not include a factory-installed built-in child restraint system).

2) WARNING – binding; no guard; exterior handle is hitchable; door does not seal properly; either audible or visible alarms on emergency exit doors do not operate; stop bracket on door that allows the door to stay open is missing or does not function.

v) Engine Compartment:

1) 3-DAY − excessive oil in engine compartment.

2) WARNING – minor oil in engine compartment; does not start or run properly (except when the bus is in the process of being repaired).

w) Entrance (Service) Door/Driver's Door/Additional Doors:

1) OUT-OF-SERVICE – fails to close; view is obstructed; illegal locks; does not operate properly; manual override is missing or not functioning on power operated doors.

2) WARNING – rubber seals are missing or torn; holes are present; not sealing properly; minor binding

x) Exhaust System:

1) OUT-OF-SERVICE – any leaks in the exhaust system; broken; disconnected; discharge is located beneath fuel filler location or beneath emergency exit door; improper size reduction.

2) WARNING − shield is not present if required (refer to 92 Ill. Adm. Code 436.Appendix D(d)(2)); extends more than one inch past the body; not securely attached or supported.

y) Fenders:

OUT-OF-SERVICE – protruding components; not securely attached; missing; excessive collision damage that is detrimental to the safe operation of the vehicle.

z) Fire Extinguisher:

1) OUT-OF-SERVICE – not fully charged; missing.

2) WARNING − seal is broken; improper rating; overcharged; not mounted in readily accessible location; not labeled if in compartment.

aa) First Aid Kit:

1) OUT-OF-SERVICE – missing; empty.

2) WARNING − kit does not contain (at a minimum) 2 packages of 4" bandage compresses (one per package), 2 packages of 2" bandage compresses (4 per package), one package of 1" bandage or adhesive compresses (16 per package), 40" triangle bandage with 2 safety pins, one splint (wire or wood); medicine or tourniquet is present; not mounted in readily accessible location; defective container.

bb) Floor, Floor Covering, Firewall, Occupant Compartment and Engine Cover:

1) OUT-OF-SERVICE – holes are present; sagging so that the integrity of the frame is jeopardized; broken; not firmly attached.

2) WARNING – sagging except when the integrity of the frame is jeopardized; torn, loose or missing covering; missing or damaged floor stripping; defective boots; engine cover does not latch or seal properly; loose carpeting or floor mat in driver's area.

cc) Frame and Body:

1) Frame

OUT-OF-SERVICE – broken, cracked; improper welds; rusted through; structurally unsafe; sagging.

2) Body (Exterior and Interior)

A) OUT-OF-SERVICE – collision damage that is detrimental to the safe operation of the vehicle; not properly attached to the frame. Body ties downs are loose or missing. Holes penetrating the interior of the vehicle.

B) WARNING – holes present but are not penetrating the interior of the vehicle; any other component is loose, missing or broken.

dd) Fuel Storage and Delivery System:

1) OUT-OF-SERVICE − fuel tank is leaking or loose; no fuel tank guard; fuel lines are loose, sagging, rubbing, chaffing, leaking, cracked or broken; fuel cap is missing.

2) 3-DAY − alternate fuel system not removed after conversion to gasoline or diesel (alternate fuel is no longer used).

3) WARNING – no metal heat shield is present if any flammable material, insulated wire, brake hose/line, or fuel system component containing fuel is located within 12 inches (300 mm) (4 inches for diesel powered engines) of a component containing exhaust gas.

ee) Grab Handles (Interior):

1) OUT-OF-SERVICE – missing; hitchable; snagable.

2) WARNING – handles are loose.

ff) Heaters:

1) OUT-OF-SERVICE – heaters are not working between October 2 and April 14 (except stepwell heater).

2) WARNING − poor working condition; defective, damaged, unsecured hoses, supports or baffles; not firmly attached; rear heater is not protected by a seat and is not padded; defective or missing switches; not working between April 15 and October 1; stepwell heater is not working.

gg) Hood:

OUT-OF-SERVICE – does not open; broken, missing or defective latches or hinges.

hh) Horn (Interior):

1) OUT-OF-SERVICE – missing horn or horn component; not audible for 200 feet; cannot be controlled from driver's seat.

2) WARNING – not readily accessible to driver; unsecured wiring; not labeled if location is other than steering column.

ii) Instruments and Instrument Panel:

1) OUT-OF-SERVICE – brake failure indicator gauges or devices do not operate properly or are missing; headlight switch defective; odometer not working; turn signal lever not functioning properly.

2) 3-DAY − 8-light flasher or high beam indicator lights do not operate properly or are missing; switches (other than headlight) are defective or missing; speedometer not functioning.

3) WARNING – instruments or instrument panel obstructed by unauthorized material (e.g., books, radios, trash, food, etc.); emergency brake indicator light does not function.

jj) Lettering (Interior and Exterior):

WARNING – signs or words "SCHOOL BUS" are present; emergency exits are not labeled; operating instructions are not present on emergency exits; vehicle empty weight and maximum passenger capacity to the left of the service door are missing; name of the owner or the entity for which the MFSAB is operated on both sides, centered as high as practicable below the window line, is missing; identification number on both the front and rear is missing; the decal "TO COMMENT ON MY DRIVING CALL" or "TO REPORT ERRATIC DRIVING CALL" followed by the area code and phone number of the owner located either on the rear window glazing below the rear seat back, on the body below the rear window line, or on the rear bumper is missing; window stop lines are missing; required lettering does not contrast with its background.

kk) Lights/Lamps (Exterior and Interior) (Refer to 92 Ill. Adm. Code 436.Appendix G(d) for proper colors.):

1) Backup:

A) 3-DAY – both lights do not function.

B) WARNING – one light does not function; improper color; broken lens or other component.

2) Clearance:

WARNING − do not function; improper color; broken lens or other component; faded lens color.

3) Cluster:

WARNING − do not function; improper color; broken lens or other component; faded lens color.

4) Flashing 8-light System (not applicable):

WARNING − MFSAB is equipped with a flashing 8-light signal system.

5) Headlights:

A) OUT-OF-SERVICE − do not function; improper color; dimmer switch defective; not securely attached.

B) WARNING − cracked lens; water accumulated in headlight.

6) Interior:

WARNING − do not function; improper color; broken lens or other component; missing or broken switches.

7) License Plate:

WARNING − does not function; missing; improper color; broken lens or other component.

8) Parking:

WARNING – missing; do not function; improper color; broken lens or other component.

9) Sidemarker:

WARNING – missing; do not function; improper color; broken lens or other component; faded lens color.

10) Stepwell (Required when headlights are ON.):

WARNING − does not function; improper color; broken lens or other component.

11) Stop/Brake:

A) OUT-OF-SERVICE − does not function; does not release; improper color; broken lens.

B) WARNING – cracked lens.

12) Strobe:

A) OUT-OF-SERVICE – missing; obstructed.

B) 3-DAY – not operating properly.

C) WARNING − location is incorrect (see AGENCY NOTE).

AGENCY NOTE: The correct strobe location is determined by the strobe's filament height. The filament height (in inches) is multiplied by 30 and the lamp is located that distance (in inches) from the rear of the bus. If this formula cannot be met (e.g., length of the bus, air conditioner, or roof hatch prohibits), the strobe can be located as near as practicable above the rear axle, horizontally centered between the rear tires, and always to the rear of roof exits and/or air conditioners.

13) Tail:

A) OUT-OF-SERVICE – missing; do not function; improper color; broken lens.

B) 3-DAY – cracked lens.

14) Turn Signal (Interior and Exterior) (Left and Right Armored included):

A) OUT-OF-SERVICE – missing; front or rear do not function; broken lens; driver activation lever is defective or missing.

B) WARNING − improper color; cracked lens. Side armored turn signals do not function or are missing, if required.

ll) Mirrors (Exterior and Interior):

1) OUT-OF-SERVICE − missing; not functioning as required; broken mirror or mount; mirror is cracked, pitted or clouded to obstruct driver's view; size or type not approved.

2) WARNING – cracked, clouded or pitted but not obstructing driver's view; stickers or unauthorized materials are present; loose or broken mounting.

mm) Paint Requirements:

1) OUT-OF-SERVICE – MFSAB is painted national school bus glossy yellow.

2) WARNING – reflective tape outlining emergency exits is missing, defective, improperly located, poor condition.

nn) Pedals (Accelerator, Service Brake, Clutch, Emergency/Parking Brake):

1) OUT-OF-SERVICE – missing; damaged; pedal extensions are not from a manufacturer.

2) 3-DAY – rubber cover or non-skid material is missing.

oo) Projections:

1) Exterior:

A) OUT-OF-SERVICE – dangerous to pedestrians or other vehicles.

B) WARNING – hitchable.

2) Interior:

WARNING − not padded (if required); interferes with entering or exiting the bus or with head impact zone (e.g., cameras, air conditioners, brooms, etc.).

pp) Radio Speakers:

WARNING – located within restricted area and not disconnected (includes portable radio speakers). (Two-way radio speakers are exempt.)

qq) Reflectors/Reflective Tape (also see Paint Requirements):

WARNING – missing; damaged; not properly located.

rr) Rub Rails:

WARNING – missing; damaged; not securely attached.

ss) Seat Belts (Driver and Passenger):

AGENCY NOTE: Each MFSAB shall be equipped with a retractable lap belt assembly for the driver's seat. A shoulder harness is optional. Federal motor vehicle safety standards require passenger safety belts on any MFSAB that has a GVWR of 10,000 pounds or less (i.e., a type II MFSAB). Passenger safety belts are optional on any MFSAB that has a GVWR of more than 10,000 pounds (i.e., a type I MFSAB). However, optional safety belts installed on any type I MFSAB manufactured on or after October 21, 2011 are required to meet the same federal motor vehicle safety standards that are required for type II MFSAB (see 49 CFR 571.210).

1) OUT-OF-SERVICE – missing (if required); broken; improper mounting; buckle does not operate properly; required number of belts not present.

2) WARNING − driver's retractor does not operate properly; driver's seat belt is on the floor.

tt) Seat, Driver's:

1) OUT-OF-SERVICE − broken; loose; missing.

2) WARNING − damaged covering; not adjustable.

uu) Seats, Passenger:

1) OUT-OF-SERVICE − loose; broken frame or components.

2) WARNING − incorrect height or center-to-center seat spacing; damaged covering; loose seat cushion; metal seat frame not protected by padding.

vv) Steering System:

1) Exterior:

A) Linkage Components:

OUT-OF-SERVICE – broken; bent; welded repairs; loose; insecurely mounted; missing.

B) Steering Components:

OUT-OF-SERVICE – broken; loose; leaking; binding; belts and hoses frayed or cracked; power or power-assist unit inoperative or missing; reservoir low or empty; incorrect fluid.

2) Interior:

OUT-OF-SERVICE − column support bracket is broken, loose or missing; excessive up and down movement in steering shaft; excessive damage to steering wheel; spokes are missing; lash exceeds acceptable limits.

ww) Steps, Entrance:

1) OUT-OF-SERVICE – broken; rusted through.

2) WARNING – sagging; damaged ribbing; defective or missing white nosing; obstructed.

xx) Stop Signal Arm Panel (not applicable):

WARNING − MFSAB is equipped with a stop signal arm panel.

yy) Storage Compartment (Interior):

1) 3-DAY − not readily accessible to driver; alarm does not function when compartment is locked and engine is running (only when fire extinguisher, warning devices, or first aid kit are located in storage compartment).

2) WARNING – lettering (i.e., FIRE EXTINGUISHER, FIRST AID KIT, and/or WARNING DEVICES) is missing (only when fire extinguisher, warning devices, or first aid kit are located in storage compartment). Red Cross formed of 5 equal squares is missing (if first aid kit is located in storage compartment).

zz) Sun Visor

WARNING – broken; damaged; missing; not adjustable; measures less than 5 inches by 16 inches; not installed above windshield; interferes with view of interior rear view mirror.

aaa) Suspension:

1) Shocks:

A) OUT-OF-SERVICE − broken; missing; broken mounts.

B) WARNING − leakage; loose; loose mounting.

2) Springs and Spring Assembly Components:

OUT-OF-SERVICE − broken; cracked; damaged; loose; missing spring or spring assembly component.

3) Air:

OUT-OF-SERVICE – leaking; damaged; leaning excessively; rubbing on frame or body.

bbb) Tow Hooks (optional):

WARNING – extend beyond bumper; not securely attached.

ccc) Trash Container (optional):

WARNING – if present, not secure; obstructs aisle or exits; overflowing with trash; poses a tripping hazard. (Trash container, if present, is not required to be attached to the school bus.)

ddd) Warning Devices:

1) OUT-OF-SERVICE – missing.

2) WARNING – incomplete set; reflectors are cracked or broken; flags are ripped or torn; emergency triangles are not operational; not securely stored; not readily accessible.

eee) Wheels:

1) Wheel Housing:

OUT-OF-SERVICE − tire rubs against any portion of chassis, body or bumper; housing does not allow for unimpeded wheel and tire service or removal; housing does not provide clearance for installation and use of tire chains; not firmly secured; holes are present.

2) Rim:

OUT-OF-SERVICE − cracked; broken; elongated holes; missing or broken lug nuts; lock ring damaged; bent; improper welds.

3) Tires:

A) Steering axle:

i) OUT-OF-SERVICE – regrooved, recapped, retreaded; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (4/32); broken or cut cord; any sign of carcass failure; tires are not same construction; regular and mud/snow tread are mixed; radial and bias ply tires are used incorrectly; bias tube installed on radial; valve stem is damaged; improper inflation; tire does not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle.

ii) WARNING – signs of excessive dry rot.

B) Drive axle:

i) OUT-OF-SERVICE – missing; regrooved or recut on tire not labeled "regroovable"; restricting markings are present; insufficient tread depth at any measured point of a major tread groove (2/32); broken or cut cord; any sign of carcass failure; tires are not same construction; placement of mud/snow tread tire and regular tread tire on same axle is not the same on each side of the axle; radial and bias ply tires are used incorrectly; bias tube installed on radial;

valve stem is damaged; improper inflation; tire does not meet what federal certification label requires for vehicle; tire size (i.e., diameter and/or width) exceeds size of other tires on same axle.

ii) WARNING – signs of excessive dry rot.

fff) Window Glazing:

1) Emergency Exit Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed.

2) Service Door Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing.

3) Side Windows:

A) OUT-OF-SERVICE – missing; shattered; any sharp edge that could inflict cuts to the skin; visibility obstructed in driver's side window.

B) WARNING – improper "AS" rating; incorrect glazing material; any crack to glazing; visibility obstructed other than to driver's side window.

4) Windshield:

A) OUT-OF-SERVICE – missing; shattered; not firmly sealed or attached; any crack more than 6 inches in length in the area swept by the windshield wiper blade; any "starchip" measuring more than 1 inch in diameter in the area swept by the windshield wiper blade; driver's visibility obstructed; any sharp edge that could inflict cuts to the skin.

B) WARNING – any crack more than 6 inches in length outside the area swept by the windshield wiper blade; any "starchip" more than 1 inch in diameter outside the area swept by the windshield wiper blade; discoloration more than 3 inches up from the bottom or more than 1 inch down from the top or in more than 1 inch from the left or right side (except tinting that is allowed by Section 12-503 of the Code).

ggg) Windshield Washer:

WARNING − does not operate properly; no fluid; broken; missing components.

hhh) Windshield Wipers:

1) OUT-OF-SERVICE − wipers do not operate; broken blades or arms; driver activation knob is defective or missing.

2) WARNING − does not cover entire cleaning area; rubber blades are damaged; does not park properly; scratches windshield; wipers operate on only one speed.

iii) Wiring (Interior, Exterior and Engine Compartment) and Insulation:

1) OUT-OF-SERVICE – noise suppression switch is missing or does not turn off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios. (Two-way radio and emergency exit alarms are exempt from noise suppression switch.)

2) WARNING − insulation is broken, frayed or missing; 2 extra fuses for each fuse used are not conveniently mounted for easy access (only

applicable to electrical systems that utilize fuses); not securely attached; not on proper circuit.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Confidentiality of Information of Persons Served by the Department of Children and Family Services

2) Code Citation: 89 Ill. Adm. Code 431

3) Section Number: 431.30 — Adopted Action: Amend

4) Statutory Authority: 20 ILCS 505/35.1

5) Effective Date of Rulemaking: August 30, 2013

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, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 36 Ill. Reg. 17289; December 14, 2012

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

11) Differences between Proposal and Final Version: Other than technical changes suggested by the Joint Committee, no other changes have been made to the rulemaking.

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 rulemaking pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department of Children and Family Services shall maintain all unfounded reports of child abuse and neglect for a minimum of 12 months following the date of the final finding.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 431
CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS SERVED BY THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Section
431.15 Purpose
431.20 Definitions
431.30 Maintenance of Records
431.40 Required Consents Prior to Disclosure of Personal Information
431.50 Client Access to Records Which Contain Personal Information
431.60 Subject Access to Records of Child Abuse and Neglect Investigations
431.70 Denial of Requests to Access Information
431.80 Disclosure of Records of Child Abuse and Neglect Investigations
431.85 Public Disclosure of Information Regarding the Abuse or Neglect of a Child
431.90 Disclosure of Personal Information Without Consent
431.100 Disclosure of Information of a Mental Health Nature
431.110 Disclosure of Information Regarding Acquired Immunodeficiency Syndrome (AIDS)
431.120 Removal of Records Prohibited
431.130 Impoundment of Records by the Office of the Inspector General (Repealed)
431.140 Applicability of This Part

AUTHORITY: Implementing Section 35.1 of the Children and Family Services Act [20 ILCS 505/35.1], the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110], Sections 11 and 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11 and 11.1], the AIDS Confidentiality Act [410 ILCS 305], and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]; and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] and Section 11.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1].

SOURCE: Adopted and codified at 5 Ill. Reg. 7815, effective August 3, 1981; amended at 6 Ill. Reg. 15517, effective January 1, 1983; amended at 10 Ill. Reg. 21647, effective December 31, 1986; amended at 11 Ill. Reg. 12613, effective August 1, 1987; amended at 13 Ill. Reg. 2407,

effective March 1, 1989; amended at 15 Ill. Reg. 24, effective December 31, 1990; recodified at 18 Ill. Reg. 7951; amended at 19 Ill. Reg. 17082, effective December 15, 1995; amended at 23 Ill. Reg. 677, effective January 15, 1999; amended at 27 Ill. Reg. 1130, effective January 15, 2003; amended at 28 Ill. Reg. 317, effective December 31, 2003; amended at 32 Ill. Reg. 7088, effective May 1, 2008; amended at 37 Ill. Reg. 14868, effective August 30, 2013.

Section 431.30 Maintenance of Records

a) The Department, through its institutions, facilities and various offices shall maintain a record on all persons receiving services from the Department, either directly or through the purchase of services, and on all persons for whom a child abuse or neglect report has been indicated or~~,~~ unfounded, or for whom a decision about the report has not yet been made. Upon request from the subjects of the report, the Department may keep records of unfounded reports of child abuse or neglect to prevent future harassment of the subjects. Additionally, in accordance with Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17], the Department may maintain case records containing identifying information related to child abuse or neglect reports.

b) The retention schedule for indicated, unfounded, undetermined and pending child abuse and neglect records is based on the seriousness of the allegations described in 89 Ill. Adm. Code 300, Appendix B, as follows:

1) 50 Years
All reports where allegations regarding the death of the child subject (Allegation #1/#51) or sexual penetration (Allegation #19) were indicated shall be retained for 50 years after the report was indicated.

2) 20 Years

A) The following allegations involving the serious physical injury, sexual molestation or sexual exploitation of the child subject shall be retained for 20 years.

#2/#52	Head Injuries
#4/#54	Internal Injuries
#5/#55	Burns/Scalding (Third Degree Burns

	Only)
#7/#57	Wounds
#9/#59	Bone Fractures (Multiple or Spiral Fractures Only)
#16	Torture
#18	Diseases Transmitted Sexually
#20	Sexual Exploitation
#21	Sexual Molestation
#81	Failure to Thrive
#83	Malnutrition
#85	Medical Neglect of Disabled Infants

B) The following allegations may be retained for 20 years, depending on the seriousness of the injury.

#6/#56	Poison/Noxious Substances
#9/#59	Bone Fractures (Other than Multiple or Spiral Fractures)
#11/#61	Cuts, Bruises, Welts, Abrasions and Oral Injuries
#12/#62	Human Bites
#13/#63	Sprains, Dislocations
#14	Typing/Close Confinement
#15/#65	Substance Misuse
#75	Abandonment/Desertion
#79	Medical Neglect

C) The following factors shall be used to determine whether to retain any of the ~~above~~ allegations in subsection (b)(2)(B) for 20 years:

i) Extent of the injuries. Are the injuries limited to one spot on the child's body or are there multiple injuries on many parts of the child's body?

ii) Long-term effects of the injuries. Will the child be left with scars, deformities or permanent disabilities?

iii) Medical treatment required. Does the child require hospitalization, surgery, emergency medical treatment or other major medical treatment as a result of the injuries?

iv) Pattern or chronicity of injuries. Is there an ongoing history or pattern of harsh punishment or neglect that resulted in injury? Are there severe injuries at different stages of healing?

D) If none of the ~~above~~ factors in subsection (b)(2)(C) are present, the allegations shall be retained for 5~~five~~ years.

3) 5 Years
The following indicated allegations shall be retained for 5~~five~~ years.

#17/#67	Mental Injury
#10/#60	Substantial Risk of Physical Injury
#22	Substantial Risk of Sexual Injury
#74	Inadequate Supervision
#76	Inadequate Food
#77	Inadequate Shelter
#78	Inadequate Clothing
#82	Environmental Neglect
#84	Lock-Out

4) Subsequent Indicated Reports
All subsequent indicated reports involving any of the same subjects or the sibling or offspring shall be maintained after the last report was indicated in accordance with retention periods specified in this Section.

5) Unfounded Allegations

A) All identifying information concerning records of unfounded reports involving the death (Allegation #1/#51), sexual abuse (Allegations #18, #19, #20, #21) or serious physical injury (e.g., Allegations #2/#52, #4/#54, #5/#55, #7/#57, #9/#59) of a child shall be maintained in the State Central Register for 3~~three~~ years

after the date the final finding report is entered. All identifying information about unfounded reports made by mandated reporters involving Allegations #6/#56, #11/#61, #12/#62, #13/#63, #14, #15/#56, #75~~,~~ and #79 shall be retained by the SCR for 12 months after the date the final finding report is entered. Additionally, those unfounded reports of physical injury made by mandated reporters not retained by the State Central Register for 3~~three~~ years shall be retained for 12 months after the date the final finding report is entered.

B) All identifying information concerning unfounded reports involving Allegations #17/#67, #10/#60, #22, #74, #76, #77, #78, #82~~,~~ and #84 made by a mandated reporter shall be maintained by the SCR for 60 days after the final finding report is entered. All identifying information concerning unfounded reports not retained for 3~~three~~ years made by non-mandated reporters shall be retained by the SCR for 12 months~~30 days~~ after the final finding report is entered. All identifying information concerning any unfounded report involving Department wards shall be retained for 12 months~~60 days~~ regardless of reporting source.

C) If the alleged perpetrator or caretaker requests, in writing, within 10 days after the date on the SCR-generated notice, that a record of the unfounded report be retained as evidence of false reporting, the SCR computer and hard copy files and the local index shall be maintained. Written requests postmarked more than 10 days after the date on the SCR notice and oral requests, that are not confirmed in writing, shall not be honored. The child abuse and neglect investigative file shall also be maintained. SCR will notify the local investigative unit when to destroy records of these unfounded false reports.

6) Pending and Undetermined Reports
Child abuse and neglect reports that are pending or undetermined shall remain in the SCR computer and hard copy files, the local index, and the child abuse and neglect investigative file until a decision is reached.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

c) The retention schedule for indicated child abuse and neglect records involving juvenile perpetrators (persons under the age of 18 years) is as follows:

1) If, after an investigation, reports are indicated and children between the ages of 10 and 18 are determined to be the perpetrator, reports that carry a 5 year~~five-year~~ retention schedule will be expunged from the State Central Register after 5~~five~~ years or at the perpetrator's 21st birthday, whichever is sooner.

2) In the event that the same child between the ages of 10 and 18 is determined to be an indicated perpetrator of another report that requires a 5~~five~~ year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of 5~~five~~ years after the date of the subsequent report or until the perpetrator's 21st birthday, whichever is sooner.

3) Reports that carry a 20 or 50 year retention schedule will be expunged from the State Central Register after 5~~five~~ years or at the perpetrator's 23rd birthday, whichever is sooner.

4) In the event that same child between the ages of 10 and 18 is subsequently determined to be an indicated perpetrator of an allegation carrying a 20 or 50 year retention schedule, the information concerning the previous reports and the subsequent report will be maintained at the State Central Register for a period of 5~~five~~ years after the date of the subsequent report or until the perpetrator's 23rd birthday, whichever is sooner.

d) All retained records shall be of a confidential nature and shall not be made available to the general public, except as provided for in Section 431.85.

(Source: Amended at 37 Ill. Reg. 14868, effective August 30, 2013)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

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

3)

Section Numbers:	Adopted Action:
113.253	Amendment
113.260	Amendment

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

5) Effective Date of Rulemaking: August 27, 2013

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, is on file in the Agency's principal office and is available for public inspection.

9) Notice of proposal published in the *Illinois Register*: April 26, 2013; 37 Ill. Reg. 5268

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

11) Difference between Proposal and Final Version: None.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

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

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

15) Summary and Purpose of Rulemaking: A grant adjustment is an allowance for the Aged, Blind or Disabled cases that ensures that the amount of the Supplemental Security Income (SSI) increase from July 1977 and later will be available to clients. To comply with federal regulations at 20 CFR 416.2096, this rulemaking increases the grant adjustment and sheltered care/personal or nursing care rate amounts by the amount of the

increase in Social Security and SSI benefits. In order to maintain the benefit levels, these changes increase the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by $12.00, the amount of the January 2013 SSA/SSI benefit increase.

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

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

217/785-9772

17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART D: PAYMENT AMOUNTS

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

SUBPART E: OTHER PROVISIONS

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

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

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

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

effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, l983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, l984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, l984; amended at 8 Ill. Reg. 13273, effective July 16, l984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985;

amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008;

peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011; amended at 36 Ill. Reg. 15195, effective October 5, 2012; emergency amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

a) An allowance for $531.90~~$519.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.

b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of $10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 37 Ill. Reg. 14876, effective August 27, 2013)

Section 113.260 Sheltered Care, Personal Care or Nursing Care Rates

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Group A Counties	Needs Assessment	Group B Counties
1210~~1198~~	0-7	1225~~1213~~
1216~~1204~~	8	1232~~1220~~
1223~~1211~~	9	1239~~1227~~
1228~~1216~~	10	1247~~1235~~
1235~~1223~~	11	1254~~1242~~
1240~~1228~~	12	1261~~1249~~
1247~~1235~~	13	1269~~1257~~
1252~~1240~~	14	1275~~1263~~
1259~~1247~~	15	1283~~1271~~
1264~~1252~~	16	1291~~1279~~
1271~~1259~~	17	1297~~1285~~
1276~~1264~~	18	1305~~1293~~
1283~~1271~~	19	1312~~1300~~
1289~~1277~~	20	1319~~1307~~
1295~~1283~~	21	1327~~1315~~
1301~~1289~~	22	1334~~1322~~

1307~~1295~~	23	1341~~1329~~
1313~~1301~~	24	1348~~1336~~

a) Group A Counties are counties other than Cook, DuPage, Kane, Lake and Will.

b) Group B Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 37 Ill. Reg. 14876, effective August 27, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3)

Section Numbers:	Adopted Action:
650.21	Amendment
650.22	Amendment
650.45	Amendment
650.60	Amendment
650.67	Amendment

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

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6532

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

11) Differences between Proposal and Final Version:

In Section 650.21(h)(1), "County Recorder or" has been added after "County Clerk".

In Section 650.60(g), the "2" has been stricken after "Campbell Pond State Habitat Area"

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In Section 650.60(h), the "2" has been stricken after "French Bluff State Natural Area", "Green River State Wildlife Area", "Harry "Babe" Woodyard", and both "Iroquois County State Conservation Area"

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 rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close state-owned or –managed sites, and amend procedures at state sites.

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

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

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

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

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

Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009; amended at 34 Ill. Reg. 4800, effective March 19, 2010; amended at 35 Ill. Reg. 10710, effective June 23, 2011; amended at 36 Ill. Reg. 13419, effective August 10, 2012; amended at 37 Ill. Reg. 14888, effective August 30, 2103.

Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits

a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their

property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be $150 for the either-sex permit and $25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.

e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.

f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;

2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;

3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

4) Submittal of a copy of a current Farm Service Agency 156EZ form; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural purposes; or

2) A copy of a current Farm Service Agency 156EZ form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has

been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands.

1) In addition:

A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate, articles of incorporation or~~,~~ corporate agreement~~, resolution or~~

~~minutes~~;

B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and

D) general partnership applicants must submit a copy of the partnership agreement.

2) These documents must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be $150. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; $25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

3) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

4) Bona fide equity member means an individual who:

A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

B) intends to retain the membership for at least 5 years.

5) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.

6) Bona fide equity partner means an individual who:

A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may

not apply for additional permits in the Second Lottery Drawing.

n) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.26].

o) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 37 Ill. Reg. 14888, effective August 30, 2103)

Section 650.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; the first and second season are considered separate hunt choices, and permit applications must specify which season they are applying for in the county choice or hunt area field of the application; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt; deer hunters may begin scouting 7 days prior to season date listed on permit)

Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)

Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)

Joliet Army Training Area (Will County)

Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge, including Stewardship Park and Eagles Landing (DNR owned) (Friday, Saturday and Sunday prior to the first statewide firearm deer season only; permit drawing will be conducted by USFWS; preference given to disabled hunters; either-sex permits; bonus antlerless-only permits and one-day standby permits will be sold at site~~; antlerless deer only except that either-sex one-day site-specific permits may be sold to hunters who previously harvested an antlerless deer on site that season~~)

Midewin National Tallgrass Prairie (no handguns allowed; additional site pass is required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a $500 minimum and $5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14888, effective August 30, 2103)

Section 650.45 Reporting Harvest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a) Testing of deer for Chronic Wasting Disease (CWD) by DNR personnel will occur so long as funding is available in:

1) counties where deer have been documented with the disease;

2) counties considered high-risk for the disease; and

3) counties in which additional surveillance is warranted.

b) These counties shall be publicly announced following the conclusion of the previous year's annual fall/winter CWD surveillance, which will be used as a basis for decision making. For these counties, hunters shall take their whole (or field dressed) deer to a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. A permanent harvest tag will be attached to the leg of the deer upon registration at the check station. If a hunter is not able to locate a harvested deer in sufficient time to enable reporting the harvest by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening at 8:00 a.m. the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany the head/antlers and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

c) For counties in which Chronic Wasting Disease surveillance is not occurring:

1) Successful hunters during the firearm deer season must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by

calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

A) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.

B) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

2) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

d) Site specific reporting requirements must be followed in addition to this Section.

e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14888, effective August 30, 2103)

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

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (1) (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) ~~(2)~~ (6)

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

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

Carlyle Lake State Fish and Wildlife~~Wildlife Management~~ Area (except subimpoundment area) (6)

Chauncey Marsh State Natural Area (1) (6~~2~~)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (6~~2~~)

Crawford County Fish and Wildlife~~State Conservation~~ Area (1) (6~~2~~)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (6~~2~~)

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

DEPARTMENT OF NATURAL RESOURCES

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~~Flag Pond State Natural Area~~

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

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

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (6)

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

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

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

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

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (6~~2~~)

Mermet Lake State Conservation Area (1) (6~~2~~)

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

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NOTICE OF ADOPTED AMENDMENTS

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

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

~~Newton Lake State Fish and Wildlife Area (2)~~

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (6~~2~~)

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

Saline County State Fish and Wildlife Area (1) (6~~2~~)

Sielbeck Forest State Natural Area (1) (6~~2~~)

Skinner Farm State Habitat Area (1) (2)

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

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park – Spunky Bottoms Unit (6~~2~~)

Wildcat Hollow State Forest (1) (6)

Wise Ridge State Natural Area (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by (6). In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (6~~2~~)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Butterfield Trail State Recreation Area (6~~2~~)

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

Castle Rock State Park (first or second season only) (1) ~~(2)~~ (5) (6)

Cedar Glen State Natural Area (1) (6~~2~~)

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

Clinton Lake State Recreation Area (only in the area between County Highway 14 and State Route 48 – both sides of lake) (6)

Coffeen Lake State Fish and Wildlife Area

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

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

Flag Pond State Natural Area (1)

Fort Massac State Park (2)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (first or second season only) ~~(all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2)~~ (5) (6)

French Bluff State Natural Area (1) ~~(2)~~ (6)

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

Green River State Wildlife Area (first or second season only) (1) ~~(2)~~ (5) (6)

Hanover Bluff State Natural Area (first or second season only) (6~~2~~)

Harry "Babe" Woodyard State Natural Area ~~(2)~~ (3) (6)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1) (6)

~~Hurricane Creek State Habitat Area~~

Iroquois County State Conservation Area (first season only) ~~(2)~~ (5) (6)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) ~~(2)~~ (5) (6)

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

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

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 20 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 − last 2 days of second season)

Kickapoo State Recreation Area (6~~2~~)

Kishwaukee River State Fish and Wildlife Area (first or second season only) (6)

Lake Shelbyville State Fish and Wildlife Area (must have valid permit for Lake Shelbyville Project Lands – Moultrie County) (6)

Lowden-Miller State Forest (first or second season only) (1) ~~(2)~~ (5) (6)

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

Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

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

Middle Fork State Fish and Wildlife Area (6~~2~~)

Mississippi Palisades State Park (first season only) (1) ~~(2)~~ (5) (6)

Momence Wetlands State Natural Area

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

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

Newton Lake State Fish and Wildlife Area (6)

Paul C. Burrus State Habitat Area (6)

Peabody River King State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Prairie Ridge State Natural Area (Jasper County)

Pyramid State Park ~~(2)~~ (3) (6)

Pyramid State Park – East Conant Unit (3) (6)

Pyramid State Park – Galum Unit (3) (6)

Rall Woods State Natural Area ~~(formerly Falling Down Prairie)~~ (first or second season only) (6~~2~~)

Ray Norbut State Fish and Wildlife Area (6~~2~~)

Revis Hill Prairie State Natural Area (2)

Sahara Woods State Fish and Wildlife Area (1) (6~~2~~)

Sand Ridge State Forest (2)

Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting season) (1) (6)

Siloam Springs State Park ~~(2)~~ (3) (6)

Spoon River State Forest (first or second season only) (1) (6~~2~~)

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

Tapley Woods State Natural Area (first or second season only) (6~~2~~)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (6~~2~~)

Weinberg-King State Park (6~~2~~)

Weinberg-King State Park – Scripps Unit (6~~2~~)

Weldon Springs State Park − Piatt County Unit (6)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only~~; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit~~) ~~(2)~~ (5) (6)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only~~; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit~~) ~~(2)~~ (5) (6)

Winston Tunnel State Natural Area (first or second season only) (6~~2~~)

Witkowsky State Wildlife Area (first or second season only) (6~~2~~)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3) (6)

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

(Source: Amended at 37 Ill. Reg. 14888, effective August 30, 2103)

Section 650.67 Special Hunts for Disabled Hunters

a) Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate site office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2)

Horseshoe Lake State Conservation Area (first Saturday and Sunday of November; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (1) (2) (5)

Jubilee College State Park (coincides with first firearm deer season; hunter safety course not required) (2) (5)

Jubilee College State Park (coincides with second firearm deer season; hunter safety course not required) (2) (5)

Rock Cut State Park (Thursday, Friday and~~,~~ Saturday~~ and Sunday~~ prior to the first statewide firearm deer season) (2) (5)

Starved Rock State Park (coincides with first firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

Starved Rock State Park (coincides with second firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be

issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14888, effective August 30, 2103)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3)

Section Numbers:	Adopted Action:
660.45	Amendment
660.60	Amendment

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

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6556

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 rulemakings pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close state-owned or –managed sites, and amend procedures at state sites.

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

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

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

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

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

33 Ill. Reg. 11555, effective July 27, 2009; amended at 34 Ill. Reg. 4824, effective March 19, 2010; amended at 35 Ill. Reg. 10728, effective June 23, 2011; amended at 36 Ill. Reg. 13436, effective August 10, 2012; amended at 37 Ill. Reg. 14913, effective August 30, 2013.

Section 660.45 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons

delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) In counties where Chronic Wasting Disease surveillance is occurring during the firearm deer season (17 Ill. Adm. Code 650.45(a)), successful hunters using their muzzleloading rifle deer permits during the second weekend of the firearm season may, at their option, register their harvest at a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. In this situation, the "head tag" portion of the permit will be retained at the check station, and a permanent harvest tag will be attached to the deer upon registration. Tagging requirements for deer delivered to taxidermists, meat processors, and tanners will be as described in 17 Ill. Adm. Code 650.45(a). Muzzleloader hunters required to report under this subsection, but who are unable to locate a harvested deer in sufficient time to report the harvest by 8:00 p.m., must report the harvest as described in subsection (a).

d) Site specific reporting requirements must be followed in addition to this Section.

e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14913, effective August 30, 2013)

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

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

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

c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (7).

e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (1) (7)

Big Grand Pierre Glade State Natural Area (1)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (7~~2~~)

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

Carlyle Lake State Fish and Wildlife ~~Management~~ Area except subimpoundment areas (7)

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

Chauncey Marsh State Natural Area (1) (7~~2~~)

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Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (7~~2~~)

Crawford County State Fish and Wildlife Area (1) (7~~2~~)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (7~~2~~)

Ferne Clyffe State Park (1) (2)

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

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

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (7~~2~~)

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

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

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

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

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (7~~2~~)

Mermet Lake State Conservation Area (1) (7~~2~~)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (7~~2~~)

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

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

sunset during duck season, statewide hours during remainder of the season) (1)

Oakford State Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (7~~2~~)

Pyramid State Park (4) (7)

Pyramid State Park − East Conant Unit (4) (7)

Ray Norbut State Fish and Wildlife Area (7~~2~~)

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

Saline County State Fish and Wildlife Area (1) (7~~2~~)

Sand Ridge State Forest (closed during second firearm deer season~~site issued permit required; must be returned by February 15~~) (7)

Sielbeck Forest State Natural Area (1) (7~~2~~)

Skinner Farm State Habitat Area (1) (7~~2~~)

Ten Mile Creek State Fish and Wildlife Area (1) (7); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (7~~2~~)

Weinberg-King State Park − Scripps Unit (7~~2~~)

Weinberg-King State Park – Spunky Bottoms Unit (7~~2~~)

Wildcat Hollow State Forest (1) (7)

Wise Ridge State Natural Area (1)

i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (7~~2~~)

Butterfield Trail State Recreation Area (closed during the second firearm deer season) (7~~2~~)

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

Castle Rock State Park (closed during second firearm season) ~~(2)~~ (6) (7)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (7~~2~~)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (7)

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

(1) (7~~2~~)

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

Hanover Bluff State Natural Area (closed during the second firearm deer season) (7~~2~~)

Hidden Springs State Forest (closed during second firearm deer season) (1) (7~~2~~)

Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season~~; site issued permit required, must be returned by February 15~~) (1) (4) (7)

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

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

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

Lake Shelbyville State Fish and Wildlife Area (closed during the second firearm deer season; antlerless-only; must have valid permit for Lake Shelbyville Project Lands – Moultrie County) (7)

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

only from designated parking lots) (1) (2) (6)

Rall Woods State Natural Area ~~(formerly Falling Down Prairie)~~ (closed during the second firearm deer season) (7~~2~~)

Sahara Woods State Fish and Wildlife Area (1) (7~~2~~)

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

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

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (7)

Spoon River State Forest (closed during second firearm deer season) (1) (7~~2~~)

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

Tapley Woods State Natural Area (closed during the second firearm deer season) (7~~2~~)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (7~~2~~)

Winston Tunnel State Natural Area (closed during the second firearm deer season) (7~~2~~)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (72)

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

(Source: Amended at 37 Ill. Reg. 14913, effective August 30, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3)

Section Numbers:	Adopted Action:
670.21	Amendment
670.30	Amendment
670.55	Amendment
670.60	Amendment

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

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6568

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

11) Differences between Proposal and Final Version:

In Section 670.21(e)(1), the period at the end has been changed to a ";".

In Section 670.21(f)(1), "County Recorder or" has been added before "County Clerk"

In Section 670.60(d), "a" has been added after "followed by".

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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 rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes, open and close state-owned or –managed sites and amend procedures at state sites.

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

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

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

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

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

effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009; amended at 34 Ill. Reg. 4839, effective March 19, 2010; amended at 35 Ill. Reg. 10739, effective June 23, 2011; amended at 36 Ill. Reg. 13450, effective August 10, 2012; amended at 37 Ill. Reg. 14926, effective August 30, 2013.

Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits

a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children and parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. ~~Hunting and mineral rights leases are not valid for a tenant permit.~~

c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. Non-resident Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners owning 40 acres or more for a combination permit for their property only shall be $210. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.

d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

e) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

1) Submittal of a copy of property deed, recorded/file stamped by the County Recorder or County Clerk;

2) Submittal of a copy of contract for deed, recorded/file stamped by the County Recorder or County Clerk;

3) Submittal of a copy of the most recent real estate tax statement for the property that identifies the property acreage (upon which the landowner's name appears as landowner or the person signing the application appears as landowner);

4) Submittal of a copy of a current Farm Service Agency 156EZ form; or

5) Submittal of a copy of a trust agreement that must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

f) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

1) A copy of a lease or a rental agreement, file stamped as recorded by the County Recorder or County Clerk, covering the current year. The agreement must contain the landowner's signature, tenant's signature, description of monetary consideration, specified period of the lease and acreage involved, and a statement that the lease is for agricultural

purposes; or

2) A copy of a current Farm Service Agency 156EZ form.

g) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit.

he) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, limited liability companies, trusts or partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands.

1) In addition:

A) Corporation applicants must submit a copy of ownership interest in a for-profit corporation with a fully-executed stock certificate,

articles of incorporation or~~,~~ corporate agreement~~, resolution or minutes~~;

B) limited liability company applicants must submit a copy of the limited liability company's articles of organization or the operating agreement;

C) limited partnerships, limited liability limited partners, and limited liability partnership applicants must submit a copy of the partnership agreement, certificate of partnership or statement of qualification; and

D) general partnership applicants must submit a copy of the partnership agreement.

2) These documents must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/ partners, and the cost to non-resident shareholders/members/beneficiaries shall be $210. Non-resident partners cannot receive permits under this subsection.

3) Bona fide equity shareholder means an individual who:

A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and

B) intends to retain the ownership of the shares of stock for at least 5 years.

4) Bona fide equity member means an individual who:

A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and

B) intends to retain the membership for at least 5 years.

5) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.

6) Bona fide equity partner means an individual who:

A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

i~~f~~) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner/shareholder/member/beneficiary/ partner archery permit after September 1 will not be guaranteed a permit by October 1.

j~~g~~) *For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre* [520 ILCS 5/2.26].

k~~h~~) Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 37 Ill. Reg. 14926, effective August 30, 2013)

Section 670.30 Statewide Legal Bow and Arrow

a) The only legal hunting devices to take, or attempt to take, deer are:

1) Vertical bows, limited to longbows, recurve bows or compound bows with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches. Any mechanical device capable of maintaining a drawn or partially drawn position on a vertical bow without the hunter exerting full string tension is illegal.~~a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable cutting surfaces, but they must be a minimum ⅞ inch in diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable cutting surfaces must be metal. All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal.~~

2) Crossbows, so long as one or more of the following conditions are met:

A) If the user is a person age 62 and older with a valid photo ID containing proof of age; or

B) If the user is a disabled person to whom the Department has issued a permit to use a crossbow as provided by 17 Ill. Adm. Code 760;

or

C) If the date is between the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive).

b) Broadheads must be used while archery deer hunting. Broadheads may have fixed or expandable cutting surfaces, but they must be a minimum ⅞ inch in diameter when fully opened. Broadheads with fixed cutting surfaces must be metal or flint-, chert- or obsidian-knapped; broadheads with expandable cutting surfaces must be metal.~~A crossbow device is illegal except as provided by Sections 2.25, 2.26 and 2.33jj of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33(jj)]. Crossbow standards may be found in 17 Ill. Adm. Code 760 – Disabled Hunting Method Authorizations. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.~~

c) Specifications for legal crossbows and bolts are contained in 17 Ill. Adm. Code 760.~~Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal.~~

d) All other hunting devices, including electronic arrow tracking devices utilizing radio telemetry, are illegal. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.

e) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum $500 and maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 37 Ill. Reg. 14926, effective August 30, 2013)

Section 670.55 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-

866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag, or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag (leg tag) with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site specific reporting requirements must be followed in addition to this Section.

d) Failure to follow this Section constitutes illegal possession of deer, which is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14926, effective August 30, 2013)

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

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2). Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (6).

e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may

be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

Alvah Borah State Habitat Area (6)

* Anderson Lake State Fish and Wildlife Area (2)

Apple River Canyon State Park – Thompson and Salem Units (6)

Argyle Lake State Park (1) (6~~2~~)

* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (6~~2~~)

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

Big Grand Pierre Glade State Natural Area (1)

Big River State Forest (1) (6~~2~~)

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

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

Butterfield Trail State Recreation Area (6~~2~~)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (6~~2~~)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

* Carlyle Lake Lands and Waters (Corps of Engineers managed lands – Jim Hawn and East Spillway Areas)

Carlyle Lake State Fish and Wildlife ~~Management~~ Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season) (6)

Castle Rock State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6~~2~~)

Cedar Glen State Natural Area (no hunting after December 15) (1) (6~~2~~)

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1) (6)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Coffeen Lake State Fish and Wildlife Area (6)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (6)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

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

Des Plaines State Conservation Area (no hunting is permitted Wednesday through Sunday of the site's permit pheasant season) (6)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (6~~2~~)

Dog Island State Wildlife Management Area (1) (6~~2~~)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4) (6)

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

Ferne Clyffe State Park (1) (2)

Finfrock State Habitat Area (October 1-31 only; eligible hunters required to obtain Clinton Lake State Recreation Area site hunting permit) (6)

Flag Pond State Natural Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

* Fort Kaskaskia State Historic Site (opens November 1) (2)

Fort Massac State Park (1) (6~~2~~)

Fox Ridge State Park (1) (6)

Franklin Creek State Natural Area (~~antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season;~~ submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6~~2~~)

French Bluff State Natural Area (6)

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

Giant City State Park (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season) (6)

Green River State Wildlife Area (1) (6~~2~~)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1) (6)

Hamilton County State Conservation Area (1) (6)

Hanover Bluff State Natural Area (6)

Harry "Babe" Woodyard State Natural Area (4) (6)

Henry Allen Gleason State Natural Area (6)

Hidden Springs State Forest (1) (6)

Hindsboro State Habitat Area (October 1 through October 31 only) (6)

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

Ilo Dillin State Habitat Area (hunting allowed during October only) (6~~2~~)

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

Jubilee College State Park (2)

Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt) (6)

Kaskaskia River State Fish and Wildlife Area (the State-owned portion of the defined waterfowl rest area is open until 2 weeks prior to the start of the regular duck season through the close of the regular duck and Canada goose seasons; no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road) (1) (2 – except south of Highway 154 and north of Highway 13)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kickapoo State Recreation Area (6)

Kidd Lake State Natural Area (1)

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

Kishwaukee River State Fish and Wildlife Area; submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease (6~~2~~)

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

Lincoln Trail State Park (November 1 through the end of statewide season) (2)

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

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

Lowden-Miller State Forest (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (1) (6~~2~~)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (6~~2~~)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (62)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only; no hunting after the first Thursday after January 10;) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (62)

Mautino State Fish and Wildlife Area (1) (6)

Maytown Pheasant Habitat Area (hunting allowed during October only) (62)

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

Meeker State Habitat Area (1) (6)

Mermet Lake State Conservation Area (1) (62)

Middle Fork State Fish and Wildlife Area (6)

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

Miller-Anderson Woods State Natural Area (2)

Mississippi Palisades State Park (closed during the first firearm deer season) (1) (6)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

~~Mississippi River Pool 16 (1)~~

~~Mississippi River Pools 17, 18 (1)~~

~~Mississippi River Pools 21, 22, 24 (1)~~

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

Momence Wetlands State Natural Area (1) (6)

Moraine View State Park (archery deer hunting closed Wednesday through Sunday during the controlled pheasant season) (1) (6)

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

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

Nauvoo State Park (Max Rowe Unit Only) (6)

Newton Lake State Fish and Wildlife Area (check deer at site office) (6)

Oakford State Conservation Area

Paul C. Burrus (formerly Hurricane Creek State Habitat Area) (hunter quotas filled by drawing) (6)

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

Pekin Lake State Fish and Wildlife Area (1) (6)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (6)

Prairie Ridge State Natural Area (1) (6)

Pyramid State Park (4)

Rall Woods State Natural Area (6)

Ramsey Lake State Park (1) (6)

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

Rauchfuss Hill State Recreation Area (1) (6~~2~~)

Ray Norbut State Fish and Wildlife Area (6~~2~~)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

* Red Hills State Park (1) (6~~2~~)

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

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

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

Revis Hill Prairie State Natural Area (6)

* Rice Lake State Fish and Wildlife Area (2)

* Rockton Bog State Natural Area (6)

Sahara Woods State Fish and Wildlife Area (portions of site closed until November 1) (6)

Saline County State Fish and Wildlife Area (1) (6~~2~~)

* Sam Dale Lake State Fish and Wildlife Area (1) (6)

* Sam Parr State Park (1) (2)

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

Sangamon County State Conservation Area (1)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1) (6)

Sand Ridge State Forest (6)

* Shabbona Lake State Park (submission of all deer heads within 48 hours after harvest on site is required to test for the presence of Chronic Wasting Disease) (6~~2~~)

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1) (6)

Sielbeck Forest State Natural Area (1) (6~~2~~)

Siloam Springs State Park (Fall Creek Unit) (6)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (4) (6)

* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season) (6)

* South Shore State Park (2)

Sparks Pond State Natural Area (6)

Spoon River State Forest (1) (6~~2~~)

* Spring Lake State Fish and Wildlife Area (1) (6)

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

* Stephen A. Forbes State Recreation Area (1) (6)

Tapley Woods State Natural Area (6)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1) (6); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

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

Walnut Point State Park~~Fish and Wildlife Area~~ (1) (6)

Wards Grove State Nature Preserve (closed during firearm deer hunting; antlerless deer only) (6)

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

Weinberg-King State Park (6~~2~~)

Weinberg-King State Park – Cecil White Unit (6)

Weinberg-King State Park − Scripps Unit (resident hunters only) (6~~2~~)

Weinberg-King State Park − Spunky Bottoms Unit (resident hunters only) (6~~2~~)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested) (6)

Whitefield Pheasant Habitat Area (hunting allowed during October only) (6~~2~~)

* White Pines Forest State Park (~~antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season;~~ hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (6~~2~~)

Wildcat Hollow State Forest (1) (6)

Willow Creek State Habitat Area (hunting permitted October 1-31) (1) (6)

Winston Tunnel State Natural Area (6)

Wise Ridge State Natural Area (1)

Witkowsky State Wildlife Area (opens October 15) (6)

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by DNR, contact Corps of Engineers, Lake Shelbyville office, for specific deer hunting policy) (4) (6)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (6~~2~~)

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

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

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

* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way; drawing for weekly hunter quotas will be held prior to the season; display windshield card while hunting; harvest report due to site by January 31, failure shall result in ineligibility to hunt at the site the following year) (1, starting October 15)

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

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

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

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

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

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

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

~~Alvah Borah State Habitat Area (1)~~

~~Apple River Canyon State Park – Thompson and Salem Units~~

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

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

~~Coffeen Lake State Fish and Wildlife Area~~

~~Copperhead Hollow State Wildlife Area (1)~~

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

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

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

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

~~Fox Ridge State Park (1)~~

~~French Bluff State Natural Area~~

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

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

~~Hamilton County State Conservation Area (1)~~

~~Hanover Bluff State Natural Area~~

~~Harry "Babe" Woodyard State Natural Area (4)~~

~~Henry Allan Gleason State Natural Area~~

~~Hidden Springs State Forest (1)~~

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

~~Kankakee River State Park (deer bow hunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt))~~

~~Kickapoo State Park~~

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

~~Mautino State Fish and Wildlife Area (1)~~

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

~~Middle Fork State Fish and Wildlife Area~~

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

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

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

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

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

~~Prairie Ridge State Natural Area (1)~~

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

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Pyramid State Park (4)

~~Rall Woods State Natural Area~~

~~Ramsey Lake State Park (1)~~

~~Revis Hill Prairie State Natural Area~~

* ~~Rockton Bog State Natural Area~~

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

* ~~Sam Dale Lake State Conservation Area (1)~~

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

~~Sand Ridge State Forest~~

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

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

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

~~*~~ ~~South Shore State Park~~

~~Sparks Pond State Natural Area~~

~~*~~ ~~Spring Lake State Fish and Wildlife Area (1)~~

~~*~~ ~~Stephen A. Forbes State Park (1)~~

~~Tapley Woods State Natural Area~~

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

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

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

~~Willow Creek State Habitat Area (hunting permitted October 1-31) (1)~~

~~Winston Tunnel State Natural Area~~

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

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

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

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) ~~(2)~~ (3) (6)

Iroquois County State Conservation Area (6~~2~~)

Johnson-Sauk Trail State Recreation Area ~~(hunters must obtain a free site-issued permit from the site office prior to hunting; permit must be in hunter's possession while hunting and returned by February 15 to the site office; failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year)~~ (1) (6~~2~~)

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

l) Statewide regulations shall apply at the following sites except that nonresident~~:1)Nonresident~~ hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be

publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

~~2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.~~

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4) (6)

* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4) (6)

Siloam Springs State Park ~~(2)~~ (4) (6)

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

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

taken) (62)

James Pate Philip State Park and Heron Woods State Habitat Area

Moraine Hills State Park (6)

Volo Bog State Natural Area (6)

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

(Source: Amended at 37 Ill. Reg. 14926, effective August 30, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Season for Disease Control

2) Code Citation: 17 Ill. Adm. Code 675

3)

Section Numbers:	Adopted Action:
675.10	Amendment
675.20	Amendment
675.50	Amendment
675.70	Amendment

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

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of proposal Published in the *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6599

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

11) Differences between Proposal and Final Version:

In Section 675.10(b), after "release", "and" has been added and "site posting" has been reinstated.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: This Part is being amended to make statewide program changes and amend procedures at state sites.

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

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 675
SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section
675.10 Chronic Wasting Disease (CWD) Season
675.20 CWD Deer Permit Requirements
675.30 Weapon Requirements for CWD Deer Hunting Season
675.40 CWD Deer Hunting Rules
675.50 Reporting Harvest
675.60 Rejection of Application/Revocation of Permits
675.70 Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008; amended at 33 Ill. Reg. 11593, effective July 27, 2009; amended at 35 Ill. Reg. 20583, effective December 9, 2011; amended at 37 Ill. Reg. 14960, effective August 30, 2013.

Section 675.10 Chronic Wasting Disease (CWD) Season

a) Season: One-half hour before sunrise on the first Thursday after December 25 to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

b) Open counties: Boone, McHenry, Winnebago, Stephenson, Ogle, LaSalle, JoDaviess, Grundy, Kendall and DeKalb counties and that portion of Kane

County west of State Route 47. Additional counties in which CWD foci are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release and~~,~~ site posting~~ and publication in Outdoor Illinois~~).

c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 37 Ill. Reg. 14960, effective August 30, 2013)

Section 675.20 CWD Deer Permit Requirements

a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (see Section 675.10(b)~~Boone, McHenry, DeKalb, Kane, Stephenson, Ogle, LaSalle, JoDaviess, Grundy or Winnebago~~) or a valid CWD Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:

A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or

B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.

2) Sites conducting a daily site lottery will be announced publicly.

b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of $5. These permits shall be antlerless-only.

c) For a Special Hunt Area CWD Season Deer Permit, resident hunters may apply online at www.dnr.illinois.gov~~http://www.dnr.state.il.us/admin/deer.htm~~ for a site-specific permit valid for one of the Department's Special Hunt Areas. The application period begins the last Tuesday in October and ends the fourth Monday in November. Permits will be allocated via a lottery drawing. The fee for this permit is $17.50. These permits shall be antlerless-only.

d) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

e) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.

f) A $3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

g) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14960, effective August 30, 2013)

Section 675.50 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the

confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances in which deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site-specific reporting requirements must be followed in addition to this Section.

d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14960, effective August 30, 2013)

Section 675.70 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sites will be opened to the CWD Deer Hunting Season only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up than can be accommodated at sites announced as having a daily hunter quota (e.g., press release and/or~~,~~ site posting~~ and publication in Outdoor Illinois~~). Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14960, effective August 30, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Late-Winter Deer Hunting Season

2) Code Citation: 17 Ill. Adm. Code 680

3)

Section Numbers:	Adopted Action:
680.10	Amendment
680.20	Amendment
680.50	Amendment
680.60	Amendment
680.80	Amendment

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

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 17, 2013; 37 Ill. Reg. 6606

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 rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to make statewide program changes.

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

Julia Lawrence, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.25 Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30 Deer Permit Requirements – Group Hunt (Repealed)
680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008; amended at 33 Ill. Reg. 11601, effective July 27, 2009; amended at 34 Ill. Reg. 16518, effective October 8, 2010; amended at 35 Ill. Reg. 15242, effective September 2, 2011; amended at 37 Ill. Reg. 14967, effective August 30, 2013.

Section 680.10 Statewide Season

a) Season: One-half hour before sunrise on the first Thursday after December 25 to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearm deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement.

~~c) Counties opened to the Late-Winter Deer Season shall be categorized into two groups:~~

~~1) Unit A = consisting of counties with deer populations considerably above goal that require a significant harvest increase; and~~

~~2) Unit B = consisting of counties requiring less significant harvests to maintain or achieve deer population goals.~~

c)~~d)~~ Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 37 Ill. Reg. 14967, effective August 30, 2013)

Section 680.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have an unfilled deer permit valid for the previous firearm~~a current, valid Late-Winter Deer Season Permit ($17.50), or an unfilled firearm, muzzleloader or youth deer permit valid for the previous firearm~~, muzzleloader or youth deer season and valid for one of the open counties or a valid Late-Winter Deer Season permit ($17.50). Nonresident hunters must have an unfilled ~~firearm or muzzleloader~~ deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:

A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or

B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.

2) Sites conducting a daily site lottery will be announced publicly.

b) Resident Late-Winter Deer Permits will be available for sale over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the second Tuesday in December through the last day of the Late-Winter Deer Season. There shall be no limitation on permit sales; resident hunters may purchase as many permits as they wish for any or all of the included counties.~~For counties in Unit A, there shall be no limitation on permit sales; hunters may purchase as many permits as they wish for any or all of the included counties. For counties in Unit B, hunters may purchase only a single permit for~~

~~each of the included counties.~~

c) For a Special Hunt Area permit, resident hunters may apply online at www.dnr.illinois.gov~~http://www.dnr.state.il.us/admin/deer.htm~~ for a site-specific permit valid for one of the Department's Special Hunt Areas. The application period begins the last Tuesday in October and ends the fourth Monday in November. Permits will be allocated via a lottery drawing.

d) For the applicant to be eligible to receive a Late-Winter Deer Permit ($17.50), he/she must be an Illinois resident and not have had his/her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

e) Hunters purchasing Late-Winter Deer Permits must supply all necessary application information to the agents in order to properly complete the permit.

f) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

g) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit.

h) A $3 service fee shall be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14967, effective August 30, 2013)

Section 680.50 Statewide Deer Hunting Rules

a) The bag limit is one antlerless deer per legally authorized permit. Persons using unfilled permits from the previous firearm, muzzleloader or youth deer season (see Section 680.20(a))~~Persons using an unfilled firearm or muzzleloader deer~~

~~permit valid for the previous firearm or muzzleloader deer season (including landowner permits)~~ may only harvest antlerless deer even when using an either-sex permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.

b) The harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the harvest tag to the deer in the manner prescribed in Section 680.60 and on the permit.

c) Hunters shall not have in their possession, while in the field during the Late-Winter deer season, any deer permit issued to another person (permits are non-transferrable).

d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.

e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 37 Ill. Reg. 14967, effective August 30, 2013)

Section 680.60 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at www.dnr.illinois.gov~~http://dnr.state.il.us/vcheck~~. They will be provided with a confirmation number to verify that they checked in their harvest. This number

must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:

1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site specific reporting requirements must be followed in addition to this Section.

d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14967, effective August 30, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up than can be accommodated at sites announced as having a daily site lottery (e.g., press release and/or~~,~~ site posting~~ and publication in Outdoor Illinois~~). Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 37 Ill. Reg. 14967, effective August 30, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Injurious Species

2) Code Citation: 17 Ill. Adm. Code 805

3)

Section Numbers:	Adopted Action:
805.10	Amendment
805.20	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22]

5) Effective Date of Rulemaking: August 30, 2013

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 all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: June 7, 2013; 37 Ill. Reg. 7706

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 rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to include a list of

injurious plants to further safeguard natural resources within Illinois. Adding these injurious plants clarifies the rules and regulations and empowers enforcement to prevent the spread of the most dangerous plants into and within the State.

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 805
INJURIOUS SPECIES

Section
805.10 Definition
805.20 Listing of Injurious Species
805.30 Unlawful Acts
805.40 Permits
805.50 Penalties

AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 29 Ill. Reg. 2280, effective May 1, 2005; amended at 37 Ill. Reg. 14976, effective August 30, 2013.

Section 805.10 Definition

Injurious Species are defined as those species listed in 50 CFR 16.11-15; except fish, eggs, or gametes of the family Salmonidae; and any other species as listed in this Part, based upon the potential threat to indigenous wildlife, aquatic life, or the habitat. For the purposes of this Part, Injurious Species shall include any live specimens, progeny thereof, viable eggs, ~~or~~ gametes, seeds, reproductive structures (e.g., turions/tubers), or plant fragments.

(Source: Amended at 37 Ill. Reg. 14976, effective August 30, 2013)

Section 805.20 Listing of Injurious Species

a) Wild Mammals

*Flying fox or fruit bat of the genus Pteropus

*Mongoose or meerkat of the genera Atilax, Cynictis, Helogale, Heroestes

*Ichneumia, Munzos, and Suricata

*Any species of European rabbit of the genus Oryctolagus

*Any species of Indian wild dog, red dog, or dhole of the genus Cuon

*Any species of multimammate rat or mouse of the genus Mastomys

*Raccoon dog, Nyctereutes procyonoides

b) Wild Birds

*Pink starling or rosy pastor, Sturnus roseus

*Dioch, Quelea quelea, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, Padda oryzivora

*Red-whiskered bul-bul, Pycnonotus jocosus

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera Channa and Parachanna, and others of the family Channidae)

*Fish or viable eggs of the walking catfish, Clariidae family

*Mollusks, veligers or viable eggs of zebra mussels, genus Dreissena

*Crustaceans or viable eggs of mitten crabs, genus Eriocheir

River ruffe (Gymnocephalus cernuus)

Silver carp (Hypophthalmichthys molitrix)

Bighead carp (Hypophthalmichthys nobilis)

*Black carp (Mylopharyngodon piceus)

Gobies (round, tubenose) (Neogobius melanostomus, Proterorhinus marmoratus)

Rusty crayfish (Orconectes rusticus). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (Scardinius erythrophthalmus)

d) Plants

Mosquito fern (Azolla pinnata)

Flowering rush (Butomus umbellatus)

Caulerpa or Mediterranean killer algae (Caulerpa taxifolia)

Brazilian elodea, Brazilian waterweed, Anacharis or Egeria (Egeria densa)

Anchored water hyacinth (Eichhornia azurea)

Hydrilla or water thyme (Hydrilla verticillata)

European frogbit or common frogbit (Hydrocharis morsus-ranae)

Miramar weed, Indiana swampweed or hygro (Hygrophilia polysperma)

Chinese waterspinach or swamp morning-glory (Ipomoea aquatic)

Yellow flag iris or tall yellow iris (Iris pseudacorus)

Oxygen weed or African elodea (Lagarosiphon major)

Asian marshweed or ambulia (Limnophila sessiliflora)

Monochoria, arrowleaf, or false pickerelweed (Monochoria hastata)

Heartshape or false pickerelweed (Monochoria vaginalis)

Parrot feather or parrot feather watermilfoil (Myriophyllum aquaticum)

Eurasian watermilfoil (Myriophyllum spicatum)

Brittle naiad or brittle water nymph (Najas minor)

Yellow floating heart (Nymphoides peltata)

Duck lettuce (Ottelia alismoides)

Curlyleaf pondweed (Potamogeton crispus)

Arrowhead (Sagittaria sagittifolia)

Giant salvinia (Salvinia auriculata)

Giant salvinia (Salvinia biloba)

Giant salvinia (Salvinia herzogii)

Giant salvinia (Salvinia molesta)

Exotic bur-reed (Sparganium erectum)

Water chestnut (Trapa natans)

e) Amphibians

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None

f~~e~~) Reptiles

*Specimens or eggs of the brown tree snake, Boiga irregularis

NOTE: Species noted by an asterisk (*) are federally listed.

(Source: Amended at 37 Ill. Reg. 14976, effective August 30, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Vital Records Code

2) Code Citation: 77 Ill. Adm. Code 500

3)

Section Numbers:	Adopted Action:
500.10	Amended
500.15	New
500.25	New

4) Statutory Authority: Vital Records Act [410 ILCS 535], Gestational Surrogacy Act [750 ILCS 47], and the Illinois Parentage Act of 1984 [750 ILCS 45]

5) Effective Date of Rulemaking: August 28, 2013

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 Proposed Rulemaking published in the *Illinois Register*: April 26, 2013; 37 Ill. Reg. 5298

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

11) Difference between Proposal and Final Version: No comments were received during the first notice period and no changes were made.

The following changes were made in response to comments and suggestions of JCAR:

In Section 500.10, the definition of "Adoption Act" was stricken.

In Section 500.25(m), "or if she is the biological mother of the child" was deleted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF PUBLIC HEALTH

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

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

15) Summary and Purpose of Rulemaking: Rules were needed for gestational surrogacy births to ensure the establishment of a parent-child relationship between a child and his or her intended parents when the child is being carried by a gestational surrogate prior to the birth of the child, and to ensure that the intended parents' names, irrespective of gender or marital/civil union status, are entered on the child's birth record. The Definitions Section is being amended to include definitions from the Gestational Surrogacy Act. A Referenced Materials Section is being added to the rules. A new Section 500.25 (Gestational Surrogacy births) is being added to set forth requirements for a process for establishing a parent-child relationship prior to the birth of the child between a child and his or her intended when the child is being carried by a gestational surrogate.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER e: VITAL RECORDS

PART 500
ILLINOIS VITAL RECORDS CODE

Section

500.10 Definitions
500.15 Referenced Materials
500.20 Access to Vital Records
500.25 Gestational Surrogacy Births
500.30 Delayed Records of Birth
500.40 Amendments, Additions or Corrections to Vital Records
500.43 Amendments to Birth Records Following Gender Re-assignment
500.45 New Certificates of Birth
500.47 Illinois Adoption Registry and Information Exchange
500.50 Transportation and Disposition of Dead Human Body
500.60 Court Order to Restore Original Certificate of Birth
500.70 Availability of Medical and Health Information
500.80 Appointment and Removal of Local Registrars
500.90 Social Security Numbers of the Mother and Father of an Infant

500.APPENDIX A Birth Records
500.ILLUSTRATION A Certificate of Live Birth
500.ILLUSTRATION B Information For Medical and Health Use Only
500.ILLUSTRATION C Record of a Foreign Birth
500.ILLUSTRATION D Certificate of Birth – Foundling Child
500.ILLUSTRATION E Application for Search of Birth Record Files
500.ILLUSTRATION F Application for Correction of a Birth Certificate
500.APPENDIX B Delayed Birth Records
500.ILLUSTRATION A Instructions for Filing a Delayed Record of Birth for a Child Age One to Seven Years
500.ILLUSTRATION B Delayed Record of Birth
500.ILLUSTRATION C Filing a Delayed Record of Birth After the Seventh Birthday
500.ILLUSTRATION D Application for Delayed Record of Birth

500.ILLUSTRATION E Delayed Record of Birth (Registered After Seventh Birthday)
500.ILLUSTRATION F Affidavit in Support of an Application for a Delayed Registration of Birth
500.APPENDIX C Marriage Application and Record
500.APPENDIX D Certificate of Dissolution, Invalidity of Marriage or Legal Separation
500.APPENDIX E Adoption Records
500.ILLUSTRATION A Certificate of Adoption
500.ILLUSTRATION B Information Concerning Adoptive Parents
500.ILLUSTRATION C Information Concerning Parents
500.ILLUSTRATION D Instructions for Adoption Registry Forms
500.ILLUSTRATION E Birth Parent Registration Identification Form
500.ILLUSTRATION F Instructions for Adoptee Registration (Repealed)
500.ILLUSTRATION G Adopted Person Registration Identification Form
500.ILLUSTRATION H Information Exchange Authorization Form
500.ILLUSTRATION I Denial of Information Exchange Form
500.ILLUSTRATION J Instructions for Applying for a New Birth Certificate for a Legitimated Child
500.ILLUSTRATION K Surrendered Person Registration Identification Form
500.ILLUSTRATION L Non-surrendered Birth Sibling Registration
500.ILLUSTRATION M Adoptive Parent Registration Identification Form
500.ILLUSTRATION N Legal Guardian Registration Identification Form
500.ILLUSTRATION O Adoption Registry Application Form
500.ILLUSTRATION P Medical Questionnaire Form
500.APPENDIX F Death Records
500.ILLUSTRATION A Certificate of Fetal Death
500.ILLUSTRATION B Medical Examiner's – Coroner's Certificate of Death
500.ILLUSTRATION C Medical Certificate of Death
500.ILLUSTRATION D Application for Search of Death Record Files
500.ILLUSTRATION E Corrected Cause of Death Certification
500.ILLUSTRATION F Application for Correction of a Death Certificate
500.APPENDIX G Death Records
500.ILLUSTRATION A Report of Death
500.ILLUSTRATION B Necropsy (NEC)1
500.ILLUSTRATION C Permit for Disposition of Dead Human Body
500.ILLUSTRATION D Coroner's or Medical Examiner's Permit to Cremate a Dead Human Body

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500.ILLUSTRATION E Application for Disinterment – Reinterment Permit
500.APPENDIX H Affidavits
500.ILLUSTRATION A Affidavit by Mother
500.ILLUSTRATION B Affidavit by Father
500.ILLUSTRATION C Affidavit and Certificate of Correction
500.ILLUSTRATION D Abstract of a Record
500.APPENDIX I Subregistrar's Appointment Blank

AUTHORITY: Implementing and authorized by the Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224.

SOURCE: Amended April 7, 1976, effective May 1, 1976; amended at 6 Ill. Reg. 3880, effective March 29, 1982; codified at 8 Ill. Reg. 8917; emergency amendment at 15 Ill. Reg. 3593, effective February 20, 1991, for a maximum of 150 days; emergency expired July 22, 1991; amended at 15 Ill. Reg. 11706, effective August 1, 1991; emergency amendment at 24 Ill. Reg. 3885, effective February 25, 2000, for a maximum of 150 days; emergency expired July 24, 2000; amended at 24 Ill. Reg. 11882, effective July 26, 2000; amended at 35 Ill. Reg. 16682, effective October 3, 2011; amended at 37 Ill. Reg. 12555, effective July 19, 2013; amended at 37 Ill. Reg. 14983, effective August 28, 2013.

Section 500.10 Definitions

"Act" means the Vital Records Act~~ [410 ILCS 535]~~.

~~"Adoption Act" refers to the Act located at 750 ILCS 50.~~

"Affiant" means the person signing the correction form.

"Certificate" means an officially registered Certificate of Live Birth, Delayed Record of Birth, Medical Death, Medical Examiner's/Coroner's Death, or Fetal Death (Stillbirth).

"Certified court order", "court order", "appropriate court order", and "court determination" mean an order entered by a court of competent jurisdiction that~~jurisidiction which order~~ is certified by the clerk of the court and~~,~~ dated, and that~~which order~~ includes the full information required by the State Registrar to

amend, correct, replace, impound, open~~,~~ or create a vital record without reference to any other document.

"Correction" means the administrative correction or amendment of a certificate to reflect the correct information at items where incorrect information has originally been entered; or the addition of correct information for items previously omitted from the certificate. "Correction" does not mean to enter on the certificate facts different from those which existed at the time of the event.

"Correction form" means the standard correction form~~,~~ "Affidavit and Certificate of Correction~~,~~" prescribed by the State Registrar.

"Court of competent jurisdiction" means any Circuit Court in Illinois, any United States District Court, any equivalent court in any state or United States territory, any tribal court of any of the Indian Nations located within the United States, and any appellate level court in the United States. "Court of competent jurisdiction" does not include any administrative body or tribunal without general trial jurisdiction.

"Custodian" means the State Registrar of Vital Records, local registrars~~,~~ or county clerks.

"Delayed birth registration" means the registration of any birth that was not registered within 3 days after the event and includes:

the registration of a birth that occurred more than 3 days, but less than one year prior to the application for registration;

the registration of a birth that occurred more than one year, but less than 7 years prior to the application for registration; and

the registration of a birth that occurred more than 7 years prior to the application for registration.

"Department" means the Illinois Department of Public Health.

"Final disposition" means the burial, cremation, or other disposition of a dead

human body, fetus, or parts of a dead human body or fetus, including depositing in a vault or tomb, removal from the State, or use by a hospital or other institution for medical or scientific study in accordance with the Cadaver Act ~~[410 ILCS 510]~~ (and Section 8 of the Uniform Anatomical Gift Act ~~[755 ILCS 50/8]~~.

"Funeral director or person acting as such" means a person licensed in the State of Illinois to practice funeral directing, or a person acting under the direction or supervision of an Illinois licensed funeral director as an employee or an associate of the funeral director.

"Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created through in vitro fertilization using the gamete or gametes of at least one of the intended parents and to which the gestational surrogate has made no genetic contribution. (Section 10 of the Gestational Surrogacy Act)

"Gestational surrogacy contract" means a written agreement regarding gestational surrogacy. (Section 10 of the Gestational Surrogacy Act)

"Gestational surrogate" means a woman who agrees to engage in a gestational surrogacy. (Section 10 of the Gestational Surrogacy Act)

"Intended parent" means a person or persons who enter into a gestational surrogacy contract with a gestational surrogate pursuant to which he or she will be the legal parent of the resulting child. (Section 10 of the Gestational Surrogacy Act) The intended parent or parents can be married, in a civil union or single.

"Legal representative" refers to:

an attorney acting on behalf of a person or persons~~person(s)~~ named on a birth certificate;

an agent authorized by power of attorney;

a court-appointed personal representative;

an agent with written, notarized authorization from a person or persons~~person(s)~~ named on a birth certificate for the purpose of obtaining a certified copy for that person; or

any other agent, approved by the State Registrar as a legal representative of the person to whom the birth certificate relates.

"Major correction" includes, but is not limited to, any administrative correction made more than one year after the date of the occurrence, or an administrative correction made within one year after~~of~~ the date of the occurrence relating to these items (except as provided in Section 500.40(f)(3)(D)~~ of this Part~~):

significant changes in the surname of the registered person;

on births, changes in the date or place of the occurrence;

the parent's age or ages~~parent(s) age(s)~~, if changed more than 2 years;

changes in the cause of death;

the identity of the parent or parents~~parent(s)~~ on the birth certificate;

changes in marital status; ~~or~~

the birthdate and/or age of the decedent on a death certificate; or~~,~~

other like circumstances.

Any other item corrected within one year after the occurrence is considered a "minor correction~~.~~".

"Minor correction" means any administrative correction made within one year after~~of~~ the occurrence not meeting the criteria of a major correction.

"Personal services contract" means a contract between a unit of the State or local government body and an individual or a firm for the provision of services to the unit of the State or local government.

"State Registrar" means the State Registrar of Vital Records.

(Source: Amended at 37 Ill. Reg. 14983, effective August 28, 2013)

Section 500.15 Referenced Materials

The following Illinois statutes and administrative rules are referenced in this Part:

a) Freedom of Information Act [5 ILCS 140]

b) State Records Act [5 ILCS 160]

c) Cadaver Act [410 ILCS 510]

d) Vital Records Act [410 ILCS 535]

e) Article 8, Part 21 of the Code of Civil Procedure [735 ILCS 5/Art. 8, Part 21]

f) Illinois Parentage Act of 1984 [750 ILCS 45]

g) Gestational Surrogacy Act [750 ILCS 47]

h) Adoption Act [750 ILCS 50]

i) Uniform Anatomical Gift Act [755 ILCS 50]

j) Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127)

(Source: Added at 37 Ill. Reg. 14983, effective August 28, 2013)

Section 500.25 Gestational Surrogacy Births

a) A process for establishing a parent-child relationship between a child and his or her intended parent or parents when the child is being carried by a gestational surrogate shall be completed prior to the birth of the child in accordance with

Section 12 of the Vital Records Act, Section 6 of the Illinois Parentage Act of 1984, and the Gestational Surrogacy Act.

b) At least one of the intended parents/co-parents must be the biological parent (egg or sperm donor) of the child being carried by the gestational surrogate.

c) The name or names of the intended parent or parents, irrespective of gender or marital/civil union status, shall be entered on the child's birth record so long as the intended parent is a party to, or both intended parents are parties to, an otherwise lawful gestational surrogacy contract.

d) The names of the gestational surrogate and the gestational surrogate's husband/civil union partner, if any, are not placed on the child's birth certificate.

e) All parties and spouses/partners involved in the surrogate arrangement must sign certified statements consenting to the establishment of the child's parentage (see Appendix J).

f) *A physician licensed to practice medicine in all its branches in the State of Illinois* must sign a certified statement *that the child being carried by the gestational surrogate is the child of the intended* parent/co-parent or parents/co-parents *and that neither the gestational surrogate nor the gestational surrogate's husband*/civil union partner*, if any, is a biological parent of the child being carried by the gestational surrogate.* (Section 6(a) of the Illinois Parentage Act of 1984)

g) *The attorneys* representing *the intended* parent/co-parent or parents/co-parents *and the gestational surrogate* and her husband/civil union partner, if any, must each sign a separate certified statement *that the parties* have signed *a gestational surrogacy contract and that this contract satisfies the requirements of Section 25 of the Gestational Surrogacy Act.* (Section 6(a) of the Illinois Parentage Act of 1984)

h) The certified statements must be on forms prescribed by the Department and executed prior to the birth of the child (see Appendix J).

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i) The certified statement must be witnessed by two competent adults age 18 or older who are not the parties and spouses/civil union partners involved in the surrogate arrangement.

j) The original certified statements, not photocopies, must be delivered to the director of medical records in the hospital of planned delivery prior to the birth of the child. These original statements are to be *placed in the medical record of the gestational surrogate.* (Section 6(a) of the Illinois Parentage Act of 1984)

k) If a surrogate birth occurs in an Illinois hospital other than the hospital planned for the delivery, the person preparing the birth certificate must be advised of the existence of the surrogate parentage statements. The birth record preparer should immediately contact the Department's Division of Vital Records, or the hospital where the birth was planned, for a copy of the surrogate parentage statements and also request that the original surrogate parentage statements be forwarded to the delivering hospital for inclusion in its medical records files.

l) A photocopy of all of the certified statements shall be filed, at no charge, with the Department's Division of Vital Records prior to the birth of the child at the following address:

Illinois Department of Public Health
Division of Vital Records
925 East Ridgely Ave.
Springfield IL 62702-2737

m) The Gestational Surrogacy Act does not apply if the gestational surrogate delivers the child outside of Illinois.

(Source: Added at 37 Ill. Reg. 14983, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Private Sewage Disposal Code

2) Code Citation: 77 Ill. Adm. Code 905

3)

Section Numbers:	Adopted Action:
905.10	Amended
905.15	Amended
905.20	Amended
905.30	Amended
905.40	Amended
905.50	Amended
905.55	Amended
905.60	Amended
905.70	Amended
905.80	Amended
905.90	Amended
905.95	Amended
905.96	Amended
905.100	Amended
905.110	Amended
905.115	New
905.120	Amended
905.125	Amended
905.130	Amended
905.135	New
905.140	Amended
905.180	Amended
905.190	Amended
905.200	Amended
905.205	Amended
905.Appendix A.Illustration C	Amended
905.Appendix A.Illustration D	Amended
905.Appendix A.Illustration I.Exhibit D	Amended
905.Appendix A.Illustration I.Exhibit E	Amended
905.Appendix A.Illustration J.Exhibit C	Amended
905.Appendix A. Illustration J.Exhibit D	Amended
905.Appendix A.Illustration L.Exhibit C	Amended

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905.Appendix A.Illustration M.Exhibit A	Amended
905.Appendix A.Illustration M.Exhibit B	Amended
905.Appendix A.Illustration N.Exhibit A	Amended
905.Appendix A.Illustration N.Exhibit B	Amended
905.Appendix A.Illustration N.Exhibit C	Amended
905.Appendix B	Amended

4) Statutory Authority: Private Sewage Disposal Licensing Act [225 ILCS 225]

5) Effective Date of Rulemaking: August 28, 2013

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

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed Rulemaking published in the *Illinois Register*: November 9; 2012; 36 Ill. Reg.15940

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

11) Differences between Proposal and Final Version: The following changes were made in response to comments received during the first notice or public comment period:

In Section 905.10, definition of "Common Area", "Area" was deleted and "Property" was added. (This definition was relocated to follow "Common Collector".)

In Section 905.10, the definition of "Person" was deleted.

In Section 905.20(b0(1), the comma after "drains" was deleted and "or" was added; "or clear water discharges" was deleted.

In Section 905.20(b)(3)(C), "shall" was deleted and the strikeout was removed from "may".

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In Section 905.20(b)(4), "an approved treatment or disposal system that is regulated and approved by the State or to" was added after discharged to".

In Section 905.20(j)(3), "property owner and private sewage disposal system installation contractor shall ensure that the" was inserted after "The" in the first sentence of the new language; in the second sentence of new language, "or licensed" was deleted and "and private sewage disposal system installation" was added.

In Section 905.20(q)(2), "These records shall be transferred from owner to owner. Records shall be kept for the life of the system." was added after "agent.".

In Section 906.60(g)(1)(A)(i), "without any pre-treatment process capable of meeting this Part" was added after "tank.".

In Section905.115, "where effluent enters into the Waters of the United States" was added after "systems".

In Section 905.120(g), "effluent reduction trenches are used" was deleted and "the private sewage disposal system incorporates a discharge to a subsurface seepage system as a method to reduce the amount of effluent at the discharge point" was added.

In Section 905.135(n)(3))A), "or" was deleted and "and" was added.

In Section 905.135(o), "prosecution" was deleted and "a fine, civil penalty" was added.

In Section 905.205(a)(2)(B), ", any violation of Section 905.135 of this Part" was added after "plan".

The following changes were made in response to comments and suggestions of JCAR:

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In Section 905.15(b)(3), "Standard" was added after "Transportation".

In Section 905.20(q)(2), "its agent" was changed to "Local Authority".

In Section 905.30(b), the following was added after the period: "This list will be available at http://www.idph.state.il.us/envhealth/prisewage.htm.".

In Section 905.30(c), "not listed under this Part" was added after "components".

In Section 905.140(a)(1), "Site" was change to "Where site"; "such as type of soil, water table, terrain, lack of size or other conditions" was added after "conditions"; "by" was changed to "for".

In addition, various typographical, grammatical, and form changes were made in response to the comments from JCAR.

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 rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to each Section are as follows:

Section 905.10 – Provides new definitions and clarification to existing definitions.

Section 905.15 – Provides additional references and updates to standards and guides for the design and performance of private sewage disposal systems.

Section 905.20 – Provides updates and clarification on prohibited influent, water softeners, pipe sizing, electrical devices and alarms. Provides site restrictions for areas to be used for a subsurface seepage component of a private sewage disposal system.

Section 905.30 – Provides the addition of subsurface drip irrigation system technologies approved by the Department and a list of approved technologies. It removes the mound code as an approved technology.

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Section 905.40 – Incorporates NSF Standard 46 requirements for filters and provides grammatical updates and clarification.

Section 905.50 – Provides amendments for the use of a NSF Standard 40 private sewage disposal system and pretreatment devices.

Section 905.55 – Provides amendments for the use of soil investigations for determining soil suitability on a site and restrictions on percolation tests; soil identification for determining the size and type of private sewage disposal system to be used.

Section 905.60 – Provides amendments on using soil information to size a subsurface seepage system, evaluation of a site, use of artificial drains, addition of subsurface drip irrigation systems and clarifications.

Section 905.100 – Provides amendments for maintaining a list of NSF approved systems and components.

Section 905.110 – Provides language for compliance for surface discharging private sewage disposal system with an NPDES permit, limitations on common collectors, discharges to a 2/3 size subsurface seepage field and effluent limitations.

Section 905.115 – Provides language for the compliance with an NPDES permit when one is required.

Section 905.120 – Provides amendments that all surface discharges be disinfected, NSF Standard 46 compliant and location of disinfection devices.

Section 905.130 – Provides for the abandonment of privies, removal of portable toilet language and provides grammatical updates and clarifications.

Section 905.135 – Provides an additional Section for portable toilet regulations covering use, design, cleaning, transporting, licensing a business and certifying individuals.

Section 905.140 – Provides amendments on when a holding tank can be used as well as grammatical updates and clarifications.

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Section 905.180 – Provides amendments to fees for exam, lowers the required minimum test score to pass, consequences if an individual fails to attend an exam and a regulator exemption with requirements.

Section 905.190 – Provides amendments acknowledging by signature the requirements of maintenance for a private sewage disposal system and grammatical updates and clarifications.

Section 905.200 – Provides amendments to fees for licenses, addition of portable toilet license and certificate requirements.

Section 905.Appendix A, Illustation C – Provides updates to ASTM standards.

Section 905.Appendix A, Illustation D – Provides amendments to vertical separation distances for discharging points and Class V systems.
Section 905.Appendix A, Illustation I, Exhibit E – Provides amendments on the limitations of the design of chamber systems in a subsurface seepage system.

Appendices are updated and clarified.

Sections 905.70, 905.80, 905.90, 905.95, 905.96, 905.125 and 905.205 – Provides grammatical updates and clarifications.

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

Susan Meister
Division of Legal Services
Department of Public Health
535 West Jefferson, 5th Floor
Springfield, Illinois 62761

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 905
PRIVATE SEWAGE DISPOSAL CODE

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DEPARTMENT OF PUBLIC HEALTH

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AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended at 10 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg. 2431, effective March 15, 1996; amended at 23 Ill. Reg. 5080, effective April 10, 1999; amended at 27 Ill. Reg. 3074, effective February 10, 2003; amended at 37 Ill. Reg. 14994, effective August 28, 2013.

Section 905.10 Definitions

In addition to the definitions contained in the Private Sewage Disposal Licensing Act [225 ILCS 225], the following definitions shall apply:

"Act" means the Private Sewage Disposal Licensing Act [225 ILCS 225].

"Aerobic Treatment Plant" means equipment or devices for the treatment of sewage by the forced addition of air or oxygen.

"Ag~~.~~ Experiment Station" means the University of Illinois at Urbana-Champaign Agricultural Experiment Station.

"Approved" or "Approval" means accepted by or acceptable to the Department or local authority.

"Approved Certification Agency" means an organization that has been accredited by the American National Standards Institute (ANSI) and has been found to meet the requirements specified in the International Organization for Standardization (ISO)/International Electrotechnical Commission Guide 65 to evaluate wastewater treatment units and components for compliance with National Sanitation Foundation (NSF) International/ANSI Standards.

~~"ASTM" means the American Society for Testing and Materials.~~

"Building Drain" means that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer. The building drain's developed length terminates 5 feet outside the building foundation wall.

"Building Sewer" means that part of the horizontal piping of a drainage system that~~which~~ extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sanitary sewer or~~,~~ private~~ sewer, individual~~ sewage disposal system~~, or other point of disposal~~. The building sewer commences 5 feet outside the building foundation wall.

"Clear Water" means cooling water and condensate water from refrigeration or air conditioning equipment, cooled condensate from steam heating systems and sub-soil drainage.

"Common Collector" means an underground~~,~~ enclosed conduit designed to carry treated sewage effluent exclusive of storm water and that serves more than one property. ~~stormwater from 3 or fewer properties provided the combined treated sewage effluent is less than 1500 gallons per day and has a surface discharge. An example of a common collector is a solid plastic pipe installed to carry treated sewage effluent from 2 or 3 discharging systems with a combined design flow of less than 1500 gallons per day. Examples of what is not a common collector are road ditches, field ditches, curbs and gutters, grassed waterways, concrete or other lined drainage ways.~~

"Common Property" means the property that is used by all owners or tenants for a private sewage disposal system.

"Component" means an integral part of a private sewage disposal system that is necessary for the satisfactory design, construction and operation of the system.

"Discharge Point" means the point at which treated effluent discharges from an approved private sewage disposal system, which is compliant with Section 905.110(a).

"Domestic Sewage" means waste water derived principally from dwellings, business or office buildings, institutions, food service establishments and similar facilities.

"Effective Size" means the size of screen opening where 90 percent by weight of a sample of filter media is retained on the screen and 10 percent passes through the screen.

"Effluent" means treated or partially treated liquid discharged from a private sewage disposal system or a component.

"Estimated Seasonal High Water Table" means the highest level to which the soil is saturated, as determined by direct observation or as may be determined by a Soil Classifier examining additional information.

"Gravelless Seepage System" means the use of approved perforated 8-inch or 10-inch diameter~~,~~ filter-wrapped~~,~~ plastic pipe~~,~~ in lieu of 4-inch pipe and gravel, in subsurface fields and serial distribution systems.

"Hot Tub" means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system or~~and/or~~ re-circulating~~recirculating~~ device. These devices may filter or~~and/or~~ disinfect the water for reuse and are not intended to be drained between uses.

"Influent" means something that flows into a private sewage disposal system or a component.

"Limiting Layer" means a horizon or condition in the soil profile or underlying strata that~~which~~ includes:

An estimated~~A seasonal~~ high water table, whether perched or regional~~, determined by direct observation of the water table or indicated by soil mottling where common mottles comprise at least 2% to 20% of the soil, in a progressive downward direction in the soil~~.

Masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

Rock formation, other stratum or soil condition that~~which~~ is so slowly permeable that it effectively limits downward passage of effluent.

"Liquid Capacity" means the volume of a tank below the invert of the outlet line.

"Local Authority" means a local unit of government that~~which~~ enforces a private sewage disposal ordinance that~~which~~ has been approved by the Department; or a local health department that~~which~~ has been designated an agent of the State for conduct of the Private Sewage Disposal Program.

"Maintained and Serviced" means the tasks, procedures and inspections required by the manufacturer of the component/system or the Department for the private sewage disposal system to operate within the parameters and requirements of this Part and any other restrictions established as part of the system approval or as part of a variance.

"Minimum Slope" means the slope required for treated effluent to travel in the designed direction of flow.

"Non-Residential Property" means any property that is not residential property.

"NPDES Permit" means any general or individual National Pollutant Discharge Elimination System permit issued by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency.

~~"NRCS" means the USDA Natural Resource Conservation Service.~~

"NSF International" means the National Sanitation Foundation International, an

independent testing laboratory.

"NSF International/ANSI Standard 40 Wastewater Treatment System" means any system that has been certified by an approved certification agency to meet NSF International/ANSI Standard 40, Residential Wastewater Treatment Systems.

"Portable Potable Hand Washing Unit" means a self-contained, movable, potable water unit equipped with a waste-receiving holding container that may be moved or transported from site to site.

"Portable Sanitation Business" means any partnership, company, limited liability company, corporation or individual that sells, rents, leases, transports, services, cleans, sanitizes or maintains a portable toilet or portable potable hand washing unit or pumps, or transports or disposes of waste from portable toilets or portable potable hand washing units.

"Portable Sanitation Technician" means any individual who is certified by the Department to be an employee for a portable sanitation business and who has completed the training required by this Part.

"Portable Sanitation Technician Trainee" means any individual who is certified by the Department as an employee for a portable sanitation business for less than one year.

"Portable Toilet" means a self-contained, movable unit equipped with a waste-receiving holding container that may be moved or transported from site to site.

"Proper Operation" means operation of a system within the parameters and requirements of this Part, the Act and any other restrictions established as part of the system approval or as part of a variance.

"Residential Property" means a single-family home or multi-family unit that is intended for occupation as living quarters and~~that~~ is not used to conduct any business that generates wastewater or domestic sewage.

"Septage" means the solid and liquid wastes removed from private sewage disposal systems.

"Shall" means that the stated provision is mandatory.

"Soil Boring" means an observation pit, dug by hand or backhoe, or an undisturbed soil core taken intact and undisturbed by a probe.

"Soil Classifier" means one of the following:

A Certified Professional Soil Classifier (CPSC) who is certified by~~soil classifier of~~ the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

A person who is a full member or associate member of the Illinois Soil Classifiers Association (ISCA), provided that direct supervision is provided to this person by an ISCA Certified Professional Soil Classifier or ARCPACS certified soil classifier who accompanies the person on at least 25% of the soil investigations and reviews and signs all of that person's soil investigation reports.

"Sub-soil Drainage" means groundwater such as runoff water, seepage water or clear water from the soil that is free from domestic sewage.

"Subsurface Seepage System" means a subsurface seepage field or~~,~~ seepage bed~~, or an 8 inch- or 10 inch- gravelless seepage system~~.

"Uniformity Coefficient" means a number obtained by dividing that size of sand in millimeters of which 60% by weight is smaller, by that size of sand in millimeters of which 10% by weight is smaller.

"Waste" means either human waste or domestic sewage or both.

"Wastewater Source" means any equipment, facility~~,~~ or other source of any type whatsoever that discharges wastewater, directly or indirectly, to the waters of the State.

"Water Table" means the upper limit of the portion of the soil or rock formation

that~~which~~ is completely saturated with water. ~~The seasonal high water table is the highest level to which the soil is saturated, as may be indicated by mottling (soil color patterns).~~

Soil science terms used throughout the text of this Part~~Code~~ are defined in the Soil Science Society of America, Glossary of Soil Science Terms ~~(July 1987)~~ unless otherwise defined.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.15 Incorporated and Referenced Materials

The following materials~~standards of nationally recognized organizations and federal and State regulations~~ are incorporated or referenced in this Part:

a) The following materials are incorporated by reference:

1) NSF International/ANSI~~ANSI/NSF~~ Standard 46, Evaluation of Components and Devices Used in Wastewater Treatment Systems (October 22, 2004~~May 2, 2002~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Sections 905.40 and 905.120~~Section 905.30~~

2) NSF International/ANSI~~ANSI/NSF,~~ Standard 40, Residential Wastewater Treatment Systems (August 1, 2005~~July 12, 2000~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Section 905.100

3) NSF International/ANSI~~ANSI/NSF,~~ Standard 41, Non-Liquid Saturated Treatment Systems (March 28, 2005~~1998~~) published by:

NSF International
789 Dixboro Road
Ann Arbor, Michigan 48105

Referenced in Section 905.130

4) American Society for Testing and Materials (ASTM) required standards and dates that are not listed in subsection (a)(5) are listed under ~~Section 905.~~Appendix A, Illustration C. A list~~List~~ of approved plastic pipe for private sewage disposal system uses and standards may be obtained from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428-2959

Referenced in Sections 905.40, 905.60, 905.70

5) The following ASTM standards for the physical properties and characteristics of gravelless drainage pipe, which may be obtained from:

American Society for Testing and Materials
100 Barr Harbor Drive
West Conshohocken, Pennsylvania 19428-2959

ASTM D4632-08 (2008)
ASTM D3786-09 (2009)
ASTM D737-08 (2008)
ASTM F662-86 (1992)

Referenced in Section 905.60(c)(2)

6)~~5)~~ Standard Methods for Examination of Water and Wastewater (21st Edition, October 2005) published by:

American Public Health Association
1015 8th Street

Washington DC~~, D.C.~~ 20036

Referenced in Section 905.110

7)~~6)~~ Glossary of Soil Science Terms (2001~~July 1987~~) published by:

~~The~~ Soil Science Society of America
677 South Segoe Road
Madison, Wisconsin 53711

Referenced in Section 905.10

8)~~7)~~ ~~Title 40 of the Code of Federal Regulations,~~ Standards for the Use or Disposal of Sewage Sludge (40 CFR 503) (2008)

Referenced in Section 905.170

9)~~8)~~ National Electrical Code, 2005~~1993~~ Edition, published by:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269

Referenced in Section 905.20

10) International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 65 (December 18, 2006), published by:

ISO Central Secretariat
International Organization for Standardization (ISO)
1, ch. de la Voie-Creuse
Case postale 56
CH-1211 Geneva 20
Switzerland

IEC Central Office

3, rue de Varembé
PO Box 131
CH-1211 Geneva 20
Switzerland

Referenced in Section 905.100

11) Field Book for Describing and Sampling Soils ver. 2.0 (2002 Edition)

National Resources Conservation Service
US Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Referenced in Section 905.55

12) Soil Taxonomy 1999 (2nd edition)

US Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Referenced in Section 905.55

13) Soil Survey Manual 1993

Soil Conservation Service
US Department of Agriculture
1400 Independence Ave., SW
Washington DC 20250

Referenced in Section 605.55

b) The following materials are referenced in this Part:

1) Department of Public Health administrative rules and statutes~~regulations~~

~~A)~~ ~~Private Sewage Mound Code (77 Ill. Adm. Code 906)~~

~~Referenced in Section 905.30~~

A)~~B)~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)

Referenced in Sections 905.20, 905.140, 905.150 and Appendix A,~~:~~ Illustration C

B)~~C)~~ Recreational Area Code (77 Ill. Adm. Code 800)

Referenced in Section 905.150

C)~~D)~~ ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

D) Plumbing License Law [225 ILCS 320]

2) Pollution Control Board administrative rules and statutes~~regulations~~

A) Introduction (35 Ill. Adm. Code 301)

Referenced in Section 905.110

B) Permits (35 Ill. Adm. Code 309)

Referenced in Sections 905.110 and 905.170

C) Waste Disposal (35 Ill. Adm. Code Subtitle G)

Referenced in Sections 905.20 and 905.140

D) Classification of Injection Wells (35 Ill. Adm. Code 704.106)

Referenced in Appendix A, Illustration D

3) Illinois Department of Transportation Standard Specifications for Road

and Bridge
Construction (January 1, 2007~~2002~~) published by:

Illinois Department of Transportation
Manuals Office, Room 128~~012~~
2300 S. Dirksen Parkway
Springfield, Illinois 62764

Referenced in Section 905.95

4) Illinois Highway Code [605 ILCS 5/9-123]

Referenced in Section 905.110

c) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.

d) All citations to federal regulations in this Part concern the specified regulation in the 2005~~1994~~ Code of Federal Regulations, unless another date is specified.

e) All materials incorporated by reference are available for inspection and copying at the Illinois Department of Public Health~~Department's Central Office~~, Division of Environmental Health, 525 West Jefferson, Springfield, Illinois 62761.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.20 General Requirements

a) Rate of Flow for Domestic Sewage. Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Appendix A, Illustration A ~~of this Part~~. For non-residential establishments, the Department will consider the use of actual flow volumes obtained from similar installations in lieu of the quantities contained in Appendix A, Illustration A~~ of this Part~~, when the flow data is documented. Examples of the documentation that could be accepted would be

actual measurements of the quantity of wastewater, or water use receipts. In the design of a private sewage disposal system, peak flows shall be designed for ~~and/~~or attenuated. ~~When the sewage flow exceeds 1500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency.~~

b) Type of Waste. A private sewage disposal system shall be designed to receive all waste from the buildings served. ~~No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system.~~

1) Prohibited Influent. No sub-soil drainage, discharge from roof drains or swimming pool wastewater shall be directed to the private sewage disposal system.~~Backwash water from a water softener shall discharge to one of the following:~~

~~A) A septic tank followed by a seepage field, sand filter or waste stabilization pond.~~

~~B) A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.~~

2) Hot Tub Wastewater. Wastewater generated by a hot tub or ~~other~~ similar device shall be discharged to one of the following:

A) A separate subsurface seepage system, provided that the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

B) The seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage

shall be piped around the septic tank and directly into the seepage field.

3) Motorized Equipment. Waste products, such as automotive grease, oils, solvents~~,~~ and chemicals, shall not discharge to a private sewage disposal system. These waste products shall be handled according to rules for disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code, Subtitle G, or shall be taken to an oil and gas reclamation center. The floor drain of any non-residential property that meets the requirements of subsection (b)(3)(A) or (B)~~ of this Section~~, and is connected to a public sewer, shall be connected to an approved gas and oil interceptor meeting the requirements of Section 890.520 of the Illinois Plumbing Code. Wastes from floor drains in areas where vehicles or motorized equipment are serviced and parked shall be treated in accordance with the following:

A) For any non-residential property in which a floor drain may receive fluids from vehicle or motorized equipment repair or maintenance activities, floor drains shall be connected to a public sewer or holding tank and not to a private sewage disposal system. Repair and maintenance facilities shall include, but shall not be limited to, service stations and auto body, muffler, transmission, small engine, and brake repair shops. Floor drains in any facility that performs vehicle or motorized equipment repair work shall be connected to a public sewer or holding tank. If the floor drain is connected to a public sewer, then the floor drain shall be connected to an approved gas and oil interceptor meeting the requirements of Section 890.520 of the Illinois Plumbing Code. If the floor drain is connected to a holding tank, a gas and oil interceptor is not required. The holding tank shall be constructed of the same materials required for gas and oil interceptors.

B) For any non-residential property on~~in~~ which vehicles or motorized equipment are parked or stored and repair or maintenance is~~are~~ not performed, floor drains shall~~may~~ discharge to a public sewer or a private sewage disposal system, provided that floor drains are ~~only~~ used only to receive water from motorized equipment or vehicle

washing or to drain melted snow. When floor drains in such properties are connected to a private sewage disposal system, the system shall~~must~~ be increased in size based upon the anticipated daily flow. When a maintenance area is adjacent to a parking area, physical barriers, such as a raised curb or recessed floor in the maintenance area, shall~~must~~ be provided to assure that oil and gas are not discharged to floor drains.

C) For any residential property with a garage of any size, floor drains may discharge directly to a private sewage disposal system. No increase in size of the residential private sewage disposal system is required to handle this liquid waste.

4) Drains or fixtures receiving any product other than domestic sewage or wastewater specified in subsection (b)(2) shall be discharged to an approved treatment or disposal system that is regulated and approved by the State or to a holding tank and not to a private sewage disposal system.

5) Water Softener Wastewater. Backwash water from a water softener or similar device shall be discharged to one of the following:

A) A separate subsurface seepage system, provided that the seepage field is designed to accommodate the liquid capacity of the water softener on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

B) A separate building drain, in accordance with the Illinois Plumbing Code, that will discharge to a subsurface seepage system, provided that the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

c) Individual Service. The use of a private sewage system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of these~~such~~ systems.

d) Water and Sewer Line Separation. The following criteria shall govern the separation of water supply lines and sewer lines:

1) Horizontal Separation. Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown of the sewer is at least 18 inches below the invert of the water line.

2) Crossings. Where sewer lines must cross water lines, the sewer line shall be laid at ~~such~~ an elevation so that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or equivalent material with watertight joints.

e) Sanitary Sewer. New or renovated private sewage disposal systems shall not be approved where a sanitary sewer operated and maintained under permit of the Illinois Environmental Protection Agency is available for connection. A sanitary sewer is available for connection when it is within 300~~200~~ feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day, unless a physical barrier or local ordinance exists that~~which~~ prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" inch~~"~~ line), then a private sewage disposal system may be installed.

f) Acceptable Pipe Materials~~.~~

1) All piping located more than 5 feet from the building foundation, used to convey wastewater to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This piping shall be ductile iron, vitrified clay~~,~~ or plastic pipe. Only vitrified clay or plastic pipe shall be used from the septic tank and after the distribution box (where used). Perforated pipe or open-jointed tile shall be used only as provided in this Part~~Code~~.

2) Use of plastic pipe and fittings shall comply with~~conform to~~ the uses designated in Appendix A, Illustration C~~ of this Part~~.

3) Piping used to carry domestic sewage under areas such as driveways, roads~~,~~ or parking areas shall be Schedule 40 equivalent or greater.

g) Pipe Size and Slope~~.~~

1) All solid pipes carrying domestic sewage by gravity flow shall have a nominal diameter of at least 4 inches and a minimum slope of 12 inches per 100 feet.

2) Solid header lines used for equal distribution shall be level.

3) Solid pipes carrying treated effluent by gravity shall have a nominal diameter of 4 inches and a minimum slope to ensure designed flow within the system.

4) An alternative design for pipe sizing and slope may be proposed by an Illinois licensed Professional Engineer.

h) Prohibited Discharges. There shall be no discharge of raw or improperly treated domestic sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes~~,~~ or other collectors of water. Improperly treated domestic sewage is sewage that does not meet the effluent requirements of Section 905.110(d~~b~~) or sewage that~~which~~ comes directly from a septic tank or building sewer. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well, cistern~~,~~ or basement or into any underground mine, cave, sinkhole or tunnel.

i) Pipe Length. Building sewers in excess of 50 feet in length that~~which~~ carry wastewater from the buildings served to the septic tank, distribution box or aeration treatment plant shall be provided with at least one clean-out every 50 feet that terminates at grade.

j) Private Sewage Disposal System Development. The following factors shall

govern the development of a private sewage disposal system:

1) Drainage. A private sewage disposal system shall not be located in areas where surface water will accumulate. The~~Provisions shall be made to minimize~~ flow of surface water over the private sewage system shall be minimized, for example, by~~. Examples of such provisions would be~~ the use of dikes, embankments, ditches or flow diverters.

2) Distances. The location of the various components of a private sewage disposal system shall comply with Appendix A, Illustration D~~ of this Part~~.

3) Area Reserved for Sewage Disposal. The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems and underground utility services, patios, slabs, additions to the original structure, or any other structure that~~which~~ limits free access to the system for maintenance, servicing or proper operation. The property owner and private sewage disposal system installation contractor shall ensure that the designated area for the subsurface seepage system shall be secured prior to construction or modifications to the site and shall be protected throughout the site development or construction process. The property owner and private sewage disposal system installation contractor shall secure this area to deter any traffic, compaction of the soil, removal or addition of soil, or encroachment on the area of the proposed subsurface seepage system. Temporary fencing, posts and roping or a similar restrictive barrier may be used to restrict access. The area of the proposed private sewage disposal system shall be protected throughout the site development or construction process.

4) Creviced Limestone Formations. A subsurface seepage system shall not be constructed in an area where there is less than 4 feet of soil between the lowest point in a subsurface seepage system and the top of a creviced limestone formation. In areas where creviced limestone is known to occur, a soil boring to a depth of at least 4 feet below the bottom of the subsurface seepage system shall be made to verify that creviced limestone is not present.

k) Electrical Devices. All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county or local electrical code, whichever is more stringent.

1) Any component of a private sewage disposal system that ~~which~~ is electrically activated shall be provided with a visible and audible warning device ~~placed within the building served~~. ~~All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county, or local electrical code, whichever is more stringent.~~

2) Alarms installed after January 1, 2014 shall be located outside of the building served. The power supply for the alarm shall be on a dedicated circuit. The design of the alarm shall meet the requirements specified in Section 5.8 of NSF International/ANSI Standard 40. The alarm shall be housed in a weatherproof box.

3) Electrical devices installed after January 1, 2014 shall be provided with an electrical disconnect that is located within sight of, and not more than 50 feet away from, the device.

l) Variances. If conditions exist at a proposed installation that~~which~~ make ~~impractical or impossible~~ compliance with the requirements of this Part impractical or impossible, a variance may be requested by submitting to the Illinois Department of Public Health, Division of Environmental Health, or appropriate local authority a written proposal that is to be used in lieu of compliance with this Part. The~~Such~~ written request shall include pertinent data to support the proposal, such as soil conditions, water table elevations, drainage patterns and distances to water supplies ~~in order to support the request~~. The capability of the system to comply with the intent of this Part will be the basis for approval or denial of the variances. The Department or local authority will notify the applicant in writing of its decision to either grant or deny the variance. Construction shall not begin before a variance is requested and approved.~~A variance shall be requested and approved before construction begins.~~

m) Experimental Use Permits. If a private sewage disposal system or component is of a new ~~and/~~or innovative type and does not comply with the requirements of this

Part~~Code~~, the homeowner or private sewage contractor or manufacturer may request an experimental use permit. A~~Such a~~ request shall be submitted in writing to the Illinois Department of Public Health, Division of Environmental Health, and~~prior to~~ construction or installation shall not begin before a permit is requested and approved. The request~~, and~~ shall meet the following requirements:

1) The request shall specify the type of proposed system or component to be used and shall be accompanied by plans, specifications~~,~~ and engineering data to support the system's compliance with the general requirements under Section 905.20 and with the effluent criteria under Section 905.110 for surface discharges, if applicable.

2) Information (such as topographical or plat maps) regarding the location of each installation shall be provided to the Department.

3) The homeowner, private sewage disposal system installation contractor~~, and/~~or manufacturer shall provide the Department with proof that sufficient area is available for installation of an approved system if~~should~~ the experimental system fails~~fail~~.

4) The homeowner, private sewage disposal system installation contractor~~, and/~~or manufacturer shall guarantee in writing that the ~~replacement of the~~ experimental system will be replaced with an approved system if the experimental system fails to perform in accordance with any of the Sections of this Part, or with criteria established as a condition of~~to~~ approval of the system.

5) The private sewage disposal system installation contractor ~~and/~~or the manufacturer shall notify the homeowner, or the person obtaining the experimental use permit, of the ~~aforementioned~~ guarantee required by subsection (m)(4), and of the minimum standards of this Part that shall~~the Illinois Private Sewage Disposal Code which must~~ be met, as determined through the process described in subsections (n)(3) and (4) ~~of this Section~~ for developing criteria to be used in the evaluation of the experimental system.

6) Upon receipt of the information required by this subsection (m), the

Department will review the experimental system to determine whether the proposed system is~~the system's capability of being considered~~ equal to or more stringent than applicable Sections in this Part~~Code~~, and will notify the applicant, in writing, of its decision to approve~~grant~~ or deny the request for an experimental use permit. If the request is approved, the Department will issue an ~~"~~Experimental Use Permit~~"~~ for each installation, up to 30 installations in the State.

n) Experimental Use Evaluation~~.~~

1) A minimum of 10 experimental installations shall be evaluated before an unconditional approval will~~may~~ be granted.

2) The experimental permit shall be valid for a period of up to 2 years, during which time the Department will evaluate the performance of the experimental system. At the end of the 2 year evaluation period, the Department will determine~~make a determination as to~~ whether the system will be approved.

3) The Department, in consultation with the experimental use permit applicant, will~~shall~~ develop a test method for the experimental system, which~~ that~~ will include the following information:

A) purpose of the test;

B) length of the test;

C) analytical methods to be used;

D) wastewater characteristics;

E) loading requirements; and

F) test criteria, including installation procedures, operating procedures, site evaluation criteria, control system criteria, start-up procedures, sampling procedures, and observation procedures.

4) The Department, in consultation with the permit applicant, will~~shall~~ develop performance requirements that will detail the criteria to be used to evaluate the product to determine its ability to become an approved private sewage disposal system. The~~Such~~ performance requirements shall include, but are not limited to, ponding in subsurface systems indicating that failure of the system is imminent.

5) The experimental system will be deemed unacceptable:

A) when sewage erupts from the ground;

B) when effluent from the system does not meet the criteria of Section 905.110(d); or

C) when the experimental system does not comply with the requirements of subsections (n)(3) and (4)~~ of this Section~~.

6) If ~~acceptable,~~ the experimental system is acceptable, it shall become an approved private sewage system. If ~~found to be unacceptable,~~ the experimental system is unacceptable, it shall not be approved for use as a private sewage disposal system and shall be replaced with an approved private sewage disposal system. The Department shall notify the applicant, in writing, of its determination.

7) A homeowner, private sewage contractor or manufacturer whose experimental system has been denied approval for use as a private sewage disposal system may request a hearing to appeal the Department's determination. The request shall be submitted in writing within 10 days after receipt of the Department's determination. The Department's ~~Rules of~~ Practice and Procedure in Administrative Hearings rules~~(77 Ill. Adm. Code 100)~~ shall apply to all proceedings conducted under this Section.

8) When the Department has designated an experimental system ~~has been designated by the Department~~ as an approved private sewage disposal system, the Department will amend this Part to include design, construction, operation and maintenance criteria for the newly approved system and will add the system to its~~a~~ list of approved systems~~ maintained~~

~~by the Department~~.

o) Garbage Grinders. When garbage grinders are used in residential property, solids shall be retained by one of the following methods:

1) A solids retention tank constructed in accordance with Section 905.40 shall be placed between the wastewater source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinders or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property; however, the minimum size tank to be used shall be 500 gallons.

2) A septic tank receiving all flows from the property sized in accordance with Appendix A, Illustration F~~ of this Part~~.

p) Whenever an existing private sewage disposal system is repaired or replaced, that portion of the system being repaired or replaced shall comply with all of the requirements of this Part.

q) Maintenance of Private Sewage Disposal Systems

1) After January 1, 2014, as a condition of applying for an installation approval required by Section 905.190, the signature by the property owners on the installation approval submission/construction permit for any private sewage disposal system being installed, repaired or renovated serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Act and this Part.

2) The property owner or the private sewage disposal system owner shall maintain all maintenance records on forms provided or approved by the Department and make records available upon request by the Department or Local Authority. These records shall be transferred from owner to owner. Records shall be kept for the life of the system.

3) After January 1, 2014, private sewage disposal systems installed and permitted under Section 905.190 are required to be maintained and serviced to ensure proper operation in accordance with the following:

A) Septic tank to a subsurface seepage system or septic tank followed by a sand filter discharging to a subsurface seepage system.

i) Private sewage disposal system septic tanks serving residential properties shall be evaluated prior to or within 3 years after the date of installation of the system. The system may be evaluated by the homeowner, a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have layers of scum and settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and settled solids are greater than 33%, the tanks and compartments shall be pumped out and maintenance shall be performed. After the first evaluation, the system shall be evaluated a minimum of once every 5 years. Depending on the system's use, the tanks and compartments may need to be evaluated and pumped more frequently.

ii) Private sewage disposal system septic tanks serving non-residential property shall be evaluated within 3 years after the date of installation of the system. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have layers of scum and settled solids greater than 33% of the liquid capacity of the tank. If the

layers of scum and settled solids are greater than 33%, the tanks and compartments shall be pumped out and maintenance shall be performed. After the first evaluation, the system shall be evaluated at minimum once every 3 years. Depending on the system's use, the tanks and compartments may need to be evaluated and pumped more frequently.

B) An aerobic treatment unit (ATU) requires evaluation and maintenance at least once every 6 months. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The homeowner of an ATU may conduct the inspection and maintenance as defined within the Act, but the inspection and maintenance shall be performed per the manufacturer's requirements to assure proper operation. If the required inspections and maintenance are not performed, the system is in violation of the Act and this Part.

C) Sand filters and waste stabilization ponds with surface discharges require an evaluation to determine whether the tanks and all of the compartments of the private sewage disposal system have layers of scum and settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and settled solids are greater than 33%, the tanks and compartments shall be pumped out and maintenance shall be performed. The system shall be evaluated a minimum of once every year. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. Depending on the system's use, the tanks and compartments may need to be evaluated and pumped more frequently. The homeowner of a sand filter or waste stabilization pond may conduct the inspection and maintenance as defined within the Act, but the inspection and

maintenance shall be performed per the requirements of this Part to assure proper operation.

D) All other private sewage disposal systems that are not listed in subsection (q)(3)(A) through (C) shall be maintained in accordance with the manufacturer's specifications or based on a maintenance interval approved by the Department.

E) The owner of a private sewage disposal system may submit an alternative maintenance interval to the Department for approval. The Department will evaluate the alternative interval on a case-by-case basis. The approval is not transferable from owner to owner. Change in ownership or use of the private sewage disposal system will void the approval.

4) A failure to properly operate, maintain and have routine service conducted on a private sewage disposal system is a violation of the Act and this Part.

r) Installation Contractor On Site. A licensed Private Sewage Disposal System Installation Contractor shall be present at the site during construction, installation, repair, modification or maintenance of a private sewage disposal system. Cleaning, pumping, disposing and hauling of waste from a private sewage disposal system shall be done by a licensed Private Sewage Disposal System Pumping Contractor. *A person who owns and occupies a single family dwelling and who constructs, installs, maintains, services or cleans the private sewage disposal system which serves his/her single family residence shall not be required to be licensed under* this Section; *however, such person shall comply with all other provisions of* the Act and this Part. (Section 4 of the Act)

s) Construction and Excavation. Any construction or excavation performed by any individual other than the person who owns and occupies a single family dwelling shall be performed by a licensed Private Sewage Disposal System Installation Contractor or an individual under the direct supervision of a licensed Private Sewage Disposal Installation Contractor.

t) Alternative Technology. The Department may issue approval for a private sewage disposal system or a system component that has been approved by another

governmental body or an approved certification agency, based upon, but not limited to, the review of the following information: submittals to other governmental bodies; analysis from third party testing; testing results from other governmental bodies; and historical use within the jurisdiction of other governmental bodies.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.30 Approved Private Sewage Disposal Systems

a) The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with this Part~~Code~~:

1) Septic tank, Imhoff tank or aerobic treatment plants followed by:

A) Subsurface seepage field;

B) Seepage bed;

C) Sand filter (buried or re-circulating~~recirculating~~);

D) Waste stabilization pond;

E) 8 inch or 10 inch gravelless seepage system;

F) Chamber system; ~~or~~

G) Peat filter system; or~~.~~

H) Subsurface drip irrigation system.

2) Aerobic treatment plant and NSF International/ANSI Standard 40 wastewater treatment systems discharging to supplementary treatment or to the surface, as provided in Sections~~Section~~ 905.100 and 905.110.

3) Privies, chemical toilets, re-circulating~~recirculating~~ toilets, incinerator toilets or~~,~~ compost toilets.

~~4) Mounds designed in accordance with the requirements of the Private Sewage Mound Code (77 Ill. Adm. Code 906).~~

4)~~5)~~ Holding tanks installed in accordance with Section 905.140.

5)~~6)~~ Any other system for which a variance in accordance with Section 905.20(l) has been issued or for which an experimental permit in accordance with Section 905.20(m) has been issued.

6)~~7)~~ Illinois raised filter bed preceded by a batch treatment aeration system.

7) Technologies approved by the Department under Section 905.20(t).

b) The Department will maintain a list of alternative components and technologies that have been approved under the Act. This list will be available at http://www.idph.state.il.us/envhealth/prisewage.htm.~~All other systems or components are not approved.~~

c) All other systems or components not listed undert this Part are not approved.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.40 Septic Tanks

a) Septic Tank Approval. Manufacturers of prefabricated septic tanks shall submit a set~~3 sets~~ of plans for each size and configuration of septic tank to the Department for approval. Plans~~Such plans~~ shall be drawn to scale and show all dimensions, baffles, tees, cleanouts~~,~~ and material specifications. The Department will provide a~~A~~ written approval for each size tank ~~shall be provided by the Department~~ when the plans are found to conform to the requirements of this Part~~Code~~.

1) The Department will~~shall~~ issue an approval number to each manufacturer for each series of approved septic tanks~~,~~ and will~~shall~~ maintain a listing of the approved manufacturers and approved septic tank series.

2) No prefabricated septic tank shall be sold, offered for sale, or installed

other than those which have been approved by the Department. The tank shall bear the manufacturer's approval number and the liquid capacity of the tank, in gallons, prominently displayed on the outside end wall of the tank above, or next to, the outlet pipe so that this information is readily visible after installation and prior to covering. The Illinois Department of Public Health approval number shall not be used on any tank other than the septic tank for which it is has been issued.

3) All persons who manufacture, sell, offer for sale or deliver septic tanks or aerobic treatment plants in or into the State of Illinois shall record the following information about each septic tank or aerobic treatment plant sold or delivered. This information shall be available for inspection by the Department or local authority upon request.

A) Name of purchaser ~~and/~~or property owner (if different);

B) Location of delivery (county and address, legal description or driving directions);

C) Date of sale and delivery; and

D) Size of septic tank or model of aerobic unit.

b) Septic Tank Construction. Septic tanks shall be designed and constructed in accordance with the following: (Appendix A, Illustration E ~~of this Part~~ is an illustration of these requirements.)

1) A septic tank shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage~~,~~ or cracking due to settling or backfilling.

2) Engineering Specifications~~.~~

A) The tank shall support a top-dead load of not less than 500 pounds per square foot, and concrete tanks shall have a minimum 28-day compressive strength of 3000 pounds per square inch (psi).

B) Tanks shall~~must~~ be designed and constructed so that they will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures when the tanks are either full or empty. The manufacturer, design engineer~~, and/~~ or structural engineer shall certify in writing to the Department that the tank is designed and constructed to meet the load requirements of this Part. If additional loading is anticipated, the tank shall be strengthened to accommodate the additional loading.

3) Materials. Septic tanks shall be constructed of any of the following approved materials:

A) Poured-in-place reinforced concrete.

B) Precast reinforced concrete.

C) Concrete block, provided that the core is filled with concrete and reinforcing rods are inserted in the core prior to pouring.

D) Reinforced plastic.

E) Reinforced fiberglass.

F) Thermoplastic.

4) Depth. The minimum liquid depth of the tank shall be 42 inches, and the maximum liquid depth shall be 72 inches.

5) Inlet and Outlet Connections~~.~~

A) The invert elevation of the inlet shall be at least 2 inches above the liquid level in the tank.

B) The inlet and outlet openings of the septic tank shall be provided with cast-in watertight openings.

6) Baffles. Septic tank baffles shall meet the following requirements:

A) Inlet baffles shall be provided and shall extend at least 6 inches below the surface of the liquid.

B) Inlet baffles shall be located no farther than 12 inches from the inlet orifice.

C) Inlet and outlet baffles shall have a clearance of at least one inch but not greater than 3 inches of free space between the underside of the tank lid and the baffles.

D) Outlet baffles shall be provided and shall extend to a depth of 40% of the liquid depth.

E) Outlet baffles shall be located no farther than 6 inches from the outlet end wall.

F) Slip-in baffles shall extend the full width of the tank.

G) The sides of "V" or semi-circular type baffles shall fit tightly against the end wall of the tank.

H) Venting shall be provided through all baffles and a free vent area equal to the cross-sectional area of the building~~house sewer~~ shall be provided.

I) Submerged pipe T-branches or sanitary tees may be used at the inlets and outlets in lieu of baffles, provided that all of the above-stated distances and depths are maintained.

J) Submerged pipe T-branches or sanitary tees used as inlet baffles shall be 6 inches in diameter or larger. Outlet baffles shall be 4 inches in diameter.

K) Submerged pipe T-branches or sanitary tees shall meet the requirements of ASTM 2661, ASTM 2665 or ASTM 3034, ~~ASTM 3033,~~ or ASTM 2751, provided that the pipe does not have an SDR

(Standard Dimension Ratio) number greater than 35.

L) When submerged pipe T-branches or sanitary tees are used as baffles, it shall be the responsibility of the septic tank manufacturer to assure proper location of components during initial installation.

M) When a single compartment septic tank is manufactured or used, a gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material not subject to corrosion or decay. (Appendix A, Illustration E, Exhibit C ~~of this Part~~ is an illustration.) An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank. The tank access over the filter shall be provided with an access riser that extends to 3 inches above the ground surface or greater.

7) Access. Access shall be provided over the inlet and outlet of the tank to facilitate inspection and cleaning. The manhole or access opening shall have a fitted lid with a minimum dimension of 12 inches (width or diameter). Risers shall be watertight and constructed of a durable material. If the top of the tank is greater than 12 inches below the ground surface, a riser with a minimum dimension of 12 inches (width or diameter) shall be provided to bring access over the inlet and outlet to within 12 inches of the ground surface. The joint between the septic tank and the risers shall be watertight. If a 2-compartment tank is used, and the tank has an opening over the wall between the compartments, the center opening shall have access provided within 12 inches of the ground surface.

c) Capacity~~.~~

1) Septic tanks for individual residences shall be sized in accordance with Appendix A, Illustration F ~~of this Part~~. Septic tanks for any establishment other than residential property shall be sized in accordance with the

estimated flow provided in Appendix A,~~:~~ Illustration A ~~of this Part~~ and as provided in subsection (c)(2).~~follows:~~

2) The volume below the liquid level for flows up to 500 gallons per day shall be at least 750 gallons. For flows greater than 500 gallons per day, the volume shall be equal to at least 1½~~one and one-half times~~ the estimated daily sewage flow. When the total flow exceeds 1,350 gallons per day, 2 or more tanks in series, or a multi-compartment tank, shall be installed.

d) Multiple Tanks or Compartments. When multiple compartment septic tanks or multiple septic tanks in series are used, the capacity of the first compartment or tank shall be ½ to ⅔ of the total required capacity. Two-compartment tanks shall also comply with the following:

1) The wall separating the first and second compartments shall be tight-fitting and designed to handle the differential in pressure if one side is pumped.

2) The wall separating the compartments shall extend to within 3 inches of the tank lid and shall have a free vent area equal to the cross-sectional area of the house sewer.

3) The center of the opening between compartments shall be in line with the center of the inlet and outlet openings.

4) The depth to the invert of the opening between compartments shall be 40% of the liquid depth.

5) A gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material that is not subject to corrosion or decay. An NSF International/ANSI Standard 46, Section 10 septic tank filter may be used in lieu of the gas deflector baffle. The septic tank filter baffle shall be installed so that it is extended or suspended to a depth equal to 40% of the liquid level of the tank. The tank access over the filter shall be

provided with an access riser that extends to 3 inches or more above the ground surface.

6) For a 2-compartment tank, openings with a minimum dimension of 18 inches shall be located over the inlet and outlet of the tank or 12-inch openings as follows:

A) One~~one~~ located over the inlet;~~,~~

B) One~~one~~ over the outlet; and~~, and~~

C) One~~one~~ centered over the compartment wall.

e) Septic Tank Installation~~.~~

1) The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus ½ inch in any direction (length or width or diameter of the tank).

2) If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using mastic, tar, silicone caulk, etc.

3) There shall be no connections, such as joints, splices~~,~~ or fittings, within the area of overdig around the septic tank.

f) Abandoned Treatment Units. Septic tanks, cesspools, pit privies, aerobic treatment plants and seepage pits that are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so that the tank will not hold water, and the tank shall be filled with sand or soil. If the tank is removed from the ground, the excavation shall be filled with soil.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.50 Distribution Boxes

a) General. Distribution boxes may be installed between a septic tank, ~~or~~ aerobic

treatment plant, NSF International/ANSI Standard 40 wastewater treatment system, and a subsurface seepage system or buried sand filter. If a distribution box is used, it shall be installed level on unexcavated earth, and shall provide equal distribution of flow to the subsequent disposal system.

b) Connecting Pipe. The pipe connecting the pre-treatment or primary treatment component~~septic tank~~ to the distribution box and the pipe connecting the distribution box to the disposal system shall be watertight.

c) Construction. Distribution boxes shall be constructed of a durable, watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.

d) Access. Distribution boxes shall be provided with an opening that~~which~~ will serve as a ready access for inspection, cleaning~~,~~ and general maintenance.

e) There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.

(Source: Amended at 37 Ill. Reg.14994, effective August 28, 2013)

Section 905.55 Subsurface Seepage System Design Requirements

After January 1, 2014, when designing a subsurface seepage system, the absorption capacity of the soil shall be determined by subsection (a). After January 1, 2014, subsection (b) shall not be used to determine design requirements for a subsurface system. ~~When designing a subsurface seepage system the absorption capacity of the soil shall be determined by subsection (a) or (b) of this Section as follows:~~

a) Soil Investigation~~.~~

1) Soil investigations shall be conducted in the following manner:

A) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier or an Illinois licensed Professional Engineer~~professional engineer~~.

B) There shall be a minimum of 3 borings per soil absorption system site. The soil borings shall be at least 50 feet apart, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.

C) Observation and determination of soil characteristics may also be ~~also~~ determined from a pit dug by a backhoe or other excavating equipment. The Department or local authority may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material or~~,~~ cutting of soils, or where gravelly soils are encountered. Soil~~Such soil~~ pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.

D) Site characteristics to be described include zones of seasonal and permanent water saturation, United States Department of Agriculture (USDA)~~U.S.D.A.~~ soil textural changes; USDA~~,~~ ~~U.S.D.A.~~ soil structural features for each horizon, slope, compaction and depth;~~,~~ soil coloration; consistence; coatings;~~,~~ depth of limiting layer;~~,~~ depth of soil mottling; ~~(depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System),~~ internal drainage classification;~~, and~~ permeability range;~~,~~ and other limiting soil characteristics that may reduce permeability. The following reference materials shall be used as a guide for describing and classifying soil: Field Book for Describing and Sampling Soils, Soil Taxonomy, and Soil Survey Manual.

2) The following persons are qualified to conduct soil investigations:

A) any person who meets the definition of soil classifier in Section 905.10;

B) an Illinois licensed Professional Engineer~~a licensed professional engineer~~;

C) an employee of a local health department who has 3 years of experience in designing or approving private sewage disposal systems using soil classification information and 6 semester hours of soils-related coursework;

D) an employee of a local health department with 5 years of experience reviewing the design and~~designing or~~ approving private sewage disposal systems using soil classification information under the direct supervision of those persons listed in subsection (a)(2)(A), (B) or (C)~~ of this subsection (a)(2)~~.

~~A list of qualified persons will be available from the Department upon request.~~

3) If conflicting soils investigation information is provided about a given site, a third Soil Classifier~~an NRCS soil scientist~~ may be requested to provide additional~~professional~~ information or help to resolve the conflict. A National Resources Conservation Service (NRCS) Soil Scientist who is also a Soil Classifier may be contacted for technical information or interpretation.

b) Percolation Tests~~.~~

1) Performance of Percolation Tests. At least 3 separate percolation tests, a minimum of 50 feet apart, shall be performed at the site of each proposed subsurface seepage system.

2) Procedure for Performing Percolation Tests. Percolation tests shall be performed in accordance with the procedure outlined in Appendix A,~~;~~

Illustration G~~ of this Part~~. Alternate procedures for performing percolation tests may be submitted to the Department for review. If determined to be as stringent as that described in Appendix A,~~:~~ Illustration G~~ of this Part~~, the alternate procedure will~~shall~~ be approved.

3) The Department or its agent may choose not to accept percolation data results and may require a soil investigation if soils information, permits for private sewage disposal systems in proximity to the proposed site, direct observation or other information shows conditions that will have an impact on the design, construction, installation, modification or performance of the private sewage disposal system.~~If soils information, permits for private sewage disposal systems in close proximity to the proposed site, direct observations or other information show conditions which will impact the design, construction, installation, modification or performance of the private sewage disposal system, the Department or local authority shall cause the determination of the seasonal high water table, fill, soil compaction, poor soil structure, high bulk density, dense unleached glacial till, fragipans, sodic horizons or other limiting soil characteristics that may reduce permeability or impact on design, construction or location of a subsurface seepage system.~~

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.60 Subsurface Seepage System Construction Requirements

a) Seepage Field Requirements – Gravel, Gravelless and Chamber Systems. Subsurface seepage fields shall be designed and constructed in accordance with Appendix A, Illustrations H, I~~,~~ and J ~~of this Part~~ and the following:

1) All subsurface seepage systems using soils information for sizing shall use the soil suitability table in Appendix A, Illustration M ~~of this Part~~ to determine the size requirements of the subsurface seepage system. The least permeable soil layer~~profile~~ between the top of the gravel or gravelless pipe or chamber system and 2 feet below the bottom of the trench~~the limiting layer~~ shall be used to determine the size of the subsurface seepage system. For mound or at-grade systems, the least permeable soil layer in the upper 2 feet of the soil shall be used to

determine system size.

2) The bottom of the subsurface seepage field, each trench and its distribution line shall be level. Level for this Part shall mean plus or minus ½ inch in any direction over the entire area of the subsurface seepage system.

3) There shall be a minimum of 6 inches and a maximum of 24 inches of earth backfill over the bedding materials, gravelless pipe or chamber system.

4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.

5) If precipitation falls onto the excavation and evidence of soil washing into the excavation of the subsurface seepage system exists, the damaged~~that~~ portion of the seepage system ~~damaged~~ shall be reconstructed to comply~~conform~~ with this Section.

6) The top of the gravel, gravelless pipe, or chamber system in the subsurface seepage field shall be at least one inch below the invert of the outlet pipe from the septic tank or distribution box in a gravity flow system.

7) Site Evaluation~~evaluation~~ for Subsurface Seepage Systems~~subsurface seepage systems~~. Subsurface seepage systems receiving septic tank effluent shall~~should~~ have at least 2 feet of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in Design Group I-VI or with a loading rate of greater than 0.62 gallons per day per square foot, there shall~~should~~ be at least a vertical separation distance of 3 feet between the bottom of the subsurface seepage system and the top of the limiting layer. When the limiting layer is the estimated seasonal high water table, artificial drains, which are designed to lower the estimated seasonal high water table, may be installed to achieve the specified vertical separation distances.

8) Sizing of a Seepage System in Fill Soil~~seepage system in fill soil.~~

A) The least permeable soil layer~~profile~~ between the top of the gravel, gravelless pipe~~,~~ or chamber system and 2 feet below the bottom of the trench~~the limiting layer~~ shall be used to determine the size of the subsurface seepage system.

B) The use of fill for installing subsurface seepage systems shall not be approved for lots platted after March 15, 1996.

C) Fill soils may be used to cover a private sewage disposal system, provided that no part of the system is located in the fill and the fill material is at least equal to or better than the original soil or meets the requirements in subsection (a)(9)~~ of this Section~~.

9) Soil Criteria for Use of Fill in Subsurface Seepage Systems~~criteria for use of fill for subsurface seepage systems.~~

A) Soils to be used~~utilized~~ for fill shall be identified by a soil classifier or licensed Professional Engineer~~professional engineer~~ and a report submitted to the Department or local authority. The report shall contain specific information on the fill soil, including location, depth, permeability, and texture. Soils that can be used as fill are those identified in Appendix A, Illustration M ~~of this Part~~ as 2A, 2B, 2K, 3A, 3B, 3C, 3K, 3L, 4B, 4D and 4K (Design Group II, III and IV).

B) In addition to the ~~above~~ requirements in subsection (a)(9)(A), fill soil shall not contain extraneous material such as tires, concrete, brick, reinforcing bar, demolition material, etc.

C) All of the following conditions shall be met for a subsurface seepage system to be installed in fill.

i) Satisfactory original soil shall be at least 3 feet above bedrock.

ii) A maximum of 2 feet of fill soil shall be used.

iii) Fill shall not be placed on original soil with a slope greater than 10%.

iv) The fill shall be placed at the site so that a minimum of compaction occurs, and the fill shall be allowed to settle undisturbed for a period of at least 12 months. Soils in Design Group II, when used for fill, shall not be required to settle for a period of at least 12 months.

v) After the fill has been settled, a percolation test shall be conducted in accordance with the procedure outlined in Appendix A, Illustration G ~~of this Part~~ and a percolation rate of not greater than 270 minutes/6 inch fall or less than 60 minutes/6 inch fall shall be achieved.

10) Site Preparation for Use of Fill Soil~~use of fill soil.~~

A) Excess vegetation shall be cut and removed. The site shall be plowed with a mold board plow 7 to 8 inches deep with the plowing done perpendicular to the slope. It shall not be done with the furrow running up and down the slope. Chisel plowing may be used in place of mold board. Roto-tilling is prohibited.

B) Once the site is plowed, all traffic shall~~must~~ be kept off the site. The fill material can be deposited on the top with a backhoe or pushed on from the side, preferably the upslope side, using a track type tractor, keeping 6 inches of fill beneath the tracks. At no time shall ruts be made in the plowed area. The fill shall be placed immediately after site preparation to avoid the possibility of precipitation falling on the plowed area.

C) Traffic on the downslope side of the fill area shall be minimal to reduce compaction. All work shall be performed from the ends and upslope side. Compaction of the natural soil downslope will reduce the lateral movement of the effluent.

D) The fill shall not be placed on frozen ground or when the soil is

wet. Moisture content of the soil is very important when filling. Site preparation shall not take place when the soil is too wet. To check moisture content, ~~take~~ a soil sample may be taken from the plow layer (7 to 8 inches) and rolled~~roll it~~ between the palms of the hands. If the soil rolls into a ribbon, it is too wet to prepare. If the soil crumbles, site preparation can then proceed.

b) Gravel Seepage Field Requirements~~.~~

1) Bedding Material. The bedding material shall be clean gravel or clean stone that is free of mud, silt, or clay, with particle size ranging from ¾ inch minimum to 4 inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the distribution line.

2) Distribution Lines. Distribution lines shall be constructed of materials as approved in Section 905.20(f). The lines shall be perforated or open-joint tile. Where open joint tile is used, the tile sections shall be spaced not less than ¼ inch or more than ½ inch apart. Perforated piping with the exception of 8-inch or 10-inch gravelless seepage beds shall have ½- to ¾-inch diameter openings on 3- to 5-inch centers with a minimum of 2 rows. The openings in the pipe shall be placed downward.

3) Separation Material. Bedding materials shall be covered by straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.

4) The ends of a gravel seepage field shall be looped except in serial distribution systems.

c) Gravelless Seepage Field Requirements. In addition to Section 905.20(f), 8-inch or 10-inch gravelless seepage systems shall comply with the following specifications:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) 8-inch and 10-inch inside diameter (I.D.) corrugated polyethylene tubing shall meet the requirements of ASTM F667-06~~84~~, Standard Specification for Large Diameter Corrugated Polyethylene Tubing with the following exceptions:

A) Perforations shall be uniformly spaced along the length of the tubing as follows: 2 rows of holes ⅜ inch in diameter for 8-inch tubing and ½ inch in diameter for 10-inch tubing, located 120° to 140° apart along the bottom half of the tubing, each row 60° to 70° up from the bottom center line. The perforations shall be staggered so that there is at least one hole in each corrugation.

B) The pipe shall be marked to indicate the top of the pipe.

2) All gravelless drainfield pipe shall be encased at the point of manufacture with a filter wrap having the following characteristics:

Physical Properties	Minimum Value
Grab Strength, lbs. (~~ASTM D1682-64 Reapproved 1975 or~~ ASTM D4632)	
Machine Direction	19
Traverse Direction	11
Burst strength, psi (ASTM D3786-09~~80a~~)	26
Air Permeability, cfm per sq. ft. (ASTM D737-08~~75, Reapproved 1980~~)	500

Particle Size Distribution (ASTM F662-86~~80~~)
Polyethylene particles in water and alcohol solution, coulter counter analysis, single pass:

Particle Size (Microns)	% Retained
70	80
60	68
50	56

40	40
30	22
20	5

3) 8-inch or 10-inch gravelless seepage trenches shall comply with the following Illustrations in~~all requirements that apply to standard gravel trench systems as stated in~~ Appendix A unless otherwise stated in this Part:~~.~~

A) Illustration D

B) Illustration H, Exhibit B

C) Illustration I, Exhibit C

D) Illustration I, Exhibit D

E) Illustration J, Exhibit C

F) Illustration J, Exhibit D

G) Illustration K, Exhibits E through H

H) Illustration M, Exhibit A

4) Bedding Material. 8-inch and 10-inch gravelless seepage systems or chamber systems may be bedded with material excavated to construct the system. The backfill material shall not contain large clods of earth, demolition material or other extraneous material.

5) Separation Material. No straw, newspaper or untreated building paper shall be placed between the gravelless seepage system or chamber system and the earth backfill.

6) Bending. 8-inch and 10-inch gravelless pipe shall not be bent around corners on a radius of less than 5 feet. If a sharper radius is required, a tee shall be used.

7) Gravelless seepage systems or chamber systems are not required to be looped. Gravelless seepage systems or chamber systems that are not looped shall be capped on the end.

d) Serial Distribution. Serial distribution shall be used in areas where the slope of the terrain prohibits the installation of conventional subsurface seepage systems. The following criteria shall be used in the design and construction of a serial distribution system~~:~~ (see Appendix A, Illustration K~~ of this Part~~):

1) The bottom of each trench and its distribution line shall be level.

2) There shall be a minimum of 6 inches of earth backfill over the bedding material or chamber system or the gravelless pipe in the trenches.

3) The trench shall follow the ground surface contours so that variation in trench depth will be minimized.

4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.

5) Adjacent trenches shall be connected with a relief line or a drop box arranged so that each trench is completely filled to the full depth of the gravel or gravelless pipe or chamber system before effluent flows to the succeeding trench.

6) The relief lines connecting the trenches shall have watertight joints and direct connections to the distribution lines in adjacent trenches. Tight joint T's and 45° ells, or a drop box arrangement shall be used to connect adjacent trenches.

7) Where the relief pipe trench connects with the higher trench, it shall not be deeper than the top of the gravel or gravelless pipe or chamber system in the higher trench. Relief lines shall rest on undisturbed earth and the backfill shall be carefully tamped.

8) The invert of the first relief line shall be at least one inch lower than the

invert of the septic tank or aerobic treatment plant outlet. (See Appendix A, Illustration K~~ of this Part~~.)

9) All other construction features of the serial distribution field shall comply with subsections (a) through (d)~~ of this Section~~.

e) Seepage Beds. The total bottom area of the seepage bed shall be 1½ times the area specified in Appendix A, Illustration H, Exhibit A or Illustration M, Exhibit A~~ of this Part~~. Construction features shall conform to subsections (a) and (b)~~ of this Section~~. Distribution lines shall be spaced no farther~~further~~ than 6 feet center to center and shall be equally spaced. Lines adjacent to the bed sidewalls shall be 18 inches from the bed sidewall. (See Appendix A, Illustration L~~ of this Part~~.) Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.

f) Chamber Systems. Chamber systems shall be sized and installed in accordance with~~wit~~ the following:

1) Center-to-center spacing for chamber systems shall be in compliance with Appendix A, Illustration I, Exhibit D~~The minimum center to center spacing of chambers shall be 7 feet~~.

2) Chamber systems shall be sized in accordance with Appendix A, Illustration I, Exhibit E.

3) Chamber systems shall be designed to support all weight of earth backfill without collapsing.

4) Chamber systems shall be designed to prevent earth backfill from restricting flow within the chamber.

g) Subsurface Drip Irrigation Systems. Subsurface drip irrigation systems shall be designed, installed and maintained in accordance with the following:

1) The drip irrigation system shall be designed, installed and operated as a subsurface seepage system, and no portion of the drip irrigation system shall have a surface discharge.

A) Pre-treatment

i) The drip irrigation system shall be preceded by a pre-treatment process designed to reduce the $CBOD_5$ (carbonaceous 5-day biochemical oxygen demand) to a maximum concentration of 25 mg/L and total suspended solids to a maximum concentration of 30 mg/L. Drip irrigation systems shall not be installed following a septic tank without any pre-treatment process capable of meeting this Part's requirements.

ii) The total flow from the property plus the backwash water from the drip irrigation system shall not exceed the treatment capacity of the pre-treatment device.

iii) The installation contractor, designer or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the pre-treatment process meets the requirements of this Part.

B) Dosing Tank

i) A minimum liquid capacity of 1,000 gallons shall be provided below the inlet in the dosing tank for a residential or non-residential site.

ii) For homes larger than three bedrooms and non-residential systems with a daily design flow greater than 667 gallons/day, a dosing tank with a minimum capacity of 1.5 days design flow shall be provided.

C) Dosing Pump

i) A high head/low volume pump shall be used.

ii) The pump shall be sized based upon the design flow rate of the drip irrigation field, which shall be based on the number of emitters times the flow rate of each emitter in gallons per minute.

iii) The minimum head requirement of the pump shall be based upon the pressure requirements for the operation and flushing of the drip field plus the total static and friction head requirements of the supply lines and manifolds.

iv) Pump specifications used for drip irrigation systems shall be provided by the pump manufacturer.

v) The installation contractor, designer or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the pump used is in compliance with this Part.

D) Time Dosing

i) Drip irrigation systems shall be provided with a timer to activate the dosing pump equally throughout a 24-hour period.

ii) Systems shall be dosed a minimum of 6 equal doses over a 24-hour period and shall be capable of delivering the maximum daily design flow to the drip irrigation system in a 24-hour period. More frequent doses of 8 to 24 equal doses over a 24-hour period are recommended and shall be required in soils that have a loading rate of less than 0.5 gallons/square foot/day.

iii) The dosing frequency shall be such that the soil surrounding the drip irrigation system does not become saturated.

iv) The dosing specifications shall be provided by the drip irrigation manufacturer or the manufacturer's representative in accordance with this Part.

E) Effluent Filtration

i) Wastewater effluent shall be filtered to the drip tubing manufacturer's specifications to ensure proper operation of the distribution system.

ii) The effluent filtration device shall be easily accessible for maintenance and inspection.

F) Drip Distribution System

i) The drip distribution tubing manufacturer or the manufacturer's representative shall provide written specifications for all components used in conjunction with the drip irrigation system.

ii) The manufacturer or the manufacturer's representative shall assure that all manufacturer specifications for the drip irrigation system are in compliance with this Part.

iii) The manufacturer shall incorporate measures to prevent root intrusion into the emitters.

G) Drip Emitters and Flow Rates

i) The manufacturer of the drip tubing shall specify the number of drip emitters per lineal foot and the flow rates through each emitter for different pressures.

ii) The installation contractor or homeowner, in consultation with the manufacturer or the manufacturer's representative, shall assure that the number of emitters to be used in a drip irrigation system and the types of emitters used, flows and

flow rates into the soil comply with all of the manufacturer's specifications and requirements and with this Part.

H) Absorption Field Sizing

i) A soil investigation shall be conducted in accordance with Section 905.55(a).

ii) The soil loading rate (gallons/square foot/day) shall be based upon the least permeable soil condition encountered within 24 inches below the proposed depth of the drip irrigation tubing.

iii) The system size shall be based upon Appendix A, Illustration M, Exhibits A and B.

I) Drip Tubing Installation and Configuration

i) The drip tubing shall be installed in the natural soil using installation equipment and procedures specified by the manufacturer.

ii) Drip irrigation tubing shall be installed at a depth of 6 inches to 12 inches below the final graded surface.

iii) Drip irrigation tubing shall be installed on a minimum of 2-foot centers.

iv) When the drip irrigation piping is installed on slopes exceeding 20%, the spacing between the drip irrigation piping shall be 3 feet or greater.

v) The drip irrigation system shall be configured so that the length of the area of the drip irrigation tubing system is at least two times its width. If this is not possible, the drip

irrigation tubing trench separation distance shall be doubled.

vi) The length of individual drip distribution tubing shall not exceed the manufacturer's specifications and shall be installed at a uniform depth that follows the contour of the site.

vii) The drip irrigation tubing shall be installed a minimum of 12 inches above a limiting layer.

J) Considerations to Prevent Freezing

i) The distribution and return manifolds shall be installed to drain back to the pre-treatment tank after the field has been dosed.

ii) If the elevations of the pre-treatment tank and dosing tank do not allow gravity flow to the pre-treatment tank, the lines shall be installed to drain back to the dosing tank.

iii) All piping and components shall be installed to allow water to drain back to the pre-treatment tank or dosing tank.

iv) To allow for drain back, a check valve shall not be installed in the supply and return lines.

K) Fill Soils
Fill soils may be used in accordance with subsection (a), except that the soil surface shall not be plowed.

L) Pressure Requirements

i) The manufacturer of the drip tubing shall specify the operating pressure requirements of the drip irrigation system and provide the specifications of any pressure

regulator that may be required with the drip irrigation system.

ii) A pressure gauge shall be provided or a method of connecting a pressure gauge shall be provided on the distal end of the drip irrigation system to ensure that field pressure can be checked during inspection, evaluation and maintenance. The installation contractor or manufacturer shall ensure that the irrigation system is operating at the required specifications.

M) Flush Valves

i) An automatic or manual flush valve shall be provided on the filter and drip distribution system to allow for periodic flushing of both the drip distribution system and the filter.

ii) The drip distribution system manufacturer shall provide the specifications for the flush valves that are acceptable to use with the system. The manufacturer shall also provide specifications on the number of flush valves to be used and their location, with specifications about how this is to be determined and the backwash velocity required to clean the drip tubing piping.

iii) A chemical injection port shall be installed to facilitate cleaning and flushing the drip distribution system.

iv) Backwash water shall be directed into the building sewer at the inlet end of the pre-treatment system.

N) Air Relief

i) The manufacturer of the drip tubing shall specify the air relief requirements of the drip distribution system and provide the specifications of any air relief devices that may be required with the drip irrigation system to ensure that the

distribution piping can drain back to the dosing chamber when the system is not pressurized.

ii) The air relief device shall be installed at the highest point of the feed and return manifolds.

O) Alarm

i) An audible and visual alarm shall be provided to warn of a high water condition in the dosing tank.

ii) The alarm shall be on a separate dedicated circuit.

iii) The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level or siphon activation level.

iv) The alarm shall be located outside of the structure served by the system and shall be provided with an electrical disconnect that is located within sight of and not more than 50 feet away from the device.

v) If an alarm is being used by another component within the private sewage disposal system, is compliant with subsections (g)(1)(O)(i) through (iv), and is able to connect additional devices, it may be used without the need for an additional alarm.

P) Access

i) Access openings to the pre-treatment system, effluent filtration system, and dosing tanks shall have a minimum inside dimension of 18 inches, shall be watertight and shall extend to 3 inches or more above the ground surface.

ii) Access openings to all other system components shall be large enough to allow easy access from the ground surface.

Q) Maintenance

i) The manufacturer shall provide specifications for the maintenance of all components within the drip irrigation system.

ii) The manufacturer shall provide a maintenance plan to ensure that maintenance is conducted as required to achieve the proper function of the system.

2) The installation contractor or manufacturer shall provide the following information to the owner of the system:

A) An operation manual;

B) The maintenance plan for the drip irrigation system;

C) The manufacturer of the components and a description of the function of the components;

D) The service contract information;

E) A troubleshooting repair guide;

F) A list of safety concerns;

G) Manufacturer's cut sheets for all electrical and mechanical components; and

H) An as-built drawing of the system.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.70 Buried Sand Filters

a) General. Buried sand filters may be used, provided that the effluent is discharged in accordance with the requirements of Section 905.110.

b) Size. Buried sand filters shall be sized as follows:

1) Residential. The sand filter surface area for residential property shall be 200 square feet per bedroom. Where a sand filter is used in conjunction with an approved aerobic treatment plant, the surface area of the sand filter may be reduced by 50 percent.

2) Non-Residential. All of the following shall be met when a buried sand filter is to be installed on non-residential property.

A) The surface area of the sand filter shall be designed for one square foot per gallon per day for waste with an influent Biochemical Oxygen Demand (BOD) not to exceed 300 parts per million (ppm).

B) A sand filter with flows of 801 gallons or more per day shall have the influent~~effluent~~ distributed into the sand filter by a ~~pressure~~ dosing system designed according to subsection (l)~~ of this Section~~. The sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.

~~C) The sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.~~

c) A single individual sand filter shall be used to treat flows from a wastewater source. Splitting flows prior to treatment or the use of multiple sand filters shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.

d) Minimum Size. The minimum size buried sand filter shall be designed to treat at least 100 gallons of waste per day.

e) Sand Filter Media. The depth of filter media shall be a minimum of 24 inches. The sand shall have an effective size of 0.5 to 2.0 millimeters, and a uniformity

coefficient of less than 3.5. It shall be clean and free of clay and silt.

f) Alternate Media. Other filter media may be used in a subsurface filter provided that they meet~~it meets~~ the criteria of subsection (e) ~~of this Section~~ and comply~~complies~~ with the following requirements:~~.~~

1) Are~~Is~~ chemically and biologically inert;~~.~~

2) Will support biological growth; and~~.~~

3) Have~~Has~~ a hardness equivalent to, or greater than, that of sand.

g) Filter Media Cover. The filter media shall be covered with a minimum of 10 inches of clean coarse gravel or clean stone that~~which~~ is free of mud, silt or clay, ranging in size from ¾ to 2½ inches in diameter. The gravel or stone shall be covered with straw, untreated building paper, or other permeable material prior to backfilling. A minimum of 12 inches of earth cover shall be provided. (See Appendix A,~~:~~ Illustration N~~ of this Part~~.)

h) Distribution and Collection Lines. The distribution and collection lines shall conform to the requirements for distribution lines~~ as given~~ in Section 905.60(b)(2). The distribution lines shall be level, shall be located 18 inches from sidewalls, and shall be spaced on 3-foot centers. There shall be solid pipe to the filter media. The collection lines shall have a slope of 6 inches per 100 feet, and one collection line shall be provided for each 10 feet of width or fraction of 10 feet, and shall be equally spaced~~thereof~~. The upper end of the collection line shall be capped.

i) Bedding Material. The bedding material for the collection lines shall be placed as shown in Appendix A,~~:~~ Illustration N~~ of this Part~~, and shall be clean gravel or clean stone that~~which~~ is free of mud, silt or clay. The coarse gravel shall range in size from ¾ to 2½ inches in diameter, and pea gravel shall range from ⅛ to ⅜ inches in diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation before placement of the collection lines.

j) Venting. A minimum of one vent shall be placed on the downstream end of the distribution lines as shown in Appendix A,~~:~~ Illustration N~~ of this Part~~. These vents

shall be placed as close as possible to the corners on the downstream distribution lines. The vents shall extend above the ground surface and be screened with ~~1/4~~¼-inch mesh screen or equivalent.

k) Drainage. Surface drainage shall be directed away from the filter. If conditions prohibit gravity drainage of the filter effluent, a pumping chamber shall be installed. The chamber shall be constructed of a watertight, non-corrosive material and shall be provided with a removable lid, which will serve as an access for inspection, cleaning~~,~~ and general maintenance. An access port or extension collar shall extend at least 6 inches above the ground surface, and the access shall have a minimum dimension of 12 inches. The chamber shall have sufficient depth and the pump controls shall be set in a manner to allow for complete drainage of the filter to eliminate any ponding of effluent within the filter. (See Section 905.125, Pumps, Pumping/Dosing~~Pump~~ Chambers, and Ancillary Equipment.)

l) Distribution of Effluent. Buried sand filters designed to treat non-residential property with flows of 801 gallons or more per day shall have the effluent distributed into the sand filter by pumping. The pumps, pumping chamber and ancillary equipment shall comply with Section 905.125 and the following:

1) Dosing Volume~~volume~~. ~~Dosing shall not exceed 4 times a day.~~ The dosing volume is the amount of liquid pumped or siphoned during each cycle minus the amount that~~which~~ drains back from the sand filter~~system~~ after each dose.

2) Pump Selection. The pump shall be a submersible pump designed for corrosive liquids.

3) Siphons. Siphons can be designed where elevation exists between the sand filter and the siphon chamber. However, the siphon shall be designed to deliver the same flow rate at the same head at the distribution system as a pump system. The distribution system consisting of manifold and laterals shall be designed so that it will drain after each siphon. This shall be accomplished by placing the manifold above the laterals.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.80 Re-circulating~~Recirculating~~ Sand Filter

a) General. The re-circulating~~recirculating~~ sand filter system (Appendix A,~~:~~ Illustration O~~ of this Part~~) consists of a septic tank, recirculation tank, open sand filter~~,~~ and flow splitter. It may be used provided that the effluent is discharged in accordance with the requirements of Section 905.110.

b) Septic Tank. The septic tank shall be sized and installed as described in Section 905.40.

c) Re-circulation~~Recirculation~~ Tank. The re-circulation~~recirculation~~ tank volume shall be 500 gallons, and the tank shall be equivalent in strength and materials to the septic tank as provided in Section 905.40. No baffles are necessary. An access manhole, as described in Section 905.40(b)(7), shall be provided for pump maintenance or replacement.

d) Sand Filter. The sand filter shall be sized at one square foot of filter surface for every 3 gallons per day of domestic sewage flow. Appendix A,~~:~~ Illustration P ~~of this Part~~ has a size chart for residences based on numbers of bedrooms. Unless otherwise stated in Appendix A,~~:~~ Illustration P, ~~of this Part~~ the sizes shown are required. The filter media shall comply with requirements of Section 905.70(e) and (f) and shall be 30 inches in depth.

e) Bedding Material. The bedding material for the collection lines shall be the same as that in a buried sand filter. The coarse gravel shall be ¾ to 2½ inch diameter, and the pea gravel shall be from ⅛ to ⅜ inches diameter. A minimum of 2 inches of coarse gravel shall be placed on the excavation prior to placement of collection lines.

f) Distribution and Collection Lines. The collection lines shall be constructed of materials as approved in Section 905.20(f) and shall be 4 inches inside diameter perforated piping laid with perforations facing downward. The distribution piping shall have an inside diameter of 1½ inches. The perforated pipe shall have ½ to ¾ inch~~inches~~ diameter openings on 3-inch to 5-inch centers with 2 rows at 120° from each other. Distribution piping shall be spaced on 3-foot centers and shall be located a minimum of 1½ feet from sidewalls.

g) Pumps. The pump shall be a submersible pump designed for corrosive liquids and shall have a capacity of 15 to 25 gallons per minute at the 10-foot total dynamic head (TDH). The pump shall be controlled by a time clock that~~which~~ can be set to activate the pump at one hour or longer intervals. Pump shut-off shall be controlled by a low level float switch that~~which~~ allows the entire contents of the re-circulation~~recirculation~~ tank to be pumped during each pump cycle. A high level float switch shall be provided that energizes a visible and audible alarm to indicate pump failure or malfunction. (See Appendix A,~~:~~ Illustration Q~~ of this Part~~.)

h) Flow Splitter. The flow splitter shall be designed so that re-circulation ~~recirculation~~ rates can be controlled between no re-circulation ~~recirculation~~ and a 5:1 re-circulation~~5 to 1 recirculation~~ ratio. An example of one type of splitter is shown in Appendix A,~~:~~ Illustration O~~ of this Part~~.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.90 Waste Stabilization Ponds

General. Waste stabilization ponds may be used if designed and constructed in accordance with the following criteria and provided that the effluent is discharged in accordance with the requirements of Section 905.110 (see~~See~~ Appendix A,~~:~~ Illustration R ~~of this Part~~ as an illustration of these requirements). A septic tank sized according to ~~905.~~Appendix A,~~:~~ Illustration F ~~of this Part~~ or an aerobic treatment plant shall precede a waste stabilization pond.

a) Location: A waste stabilization pond shall be located as distant as practical from residences, but in no case closer than the distances shown in Appendix A,~~:~~ Illustration D~~ of this Part~~, and in an area where trees will not interfere with sunlight on the surface.

b) Dimensions. Ponds shall have a length not exceeding 3 times the width.

c) Capacity. When domestic sewage from a septic tank is to be discharged to the waste stabilization pond, the capacity of the pond shall be equivalent to 60 times the average daily flow. When preceded by a Class II aerobic treatment plant, the capacity of the pond shall be equivalent to 18 times the average daily flow.

d) Depth. The wastewater depth for a waste stabilization pond shall be uniform and 3 feet to 5 feet.

e) Freeboard. A minimum freeboard of 2 feet shall be provided.

f) Embankments. Embankments shall be constructed of impermeable materials and shall be compacted. Embankment slopes shall be in one~~1~~ to 2 (vertical to horizontal) below the water line and one~~1~~ to 3 or flatter above the water line. The top width of the embankment shall be a minimum of 2 feet. Embankments shall be seeded or rip-rapped from the outside toe to the high water line. Perennial, low growing, spreading grasses that withstand erosion and can be kept mowed are most satisfactory for seeding of embankments.

g) Inlet. The inlet line shall be placed 12 to 24 inches above the bottom of the pond at a point opposite the overflow structure and shall be supported at no greater than 10-foot intervals along its length. It shall discharge at least 10 feet from the water's edge. The inlet line shall be sloped in accordance with Section 905.20(g).

h) Outlet. The outlet structure shall be designed to prevent the discharge of floating solids. This shall be accomplished through baffling. The baffle shall consist of a sanitary T or 90° elbow. If the 90° elbow is used, a ¼ inch hole shall be drilled into the top of the elbow to provide an air break. The outlet baffle shall extend 12 inches below the invert of the overflow. The outlet baffle shall be 3 to 5 feet from the embankment.

i) Bottom. The bottom of the waste stabilization pond shall be cleared and leveled to the required elevation and shall be lined with an impermeable natural or man-made material. The pond shall be kept free of vegetation that would grow to or above the water surface.

j) Drainage. All surface water shall be diverted away from the waste stabilization pond.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.95 Illinois Raised Filter Beds

a) Illinois raised filter bed disposal systems shall have a filter loading rate of 4 gallons per square foot per day for residential systems of up to 1,500 GPD flows. Non-residential systems of any size or residential systems in excess of 1,500 GPD shall use a filter loading rate of 2.5 gallons per square foot per day. The system shall be designed in accordance with Appendix A,~~,~~ Illustration X, Exhibits A through E.

b) An aeration batch treatment system that has been approved by NSF in accordance with NSF Standard 40 shall be used. The aeration tank volume shall hold at least 2 times the average daily wastewater flow for residential use (including the use of a garbage disposal). Non-residential systems shall have a tank volume size of 3 times the daily wastewater flow. Multiple tanks shall be used to achieve the volume required. Multiple tanks require connection at the bottom of each tank for flow equalization.

c) Filter beds shall not exceed 600 square feet. If a larger area is needed, multiple beds shall~~must~~ be used, separated by a minimum distance of 15 feet, using a common mantle. The filter beds can be placed at any point on the mantle ~~in order~~ to accommodate existing ground contours.

d) The filter length shall not exceed 3 times the width.

e) The sand filter media shall have an effective size of 0.5 to 2.0 millimeters, a uniformity coefficient of less than 3.5, and a 30-inch depth.

f) The mantle shall be sized in accordance with the formula A = QT/25, where A = Mantle Area, Q = Quantity of wastewater per day, and T = Percolation time of the original soil in minutes per inch. (See ~~Section 905.~~Appendix A, Illustration X, Exhibit E to convert soil investigation information to T (percolation time).)

g) The mantle shall be at least equal to the area of the filter bed. The mantle shall not be designed for percolation rates that exceed 120 minutes per inch.

h) The mantle area is to be cut into original soil to a depth of 6 inches and back-filled with 12 inches of torpedo sand that is graded as FA1-FA8 in accordance with Standard Specifications for Road and Bridge Construction~~, adopted January~~

~~1, 2002 by the~~ (Illinois Department of Transportation).

i) The slope of the bottom of the mantle shall be level, plus or minus one~~1~~ inch. The slope of the earth sidewalls of the filter shall be a maximum of 3 feet horizontal to one~~1~~ foot vertical.

j) The mantle area shall~~must~~ be at least 12 inches deep. If the maximum high groundwater table is less than 6 inches from the bottom of the filter bed, additional torpedo sand shall~~must~~ be used to increase the isolation distance between the bottom of the filter bed and the high groundwater table to at least 6 inches. Other separation distances (e.g., well, property line~~, etc.~~) shall be measured from the toe of the filter bed.

k) The distribution piping (4-inch perforated pipe) shall be placed level to 15-inch centers in 12 inches of ¾-inch stone.

l) Sod shall be placed over the filter beds and mantle.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.96 Peat Filter Systems

a) General. Peat filter systems shall be preceded by a septic tank, Imhoff tank, or aeration system meeting the requirements of Section 905.30, 905.40 or 905.100, and the effluent from the system shall be discharged into a subsurface system approved in Section 905.60. The size of the subsurface system may be reduced by ⅓,~~one-third~~ provided that the effluent quality meets the requirements of Section 905.110(d)(1)(A) and (B).

b) Design. The system shall be sized in accordance with the manufacturer's requirements as approved by the Department.

c) Approval of Systems. Manufacturers of peat systems shall present information to the Department documenting that effluent from their system meets the requirements of subsection (a). The~~Such~~ information shall be in the form of independent test data or reports. The Department will~~shall~~ grant approval and maintain a list of those systems meeting the requirements of this subsection and

only approved systems may be installed.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.100 Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems

a) General. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be tested and listed by NSF International or a laboratory approved by ANSI and certified compliant with the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC) Guide 65 to determine compliance with the requirements of ~~ANSI/~~NSF International/ANSI Standard 40, Residential Wastewater Treatment Systems~~, July 12, 2000~~. To assure compliance with certification requirements and the Act and this Part, the Department will obtain and retain from NSF International a complete list of approved systems, approved components and approved component parts for each NSF International/ANSI Standard 40 wastewater treatment system installed or currently existing within the State. Until the Department receives the NSF approval information, the system shall not be considered approved in accordance with the Act and this Part. Standard 40 is a standard that covers an organized and coordinated system of components that functions to treat wastewater generated by individual residences. This Part shall allow approved aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property that is used as a seasonal, weekend or part-time residence.

b) Class II Effluent. Aerobic treatment systems~~plants~~ listed by NSF International or a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40 for Class II effluent shall discharge to one of the following:

1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.

2) A sand filter designed and constructed in accordance with the requirements of Section 905.70 or 905.80.

3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.

c) Class I Effluent. NSF International/ANSI Standard 40 wastewater treatment systemsAerobic treatment plants listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 for Class I effluent shall discharge to one of the following:

1) A subsurface seepage field designed and constructed to be at least ⅔ the size determined necessary by Section 905.60. The subsurface system shall be installed as shallow as possible while maintaining a minimum of 6 inches of cover. There shall be at least 12 inches between the bottom of the subsurface seepage system (soil interface) and the shallowest limiting layer.

2) ATo a surface discharge in accordance with Section 905.110.

d) Sizing. Aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 as Class I and rated at 500 gallons per day will be allowed for the treatment of sewage from residential property having up to and including 4 bedrooms. Other aerobic treatment plants that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ANSI/NSF International/ANSI Standard 40 as Class I shall be sized as follows:

Bedrooms	Minimum Rated Treatment Capacity-Gallons
1	400
2	400
3	500
4	500
5	750
6	900
7	1000
8	1200

9	1350
10	1500

e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.

f) Accessibility for Inspection~~inspection~~ and Maintenance~~maintenance~~. The aerobic treatment plants or NSF International/ANSI Standard 40 wastewater treatment systems~~plant~~ shall be equipped with one or more grade-level access manholes having a minimum inside dimension of 18 inches that extend to 3 inches or more above the ground surface. The manhole shall be equipped with a lid that is secured in compliance with Section 5.7.2 of NSF International/ANSI Standard 40. These manholes shall be located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. ~~Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit.~~

g) Service. Devices falling within the scope of NSF International/ANSI Standard 40 require periodic maintenance to achieve performance consistent with demonstrated capabilities. Implicit in NSF International/ANSI Standard 40 is the recognition that assured professional service is imperative. NSF International/ANSI Standard 40 and this Part require a 2-year service policy to be provided as part of the initial service agreement. (Note: The following initial service policy includes items not included in the NSF International/ANSI Standard 40 service policy.)

1) Initial service policy.~~:~~ The~~A 2-year policy shall be furnished to the purchaser by the~~ private sewage disposal installation contractor, through the manufacturer or the distributor of the aerobic treatment unit, shall furnish a 2-year initial service policy to the purchaser. This policy shall provide for:

A) Four inspection/service calls, at least one every 6 months, that ~~which~~ include~~includes~~ inspection, adjustment~~,~~ and servicing of the

mechanical and the applicable component parts to ensure proper function;

B) An~~For an~~ effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors;

C) Reporting to the owner immediately any~~For~~ improper operation that~~which~~ cannot be corrected at the~~that~~ time of the inspection or service call~~, to be reported to the owner immediately~~. This shall be followed by~~with~~ a written report to the owner that includes the date by which~~for~~ the condition will~~to~~ be corrected.

2) Continuing service policy.~~:~~ Each manufacturer shall make available for purchase by the owner a continuing service policy with terms equal to the initial service policy.

3) Standby parts.~~:~~ The local distributor shall stock standby~~Standby~~ mechanical and electrical component parts ~~shall be stocked by the local distributor~~ for use when the plant's mechanical or electrical components must be removed from the site for repairs.

4) Component parts.~~:~~ The mechanical and electrical component parts shall be guaranteed against any defects in materials and workmanship as warranted.

5) Service.~~:~~ Service shall be available within 2 working days following a request.

6) Owner's manual.~~:~~ The manufacturer shall provide an~~An~~ owner's manual ~~shall be provided by the manufacturer~~ with each unit. The manual shall include the following information:

A) Model numbers;~~.~~

B) Functional description of unit, including a statement of minimum performance requirements as established by test;~~.~~

C) Design and flow diagrams;~~.~~

D) Warranty;~~.~~

E) Replacement policy and service policy;~~.~~

F) Installation instructions;~~.~~

G) Detailed operation and maintenance requirements (including user responsibility, parts and service);~~.~~

H) Rated service flow in GPM (gallons per minute) or GPD (gallons per day);~~.~~

I) Energy source and energy required for proper operation of the plant; and~~.~~

J) Specification of models tested under ~~ANSI/~~NSF International/ANSI Standard 40.

7) Service label.~~:~~ A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the audible and visual alarm.

8) Responsibility of property owner.~~:~~ The property owner shall be responsible for maintaining and operating the plant in accordance with this Part and the manufacturer's specifications.

h) Operation. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall produce an effluent meeting the physical, chemical and biological requirements of Section 905.110. Under normal operation and, if~~in the event of~~ an electrical or mechanical failure or other performance failure or malfunction occurs, the design and construction of the aerobic treatment plant or NSF International/ANSI Standard 40 wastewater treatment systems shall prevent the discharge of wastewater from any opening that is not part of the designed flow path of the entire treatment process and shall prevent the discharge of wastewater that is not in compliance with Section

905.110.

i) Maintenance. If~~In the event that~~ a routine service call indicates an electrical, mechanical or performance failure or malfunction or if routine laboratory test results indicate improper treatment, the property owner shall immediately take action to bring the aerobic treatment plant or NSF International/ANSI Standard 40 wastewater treatment systems into compliance with this Part.

j) Non-residential Use~~use~~. Aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems that are listed by NSF International or a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40 as Class I will be considered for use to serve a non-residential property, provided that all of the following are met:

1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.

2) Wastewater influent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF International or a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40 during testing of the plant.

3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device.

4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than 4 times per day shall immediately follow the aerobic treatment plant.

k) Splitting of Flows~~Any wastewater source shall be served by a single individual aerobic treatment plant~~. Splitting of flows from a wastewater source or the use of multiple aerobic treatment plants or NSF International/ANSI Standard 40 wastewater treatment systems shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.

l) Private sewage disposal installation contractors or homeowners who maintain or service aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems shall be required to maintain the integrity of the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40. Only component parts approved for use in an individual plant may be used. No design changes or component part changes may be made that will void the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40. Any person who voids the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF International/ANSI Standard 40 shall be responsible for repairing the plant so it can bear the NSF International seal or the seal of a laboratory approved by ANSI to determine compliance with ~~ANSI/~~NSF ~~Standard~~ International/ANSI Standard 40 or shall replace the plant with an approved private sewage disposal system.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.110 Effluent Discharges

a) General. Buried sand filters, re-circulation~~recirculating~~ sand filters, waste stabilization ponds, ~~and~~ aerobic treatment plants and NSF International/ANSI Standard 40 wastewater treatment systems listed by NSF International/ANSI Standard 40 as~~for~~ Class I effluent (see~~See~~ Section 905.100(a) and (c)) or any Department approved or accepted system may be discharged to any one of the following 3 options:

1) A receiving stream, river, lake~~,~~ or pond that~~which~~ provides greater than a 5:1~~5 to 1~~ dilution of the effluent, based on the 7-day, 10-year low flow rate. A discharge within 10 feet of one of these receiving bodies of water~~the above~~ shall be considered to be a discharge to the receiving body of water. Discharges greater than 10 feet from the receiving body of water shall comply with subsection (a)(2) or (3)~~ of this Section~~. Discharges to a lake or pond shall be limited to 2 discharges per surface acre of water. More than 2 discharges may occur per individual surface acre of water;~~,~~ however, the total number of discharges to total surface acres of water shall not exceed a ratio of 2:1~~2 to 1~~. An example of this is as follows: In a

20-acre lake, several discharges may enter the lake in a ½-acre cove; however, the total discharges entering the lake would be limited to 40. Where discharges are not equally distributed around a lake or pond, the Department or local authority shall be consulted to assure that nuisance conditions are not created.

2) A common collector, provided that the collector does not discharge within one mile upstream from a public water supply intake, public bathing beach, or to any public use area. A public use area is any area that~~which~~ is frequently used by the public. Examples of a public use area are playgrounds and picnic areas. Discharges from lots platted (e.g., individual lots, subdivisions, commercial developments) after January 1, 2014 are not eligible to discharge into a common collector. ~~Common collectors used to carry treated effluent for 2 or more discharging systems with a combined design flow of less than 1500 gallons per day shall be constructed of materials as listed in Appendix A: Illustration C of this Part, and shall discharge in accordance with subsections (a)(1) and (3) of this Section. If the flow from any number of discharging systems is combined and exceeds 1500 gallons per day, then the owner of the property shall provide a copy of the construction permit obtained in accordance with 35 Ill. Adm. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency to the Department or local authority to demonstrate that the effluent from this private sewage disposal system can discharge to this location.~~

3) The ground surface, where the discharge points of private sewage disposal systems with surface discharges do~~does~~ not exceed an average of one per acre and the effluent does not pond or create a nuisance condition.

b) Whenever a subdivision is platted that does not provide private sewage disposal systems in compliance with Section 905.60 or subsection (a) of this Section, then a sewage system in compliance with 35 Ill. Adm. Code 301 shall be provided.

c) When~~Where~~ lots have been platted prior to March 15, 1996, the applicant for plan approval or local authority approval may apply for a variance to this Section in accordance with the provisions of Section 905.20(l).

d) Effluent Limitations~~Standards.~~

1) Surface discharging private sewage disposal systems shall not exceed the following effluent standards~~All surface discharges from private sewage disposal systems shall comply with United States Environmental Protection Agency Secondary Treatment Guidelines for BOD5 and Suspended Solids~~:

A) The system shall comply with NSF International/ANSI Standard 40, Section 8.5.2.1.1 for carbonaceous 5-day biochemical oxygen demand ($CBOD_5$) and Section 8.5.2.1.2 for total suspended solids (TSS).~~BOD5~~

~~i) Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/1 (milligrams per liter) and 85 percent removal.~~

~~ii) Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/1.~~

~~B) Suspended Solids:~~

~~i) Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/1 and 85 percent removal.~~

~~ii) Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/1.~~

B)~~C)~~ No effluent shall contain settlable solids.

C)~~D)~~ Color, odor~~,~~ and turbidity shall~~must~~ be reduced to below discernable levels.

D)~~E)~~ No effluent shall contain floating debris, visible oil, grease, scum~~,~~ or sludge solids.

E)~~F)~~ Fecal~~A fecal~~ coliform bacteria concentration shall not exceed ~~exceeding~~ 400 organisms per 100 ml ~~(milliliter) except where chlorination is not required~~.

F) Sample Ports. After January 1, 2014, any surface-discharging system installed, repaired, renovated or replaced shall have a sample port of at least 4 inches in diameter or free-fall discharge of at least 12 inches located after the disinfection component, which extends to 3 inches or more above the ground surface. A sample port is not required if a free-fall discharge is within 200 feet of the disinfection device. The sample cannot be taken from a common collector or drainage tile, but must be taken from a discharge point that discharges only the treated effluent from the surface-discharging private sewage disposal system.

G) A surface-discharging system installed after January 1, 2014 shall not discharge to a roadside ditch as stipulated in the Illinois Highway Code [605 ILCS 5/9-123].

2) Samples shall be analyzed in accordance with the "Standard Methods for the Examination of Water and Wastewater".

e) Private sewage disposal systems designed to be compliant with subsection (d) can be discharged to a subsurface seepage field designed and constructed to be at least ⅔ the size determined necessary by Section 905.60. The subsurface system shall be installed to be as shallow as possible while maintaining a minimum of 6 inches of cover and one foot of separation from the bottom of the trench to the shallowest limiting layer.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.115 NPDES Permit Compliance

For those surface discharging private sewage disposal systems from which effluent enters into the Waters of the United States that require a general NPDES permit, a permit can be obtained from the US Environmental Protection Agency (USEPA) or the Illinois Environmental

Protection Agency (IEPA). Systems permitted under the general NPDES permit shall be in compliance with the terms and conditions of the general NPDES permit. A surface discharging private sewage disposal system that is required to be permitted under an individual NPDES permit shall be in compliance with the terms and conditions of the individual NPDES permit. Information about the applicability of the NPDES permit for surface discharging private sewage disposal systems shall be obtained from USEPA or IEPA.

(Source: Added at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.120 Disinfection

a) As of January 1, 2014, the effluent from any new, repaired or replaced private sewage disposal system that is designed and approved to have a discharge point shall be disinfected prior to discharge.~~General. Surface discharges shall be disinfected with a chlorine solution under the following conditions:~~

~~1) When the effluent is discharged to the ground surface and the effluent leaves the property.~~

~~2) When an individual effluent or the effluent from a common collector is discharged to a pond, lake, or stream in which swimming, water skiing, or other water contact recreation occurs.~~

b) Chlorine Feeders. Chlorination equipment shall have a means of removal of solids. Appendix A,~~:~~ Illustration S ~~of this Part~~ provides an example of a typical chlorine feeder. All chlorine feeders shall meet the requirements of Appendix A,~~:~~ Illustration S ~~of this Part~~. Other feeders that~~which~~ meet the requirement of this Section are also acceptable.

c) Chlorine Contact Tanks. Chlorine contact tanks shall be baffled and shall provide a contact time of at least 30 minutes based on 2½ times the average flow. The minimum contact tank capacity shall be 30 gallons. Access to the distribution feeder shall extend to the ground surface.

~~d) Sample Port. A sampling port at least 4 inches in diameter shall be provided on the effluent line or into the chlorine contact tank, unless a free-fall discharge from the system is easily accessible within 200 feet of the system.~~

d)~~e)~~ Chlorine Residual. A final effluent free chlorine residual of 0.2 to 1.5 mg/1 shall be maintained.

e)~~f)~~ Chlorine products used for the disinfection of treated wastewater effluent shall be used according to the product's labeling.

f) After January 1, 2014, any disinfection process or equipment that does not meet the requirements of NSF International/ANSI Standard 46, Section 11 or does not provide proper disinfection as determined by adequate third party testing will not be approved for installation.

g) When the private sewage disposal system incorporates a discharge to a subsurface seepage system as a method to reduce the amount of effluent at the discharge point, the disinfection device shall be the last component prior to the discharge point.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.125 Pumps, Pumping/Dosing Chambers, and Ancillary Equipment

a) Pumps shall meet the following requirements:

1) The pump shall be submersible.

2) The pump shall be designed to handle wastewater and a minimum of ½-inch diameter solids.

3) The pump shall be capable of delivering the required flow at the design total dynamic head. The discharge pipe shall be the same size or larger than the discharge of the pump.

4) The pump shall be constructed of corrosion-resistant materials.

5) Performance curves and specification sheets indicating that the ~~above~~ criteria of this subsection (a) have been met shall be submitted with the plan review application when pumps are to be used in a system.

b) PumpingPump Chambers

1) Pumping Chamber. The pumping chamber shall be watertight, meaning that all joints shall be sealed. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position because ofdue to hydrostatic pressures, unless the tank is installed in dry soil.

2) The volume of the pumping chamber shall be sufficient to provide the desired dosing volume, space for controls, space for setting the pump, reserve capacity malfunction and flow-back after the pump shuts off (volume of manifold and laterals).

3) A reserve capacity above the active pumping volume equal to ½one-half day's design flow shall be provided if single pumps are used. A reserve volume is not needed if siphons or dual pumps are used.

4) An access riser shall extend at least 6 inches above the ground surface.

5) Dosing Volume. The dosing volume shall be at least 5 times the pipe volume of the dosing network andplus provide for filling and drainback of the network. The average flow shall be used to determine the dosing volume.

6) Pump and Alarm Control. The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A,: Illustration Q of this Part.

7) Electrical and Alarm System. A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit and located in the home or facility served. The alarm

control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level or siphon activation level. After January 1, 2014, all electrical devices for new and repaired private sewage disposal systems shall comply with Section 905.20(k).

c) Ancillary Equipment

1) A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair~~,~~ or replacement. The disconnect device shall be a threaded union, pitless adapter~~,~~ or lift-out rail system.

2) A corrosion-resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal so that personnel need not enter the chamber to disconnect the pump.

3) A pump control device shall~~must~~ be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches that~~which~~ may cooperate with a relay or contact. Separate control panels located outside the chamber shall~~must~~ be protected from the weather and shall~~must~~ provide no air path between the panel and the pumping~~pump~~ chamber.

4) A check valve between the pump and the piping network shall not be allowed unless this piping system is below the frost line.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.130 Human Waste Disposal

a) General. Privies, portable toilets, recirculation toilets, incinerator toilets~~,~~ and compost toilets are approved for private sewage disposal of human wastes. Other domestic wastes shall be disposed of in a conventional system (see Section 905.30); however, the size of all components, as designed in accordance with Appendix A, Illustration A, may be reduced 25 percent (except that septic tanks

may not be smaller than 750 gallons). Note: Compost toilets may be used to dispose of other organic domestic wastes.

b) Privy Construction. All privies shall be constructed and maintained in accordance with the following and Appendix A,~~:~~ Illustration T~~ of this Part~~:

1) Pit Construction. The pit shall be constructed of materials and in ~~such~~ a manner so as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The pit shall be constructed so~~such~~ that there shall be access to the pit for pumping and cleaning~~ purposes~~.

2) Pit Size. The pit shall have a minimum capacity of 50 cubic feet per seat.

3) Floor and Seat Riser. The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be bonded to the floor to prevent seepage through the riser onto the floor.

4) Seat Cover. The seat opening shall be covered with a hinged lid that~~which~~ forms a tight seal.

5) Vent. Each pit or vault privy shall be provided with a vent to the outside that creates airflow out of the building through the vent. The vent opening shall be screened with 16 mesh screen to prevent the entry of flies and shall terminate through the roof.

6) Maintenance~~ and Abandonment~~. When any privy is ~~abandoned or~~ filled to within 18 inches of the bottom of the riser, it shall be pumped by a private sewage disposal system pumping contractor. ~~Any abandoned privy pit shall be filled with earth.~~

7) Abandonment. Privies that are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so that the tank or pit will not hold water, and the tank or pit shall be filled with sand or soil. If the tank or walls are removed from the ground, the excavation shall be filled with soil.

c) Vault Privy. Watertight, non-metal vaults are required where privies are used in areas where the groundwater or limestone formations are within 4 feet of the bottom of the pit. The vault shall be provided with a readily accessible cleanout that~~which~~ prohibits the entry of rodents, insects~~,~~ and surface water. (See Appendix A,~~:~~ Illustration T~~ of this Part~~.)

d) Septic Privy. The vault of a septic privy shall be watertight. The subsurface seepage field shall consist of a minimum of one 10-foot distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60 and Appendix A,~~:~~ Illustration U~~ of this Part~~.

~~e) Standards for the Construction and Servicing of Non-Sewered (Portable) Toilet Systems. A portable toilet is a self-contained unit equipped with a waste receiving holding container. Non-sewered toilet systems shall be constructed and maintained in the following manner:~~

~~1) Rooms, buildings or shelters housing toilets shall be of solid construction, easy to clean, providing shelter and privacy. The toilet room shall be ventilated to the outside, with the vent covered with 16 mesh screen. Internal latches shall be provided to prevent inadvertent entry.~~

~~2) Waste containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents. Containers shall be watertight and capable of containing the waste. Containers shall be adequate in size to be used by the number of persons anticipated without filling the container to more than half of its volume before regularly scheduled service.~~

~~3) Servicing shall include removing waste from containers, recharging containers with an odor controlling solution, installing a supply of toilet tissue based on the system's intended use, and cleaning urinals and seats. Employers and event sponsors are responsible for contracting service intervals frequent enough to ensure clean, sanitary facilities.~~

~~4) Any defective or inadequate toilet unit shall be repaired or withdrawn from service by locking or removal.~~

~~5)~~ ~~Removal of waste shall be handled in a sanitary manner by means of a vacuum hose and discharge to a leak-proof tank truck. All ports on the tank shall be valved and capped.~~

~~6)~~ ~~Service trucks shall have access to the toilets to be serviced.~~

~~7)~~ ~~Disposal of waste from tank trucks shall be in accordance with Section 905.170(g).~~

e)~~f)~~ Re-circulating~~Recirculating~~ Toilets~~.~~

1) Self-contained toilets that~~which~~ treat and re-circulate~~recirculate~~ the flushing liquid shall be constructed of an impervious, easily cleanable material and vented to the outside air through a screened pipe. The effluent, if any, from the re-circulating~~recirculating~~ toilet shall discharge into a subsurface seepage field or into a disposal bag. The subsurface seepage field shall consist of a minimum of one 10-foot long distribution line placed in a 2-foot wide trench constructed in accordance with Section 905.60. The owner of a re-circulating~~recirculating~~ toilet shall dispose of any residual from the unit in an approved public or private sewage disposal system.

2) Re-circulating~~Recirculating~~ toilets shall comply with the requirements of the ~~National Sanitation Foundation (~~NSF International/ANSI~~)~~ Standard 41 and shall bear the NSF International or the approved certification agency seal.

f)~~g)~~ Incinerator Toilets~~.~~

1) Incinerator toilets shall be designed and operated to provide complete incineration of the contents without production of odors. The owner of an incinerator toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170(e).

2) Incinerator toilets shall comply with the requirements of ~~the National Sanitation Foundation (~~NSF International/ANSI~~)~~ Standard 41 and shall

bear the NSF International or the approved certification agency seal.

g)~~h)~~ Compost Toilets~~.~~

1) Compost toilets shall be designed in accordance with the manufacturer's recommendations to serve the anticipated number of persons. The owner of a compost toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170.

2) Compost toilets shall comply with the requirements of ~~the National Sanitation Foundation (~~NSF International/ANSI~~)~~ Standard 41 and shall bear the NSF International or the approved certification agency seal~~Seal~~.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.135 Portable Sanitation

a) Any person operating in Illinois who sells, rents, leases, transports, services, cleans, sanitizes or maintains a portable toilet or portable potable hand washing unit or pumps, transports or disposes of waste from portable toilets or portable potable hand washing units shall be licensed as a portable sanitation business.

b) Only a portable sanitation technician or portable sanitation technician trainee certified by the Department as working for a portable sanitation business may service, clean, sanitize or maintain a portable toilet or portable potable hand washing unit, or pump, transport or dispose of waste from portable toilets or portable potable hand washing units.

c) Any person licensed as a private sewage disposal system pumping contractor on or after January 1, 2014 may submit to the Department a completed application and fee, within 6 months after January 1, 2014, requesting to be licensed as a portable sanitation business. A person licensed as a private sewage disposal system pumping contractor on January 1, 2014 may submit to the Department a completed application and fee to be certified as a portable sanitation technician without taking the examination or initial training required for the portable sanitation technician certification. After July 1, 2014, all persons wanting to

become certified as a portable sanitation technician shall complete the training requirements of this Section.

d) Any person wishing to obtain a license as a portable sanitation business shall:

1) Submit to the Department a completed application on forms provided by the Department;

2) Provide a copy of the business' education and training materials and protocol for educating and training for all employees requiring certification by the Department;

3) Provide a written statement signed by the owner or authorized representative specifying that only certified portable sanitation technicians and portable sanitation technician trainees will be transporting, servicing, cleaning, sanitizing or maintaining portable toilets or portable potable hand washing units, or pumping, transporting or disposing of waste from portable toilets or portable potable hand washing units for the business; and

4) Submit a non-refundable fee for the license as established in Section 905.200.

e) A portable sanitation business license shall expire on June 30 of each year, except that a license issued after April 1 and before June 30 shall expire on June 30 of the following year.

f) Certification of Employees

1) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician trainee:

A) A completed application on a form provided by the Department;

B) A non-refundable fee as established in Section 905.200; and

C) For initial application, a copy of the individual's certificate of completion from an approved training course; and for annual renewal of the certification, documentation of attendance at an approved continuing education course.

2) A portable sanitation business shall submit the following materials to the Department as part of the certification process of a portable sanitation technician:

A) A completed application on a form provided by the Department;

B) A non-refundable fee as established in Section 905.200; and

C) For initial application, a copy of the individual's certificate of completion from an approved training course; and for annual renewal of the certification, documentation of attendance at an approved continuing education course.

g) Portable Sanitation Technician Trainee

1) To become certified as a portable sanitation technician trainee, an individual shall:

A) Be an owner or employee of a licensed portable sanitation business; and

B) Complete an initial training or an education course provided by the portable sanitation business and approved by the Department.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

3) The portable sanitation technician trainee certification is valid for only one year. A portable sanitation technician trainee certification shall expire on June 30 of each year, except that a certification issued after April 1 and before June 30 shall expire on June 30 of the following year.

h) Portable Sanitation Technician

1) To become certified as a portable sanitation technician, an individual shall:

A) Be an owner or employee of a licensed portable sanitation business;

B) Complete training and an education course provided by and specific to the portable sanitation business; this training shall be pre-approved by the Department; and

C) For the original certification, provide a copy of the employee's documentation of attendance and passing grade for the training and examination offered by the Department or a training and testing program approved by the Department. For renewal of the certification, the employee shall provide copies of the employee's documentation of attendance at a continuing education course in accordance with Section 905.200.

2) The application shall be submitted on forms provided by the Department and accompanied by the fee established in Section 905.200.

i) For the attendee to receive credit to be used for obtaining or renewing certification, education courses and continuing education course curricula shall have Department approval prior to the attendee's attending the course. Courses not pre-approved by the Department shall not be counted toward training or continuing education.

j) The examination for a portable sanitation technician certification shall test the applicant's knowledge of safely pumping, cleaning and sanitizing portable toilets and portable potable hand washing units and hauling and disposing of wastes removed from portable toilets and portable potable hand washing units.

k) An individual shall achieve a grade of 70% or higher to pass an examination for a portable sanitation technician certification.

l) The portable sanitation technician certification shall be renewed annually. A portable sanitation technician certification shall expire on June 30 of each year, except that an original certification issued after April 1 and before June 30 shall expire on June 30 of the following year. If a renewal application is mailed or received after June 30, a non-refundable reinstatement fee will be required as provided in Section 905.200.

m) The portable sanitation business is accountable for the following work conducted by individuals certified by the business:

1) Cleaning, servicing and replenishing required items or chemicals for each portable toilet or portable potable hand washing unit serviced, inspected or maintained;

2) Pumping, transporting or disposing of waste from portable toilets or portable potable hand washing units.

n) Standards for Constructing and Servicing Portable Toilets or Portable Potable Hand Washing Units
Portable toilets or portable potable hand washing units shall be constructed and serviced in the following manner:

1) Rooms, buildings or shelters housing portable toilets shall be of solid construction, easy to clean and providing shelter and privacy. The portable toilet room shall be ventilated to the outside, with the vent covered with 16-mesh screen. Internal latches shall be provided for the doors to the portable toilets to prevent inadvertent entry.

2) Waste containers and portable potable water containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents. Containers shall be watertight and capable of containing the waste and portable potable water.

3) Number of Portable Toilets and Portable Potable Hand Washing Units at a Site

A) An adequate number of portable toilets and portable potable hand washing units shall be provided to be used by the number of persons anticipated.

B) The portable toilets and portable potable hand washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.

C) The employer, property owner or event coordinator shall acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.

D) The property owner's failing to provide a sufficient number of portable toilets or portable potable hand washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

4) Servicing shall include removing waste from containers; recharging containers with an odor-controlling solution; installing a supply of toilet tissue, sanitary single use towels, and liquid soap and refilling hand sanitizing solution, based on the unit's intended use; and cleaning and sanitizing the portable toilets and hand washing units.

A) Each portable toilet and portable potable hand washing unit shall be thoroughly cleaned and sanitized after each pumping or as part of the routine service. Areas that shall be cleaned and sanitized include all internal parts of the unit, which include the urinal, seat, counters, shelves, tank, walls, floor, door and ceiling, in addition to the exterior of the door and handle.

B) The portable toilet system contractor shall have 2 separate sets of cleaning equipment, which shall be labeled and stored so that they are physically separated from each other. One set shall be used to clean and sanitize the walls, counters, shelves, handle, door and ceiling of the portable toilets and the portable potable hand washing units. The second set of cleaning and sanitizing equipment shall be used for the floors, urinals, seat and tank of the portable

toilet. If the units are cleaned and sanitized with a power washer, separate sets of cleaning equipment are not needed.

C) Anti-bacterial hand sanitizer shall be provided at each unit and shall be refilled at each pumping, as needed. One portable potable hand washing unit with a supply of sanitary single-use towels and soap may be provided for up to 5 portable toilets in lieu of refilling anti-bacterial hand sanitizer at each unit. The hand washing facility shall be located within 20 feet of the portable toilets. The dispensers and hand washing facilities shall be cleaned and sanitized after each pumping, and then refilled with potable water from an approved source.

5) After a unit is cleaned and sanitized, it shall be inspected by the person designated by the business to ensure that the unit is in compliance with this Section and all other applicable Sections of this Part.

6) Any defective portable toilets or portable potable hand washing units shall be repaired or withdrawn from service by locking or removal.

7) Waste shall be removed in a sanitary manner by means of a vacuum hose and discharged to a leak-proof tank truck. All ports on the tank shall be valved and capped.

8) Service trucks shall have access to the toilets to be serviced.

9) The service trucks and disposal of waste from tank trucks shall be in accordance with Section 905.170(g).

10) A business shall designate at least one representative who shall be responsible for ensuring that each unit maintained by the business meets the standards of cleanliness set forth in the Act and this Part.

11) Persons engaged in cleaning and sanitizing units shall wear protective equipment and be trained in proper procedures for cleaning, sanitation and self-protection.

12) All portable sanitation businesses shall certify that the portable sanitation technicians and portable sanitation technician trainees are capable of properly cleaning and sanitizing a portable toilet and portable potable hand washing unit. At a minimum, the business shall annually inspect each portable sanitation technician's and portable sanitation technician trainee's work to ensure that he or she is capable and can effectively clean and sanitize the portable toilets and portable potable hand washing units to be serviced.

o) Violations of the Act or any Section of this Part may result in a fine, civil penalty and suspension, revocation or refusal to issue a license or certification for both the portable sanitation business and the certified portable sanitation technician or portable sanitation technician trainee.

(Source: Added at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.140 Holding Tanks

a) General. Holding tanks are approved for private sewage disposal only under the following circumstances:

1) Where site conditions, such as type of soil, water table, terrain, lack of size or other conditions, are not suitable to achieve compliance with this Part for installing a private sewage disposal system. ~~To serve a seasonal use, single family residence, such as a cabin used only on weekends, short vacations, and other similar situations.~~

2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed one~~1~~ year in length.

3) As a sanitary dumping station to receive the discharge from holding facilities on recreational vehicles.

4) To receive the discharge from fixtures or drains that receive waste products such as automotive grease, oils, solvents and chemicals that are not allowed to be discharged into a private sewage disposal system. These

waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. ~~Note:~~ (Also see the Illinois Plumbing Code ~~(77 Ill. Adm. Code 890)~~.) Holding tanks to be used as described in this Section shall be Underwriters Laboratories, Inc. certified, constructed of materials approved for gas and oil interceptors as specified in 77 Ill. Adm. Code 890.520, and properly anchored to prevent flotation.

b) Approval. Approval for holding tanks shall be obtained in writing from the Department or local authority prior to installation. Approval~~Such approval~~ shall be based on compliance with this Section.

c) Construction and Location. Holding tanks shall be designed and constructed in compliance with Section 905.40~~,~~ ("Septic Tanks)", except that the outlet shall be permanently sealed. Holding tanks shall be located to comply with the requirements for septic tanks and aerobic treatment plants (see~~"Septic Tanks or Aerobic Treatment Plants" as listed in~~ Appendix A,~~:~~ Illustration D~~ of this Part~~).

d) Conversion to Conventional Private Sewage Disposal Systems. Holding tanks installed under subsection (a)(2) ~~of this Section~~ shall be converted to a conventional private sewage disposal system within one year after the original installation if a municipal sewer has not been extended to serve the property ~~within one year of the original installation~~.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.180 Examinations for Licensure

a) Applications

1) Each person who desires to apply for admittance to the examination for a Private Sewage Disposal System Installation Contractor license or a Private Sewage Disposal System Pumping Contractor license shall file an application for examination on forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health.

2) The Department will establish examinationExamination dates and locations shall be established by the Department. A completed application, a photograph of the applicant, and a fee of $100 for each examination shall$25.00 must be filed with the Department at least 30 days prior to the examination date.

b) Examination Requirements and Results

1) Installation License Examination. The examination for a Private Sewage Disposal System Installation Contractor license shall test the applicant's knowledge of the design, installation, operation, maintenance, repairrepairing and serviceservicing of private sewage disposal systems.

2) Pumping Licensing Examination. The examination for a Private Sewage Disposal System Pumping Contractor license shall test the applicant's knowledge of the pumping, hauling, and disposingdisposal of wastes removed from private sewage disposal systems.

3) Individuals desiring both the installation contractor license and pumping contractor license shallmust pass the examination for each license.

4) Passing Grade. The examination shall consist of questions with a combined grade value of 100 points. ToIn order to successfully pass the examination, a grade of not less than 70 shall75 must be obtained.

5) Failure to Attend an Examination. Any person who fails to notify the Department in writing by letter, fax or e-mail at least 2 working days prior to the date of the examination and fails to attend the examination will be required to resubmit an application and fee to be eligible to take an examination on another date. If an emergency or severe weather conditions do not allow an individual to attend an examination, the individual may make a written request to the Department explaining why the individual was unable to attend. The Department will review the request and, if the request is accepted, the individual will not be charged a new application fee to reschedule the examination.Failure to Pass. Any person who fails to pass the examination shall be admitted to a subsequent

~~regularly scheduled examination after filing a new application and fee with the Department in accordance with subsection (a) of this Section. However, persons who fail to pass the exam 2 times in a calendar year shall be required to wait at least one calendar year from the date of the last examination before taking the examination again.~~

c) Regulator Exemption

1) Currently employed staff of the Department or an agent of the Department, local health department or municipalities administering the Private Sewage Disposal Program may apply to take an examination. The fee for the examination will be waived, but in waiving the fee the individual, upon passing the examination, will not be able to act as a licensee or perform the duties empowered under the Act and this Part for the specific license. Taking the examination will only verify and evaluate the individual's knowledge of this Part.

2) If an individual is employed by the Department or is an agent of the Department, local health department or municipality and is licensed as a private sewage disposal installation contractor, private sewage disposal pumping contractor, portable sanitation technician or portable sanitation technician trainee, the individual may not perform the duties empowered under the license or certification within the State. This subsection (c)(2) applies to individuals employed at the Department or as agents that evaluate and approve construction permits for private sewage disposal systems, inspect private sewage disposal systems or enforce the Act and this Part within their jurisdiction.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.190 Installation Approval

a) Plan approval shall be obtained from the Department or local authority prior to beginning any construction of a new private sewage disposal system. A new private sewage disposal system shall consist of, but not necessarily be limited to, the following:

1) A system where a septic tank is replaced or where a major component of the system is removed or added. Examples of major components would be the replacement or addition of an aeration unit, re-circulating ~~recirculating~~ sand filter, sand filter, seepage pit, seepage bed or waste stabilization pond.

2) A system where the size of the absorption field is increased ~~in size~~ by 25% or more or where 25% or more of the existing absorption field is removed and replaced with new piping and backfill material.

b) Requests~~Submittal~~ for approval shall be submitted~~made~~ on the forms provided by the Department or local authority. At a minimum, the necessary information that shall~~which must~~ be submitted to the Department or local authority for approval shall consist of:

1) Plans or drawings to scale indicating lot size with dimensions showing the location of the system and~~,~~ type of system to be constructed;~~,~~ the dimensions and the length of lateral pipe to be installed, showing type of backfill material if applicable;~~,~~ distances to water lines, water wells, potable water storage tanks and buildings;~~,~~ site elevations and ground surface elevations sufficient to determine the elevation of system components and the slope of the ground surface;~~,~~ location of sanitary sewer, if available, within 300~~200~~ feet of the property; and typical cross-section of the system.

2) Number of bedrooms or design volume.

3) Soil investigation results or percolation test results and the separation distance from the trench bottom to a limiting layer. The private sewage disposal system installation contractor or homeowner shall submit information with the plan approval application or local authority permit application that a limiting layer does not exist within the distances provided in Section 905.60(a)(7)~~(A) of this Part~~.

4) Owner's name and address.

5) Name and signature of applicant.

c) The applicant's signature serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Private Sewage Disposal Licensing Act and this Part. If the owner of the site is a developer or contractor, he or she shall notify the purchaser and the Department or the Department's agent of the transfer of ownership and responsibility for maintenance.

d)~~c)~~ Persons who construct, install, repair or modify a private sewage disposal system shall notify the Department or local authority at least 48 hours prior to commencement of the work.

e)~~d)~~ If any person constructs, installs, repairs or modifies a private sewage disposal system without complying with the requirements of subsections (a) through (d)~~(c)~~ of this Section and backfills any portion of the system or covers any portion of the system with earth, cinders, gravel, shale or any other material that will prevent the Department or local authority from viewing the system to determine compliance with this Part, the property owner ~~and/~~or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system.

f)~~e)~~ Contractor Responsibility. The private sewage disposal installation contractor is responsible for percolation test results and the sewage disposal system that is designed and constructed using those results. Acceptance of percolation tests from other sources does not relieve the installation contractor from responsibility. The private sewage disposal system installation contractor is also responsible for the following:

1) Constructing, installing, repairing, modifying, or maintaining the private sewage disposal system in accordance with this Part;~~.~~

~~2) Percolation test results and the sewage disposal system that is designed and constructed using those results. Acceptance of percolation tests from other sources does not relieve the installation contractor from responsibility.~~

2)~~3)~~ Providing the results of soil classification information ~~and/~~or percolation tests used to design a private sewage disposal system to the property

owner and retaining copies of this information for at least 5 years;~~.~~

3)~~4)~~ Providing service to aerobic treatment plants at least equal to Section 905.100(g); and~~.~~

4)~~5)~~ Assuring compliance with all codes that may apply to the system, including the National Electrical Code.

g)~~f)~~ Soil Classifier Responsibility. The soil classifier or Illinois licensed professional engineer shall be responsible for the accuracy of the information from~~in~~ soil investigations used to design private sewage disposal systems.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.200 Licenses and Fees

a) An individual may obtain a license as a private sewage disposal system pumping contractor~~Private Sewage Disposal System Pumping Contractor~~ or a private sewage disposal system installation contractor~~Private Sewage Disposal System Installation Contractor~~ upon successfully passing the examinations given for each, then applying~~, making application~~ on forms provided by the Department and submitting the annual license fee of $100~~$50.00~~ to the Department.

b) *Each person who holds a currently valid plumbing license issued under the Illinois Plumbing License Law* [225 ILCS 320] *shall~~is~~ not be required to pay the~~an~~ annual license fee, but shall~~must~~ comply with all other provisions of* the Act and this Part, *including the requirement for examination for licensure.* (Section 5(a) of the Act)*~~.the Act and this Part.~~* ~~[225 ILCS 225/5(a)]~~

c) The fee to be paid for the annual renewal of either a private sewage disposal system pumping contractor or a private sewage disposal system installation contractor~~Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor~~ license shall be $100~~$50.00~~.

d) The fee to be paid for the reinstatement of a private sewage disposal system pumping contractor~~Private Sewage Disposal System Pumping Contractor~~ license or a private sewage disposal system installation contractor~~Private Sewage~~

~~Disposal System Installation Contractor~~ license that~~which~~ has expired for a period of less than 3 years shall be $50~~$20.00~~, plus all lapsed renewal fees.

e) A license that~~which~~ has expired for more than 3 years may be restored only by passing the written examination and paying the required fees.

f) A person who does not obtain a license within 2 years after successfully completing the appropriate examination shall be required to file a new application and fee with the Department in accordance with Section 905.180(a) and again successfully pass the examination prior to applying for a license.

g) *The Department shall reinstate a license* that *expires while a licensee is in the active military service of the United States upon application to the Department by the former licensee within two years after termination of military service, payment of the annual license fee and submission of evidence of military service.* The *license shall be reinstated without examination and without payment of the reinstatement fee.*(Section 5(b) of the Act) ~~*No reinstatement fee will be charged and no examination will be required of an applicant who is seeking reinstatement within two years of terminating military service, upon payment of annual license fee and submission of evidence of military service.* [225 ILCS 225/5(b)]~~

h) As of January 1, 2014, all individuals licensed as a private sewage disposal system pumping contractor or a private sewage disposal system installation contractor or certified as a portable sanitation technician shall be required to obtain 3 hours of continuing education prior to the renewal of the license. The Department will review and approve continuing education hours, based on whether the content of the course is current and pertinent to the advancement and knowledge level of the industry. For individuals to receive credit for education, continuing education courses shall be approved by the Department prior to the course being offered. The contractor shall submit the certificate of completion of the required education to the Department for approval prior to the reissuance of the licenses.

i) The fee to be paid for the original license of a portable sanitation business and for the annual renewal of a license of a portable sanitation business shall be $250.

j) The original and annual renewal fee to be paid for the certification of a portable sanitation technician shall be $50.

k) The fee to be paid for the certification of a portable sanitation technician trainee shall be $50.

l) The fee to be paid for the reinstatement of a portable sanitation business license that has expired for a period of less than 3 years shall be $100, plus all lapsed renewal fees.

m) The fee to be paid for the reinstatement of a portable sanitation technician certificate that has expired for a period of less than 3 years shall be $50, plus all lapsed certification fees.

n) Private sewage disposal system installation contractor or private sewage disposal pumping contractor licenses shall be renewed by November 30 of each calendar year. Individuals who fail to renew a private sewage disposal system installation contractor or private sewage disposal pumping contractor license prior to December 1 will be required to pay the reinstatement fee of $50. A license cannot be issued until all fees have been paid.

o) Portable sanitation business licenses shall be renewed by April 30 of each calendar year. Businesses that fail to renew a license prior to June 1 will be required to pay the reinstatement fee of $100. A license cannot be issued until all fees have been paid.

p) Portable sanitation technician licenses shall be renewed by April 30 of each calendar year. Individuals who fail to renew a license prior to June 1 will be required to pay the reinstatement fee of $50. A license cannot be issued until all fees have been paid.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.205 Civil Penalties and Time Allowances for Corrective Action

a) Amount of Penalty

1) The Department may assess civil fines against any person or licensee who constructs, installs, repairs, modifies, ~~or~~ maintains or fails to provide for required maintenance of a private sewage disposal system, or any person or licensee who pumps, hauls or disposes of wastes from a private sewage disposal system in violation of any Section of the ~~Private Sewage Disposal Licensing~~ Act or this Part.

2) The Department shall determine the amount of the fine based upon the seriousness of the violation. The seriousness of the violation will be determined as follows:

A) Type A – violations considered the most grievous, which shall be grounds to assess a larger fine, shall be activities that create a health hazard, unlicensed activities and repeat violations. Examples of these activities include violations of vertical or horizontal separation distances, falsifying information on permits or reports, addition of prohibited materials to a private sewage disposal system, use of improper septage disposal methods and prohibited discharges. The amount of the fine shall not exceed $1,000 for each violation in addition to $100 per day for each day the violation continues.

B) Type B – violations relating to improper construction practices, the use of improper materials, failure to install a system according to the approved plan, any violation of Section 905.135 and pumper equipment violations shall be considered more serious. The maximum fine shall not exceed $750 for each violation in addition to $100 per day for each day the violation continues.

C) Type C – administrative violations involving paperwork, such as failure to obtain a permit or improper pumping truck lettering, shall be considered the least serious. The maximum fine shall not exceed $500 for each violation, in addition to $100 per day for each day the violation continues.

D) For the purposes of determining a repeat violation, an initial violation means the first violation of a particular Section of the Act

or this Part within the previous 3 years. An identical or~~If the same or a~~ similar violation (example: a violation of vertical or horizontal separation distance or septage disposal) that occurs within a 3 year period~~, it~~ will be considered a repeat violation.

b) Correction of Violation. Correction of violations that are considered serious health hazards as determined by the Department or local health department shall begin immediately and be completed within 7 days. Other violations shall be corrected within 30 days after notification by the Department or the local health department. An exception to this requirement may be authorized by the Department or local health department when extenuating circumstances prevent correction in a timely manner. Examples of extenuating~~such~~ circumstances include weather, physical conditions that prevent construction or repair, or lack of adequate materials~~, etc~~. The Department or local health department may also grant an extension of time for correction, based on the type and seriousness of the violation~~,~~ and the violator's demonstrated progress~~effort on the part of the violator to make progress~~ in correcting the violation.

c) Any violation may be referred to the State's Attorney of the county in which it occurs or to the Attorney General for prosecution.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION C List of Approved Plastic Pipe for Private Sewage Disposal System

TYPES OF PIPES		ASTM STANDARD	BUILDING SEWER [1] OR COMMON COLLECTOR	SEWER LINES [1]	ALL SUBSURFACE SEEPAGE SYSTEMS
			5 ft. from building to septic-aeration tank to 5 ft. beyond the septic tank, aeration tank or distribution box	Additional treatment facilities and sand filter distribution lines and collection lines	
~~PVC~~	~~(Type PS-46)~~	~~F789-82~~	~~x~~	~~x~~	~~x~~
ABS	(DWV Schedule 40)	F628-06~~85~~	x	x	x
ABS	(DWV Schedule 40)	D2661-06~~78~~	x	x	x
ABS		D1527-99~~77~~ (2005)	x	x	x
ABS	(Sewer Pipe)	D2751-05~~80~~	x[2]	x[2]	x[2]
PVC		D1785-06~~76~~	x	x	x
PVC	(DWV Schedule 40)	D2665-07~~78~~	x	x	x
PVC	(DWV Schedule 40)	F891-04~~86~~	x	x	x
PVC	(Type PSM) (SDR 35)	D3034-06~~80~~	x[2]	x[2]	x[2]
~~PVC~~	~~(Type PSP) (SDR 35)~~	~~D3033-81~~	~~x[2]~~	~~x[2]~~	~~x[2]~~
PVC	(Sewer & Drain PS-50)	F891-04~~86~~	x	x	x

PVC	(Sewer & Drain PS-25)	F891-04~~86~~	x	x	
PVC	(Corrugated-Smoothwall)	F949-06~~85~~	x	x	
PVC	(Std. or Perforated)	D2729-03~~80~~		x	x
PE	(Smoothwall)	R810-07~~83~~		x	x
		AASHTO Standard M252-06~~851~~			
PE	(Corrugated-Perforated)	F405-05~~82~~ (Heavy Duty Only)			x
PE	(Corrugated-(Perforated)	F667-06~~84~~			x

x – Indicates approved use.

[1] Plastic~~Commingling of plastic~~ materials shall not be co-mingled~~done~~ within this area except through the use of proper adapters. (See Illinois Plumbing Code~~ (77 Ill. Adm. Code 890)~~.) When the building sewer is of a type of material that is different from the building drain, proper transition fittings shall be used.

[2] Pipe shall be SDR (Standard Dimension Ratio) 35 only.

Note: The last 2 numbers of the ASTM Standard indicate the date of the edition.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION D Location of Components of Private Sewage Disposal Systems

COMPONENT PART OF SYSTEM	MINIMUM DISTANCE ALLOWABLE FROM [1,2]					
	Cistern Well, or Suction Line from Pump To Well	Water Supply Line[3] Pressure	Lake, Stream In ground Swimming Pool or Other Body of Water	Property Dwelling	Property Line[4]	Artificial Drain
	FEET	FEET	FEET	FEET	FEET	FEET
Building Sewer [5,2]	50	10	25	–	–	–
Septic Tank or Aerobic Treatment Plant	50	10[9]	25	5	5	–
Distribution Box	75	10	25	10	5	–
Subsurface Seepage System	75	25	25	10	5	10
Sand Filter	75	25	15	10	5	10
Privy	75	25	25	20	5	10
Waste Stabilization Pond	75	25	25	20	5	10
Surface Discharge Effluent Line [2]	50	10	–	–	5	–
Effluent Receiving Trench	75	25	15	10	5	10
Treated Effluent Discharge Point[6]	50	10	–	20	25	25
Class V Injection Wells[7]	200[8]	25	25	10	5	10

[1] These distances have been determined for use in clay, silt and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by the~~this~~ Department. Approval~~Such approval~~ will be given if~~where~~ the Department determines that the soil will provide treatment of the sewage.

[2] For separation distances to closed loop wells, see 77 Ill. Adm. Code 920.180.~~The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.~~

[3] See Section 905.20(d) for additional details on water line and sewer separation.~~ This includes lawn irrigation piping~~.

[4] If a common property is used, the boundary of the common property shall be used.

[5] The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight joints is used for the building sewer or surface discharge effluent line.

[6] Any surface discharging system installed, repaired or renovated after January 1, 2014.

[7] Class V Injection Wells are defined in Illinois Pollution Control Board rules. They are typically a shallow well used to place fluids directly below the land surface. See, e.g., 35 Ill. Adm. Code 704.105, 704.106 and 704.280.

[8] A lesser separation distance may be obtained with approval or a waiver from IEPA.

[9] There shall be 25 feet separation from public water supply water mains and water service lines. The terms public water supply, water main and water service line shall have the same meaning as in the Illinois Pollution Control Board's Public Water Supplies rules. See, e.g., 35 Ill. Adm. Code 653.118 and 653.119.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION I Seepage Field Construction

Section 905.EXHIBIT D Spacing − Gravelless and Chamber Systems

SPACING FOR SEEPAGE FIELD CONSTRUCTION
(GRAVELLESS AND CHAMBER SYSTEMS)

Gravelless and Chamber Dimensions	Minimum Center to Center Spacing of Distribution Lines
8 Inch Inside Diameter of Gravelless Pipe System	7.0 feet
10 Inch Inside Diameter of Gravelless Pipe System	7.0 feet
12 Inch Wide Chamber System	7.0 feet
18 Inch Wide or Wider Chamber System	9.0 feet

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION I Seepage Field Construction

Section 905.EXHIBIT E Chamber Sizing Requirements

Example: Chamber systems shall be sized~~size~~ on the absorption area of the chamber that is equivalent to the bottom area of a gravel system. The equivalent chamber absorption area per lineal foot is equal to the average inside width of the chamber times an equivalency factor of 2.5. For example, a chamber that has an average inside width of 1.25 feet provides an equivalent absorption area of 3.125 square feet per lineal foot. (1.25 feet times the 2.5 equivalency factor equals 3.125 square feet per lineal foot.

To determine the length of chambers required, first calculate the absorption area required for a gravel system based on Appendix A, Illustration H, Exhibit A or Appendix A, Illustration M, Exhibit A. Then divide this area by the equivalent chamber absorption area per lineal foot. For example, if a 3 bedroom house requires 870 square feet of absorption field and chambers 1.25 feet wide are being used, then the length of chambers needed is 278 feet. (870 square feet divided by 3.125 square feet per lineal foot equals 278 feet~~)~~.)

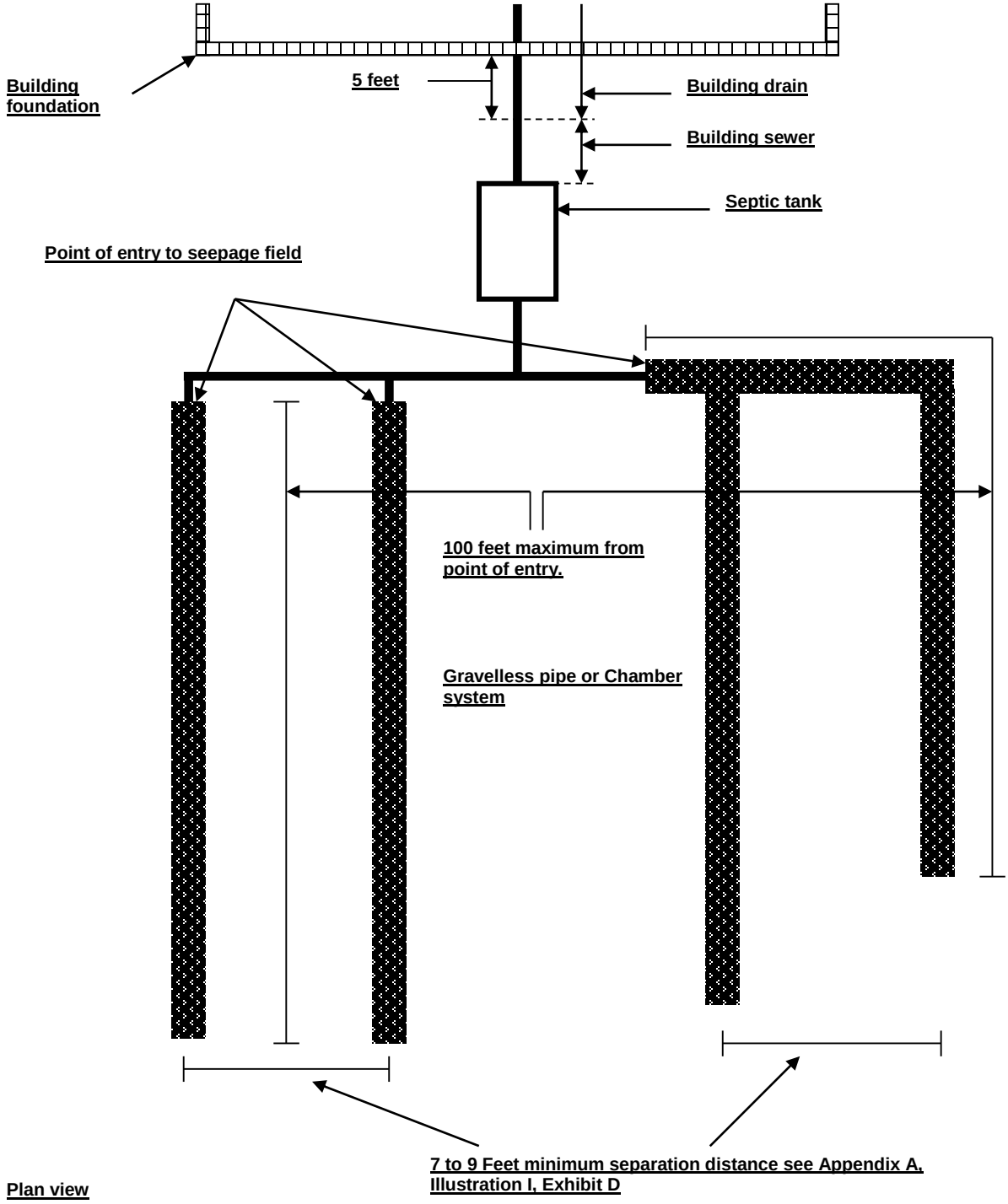
Chamber systems with an average inside dimension equal to or greater than 20 inches shall not be designed to receive an equivalent absorption area of greater than 54 square feet per lineal foot.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

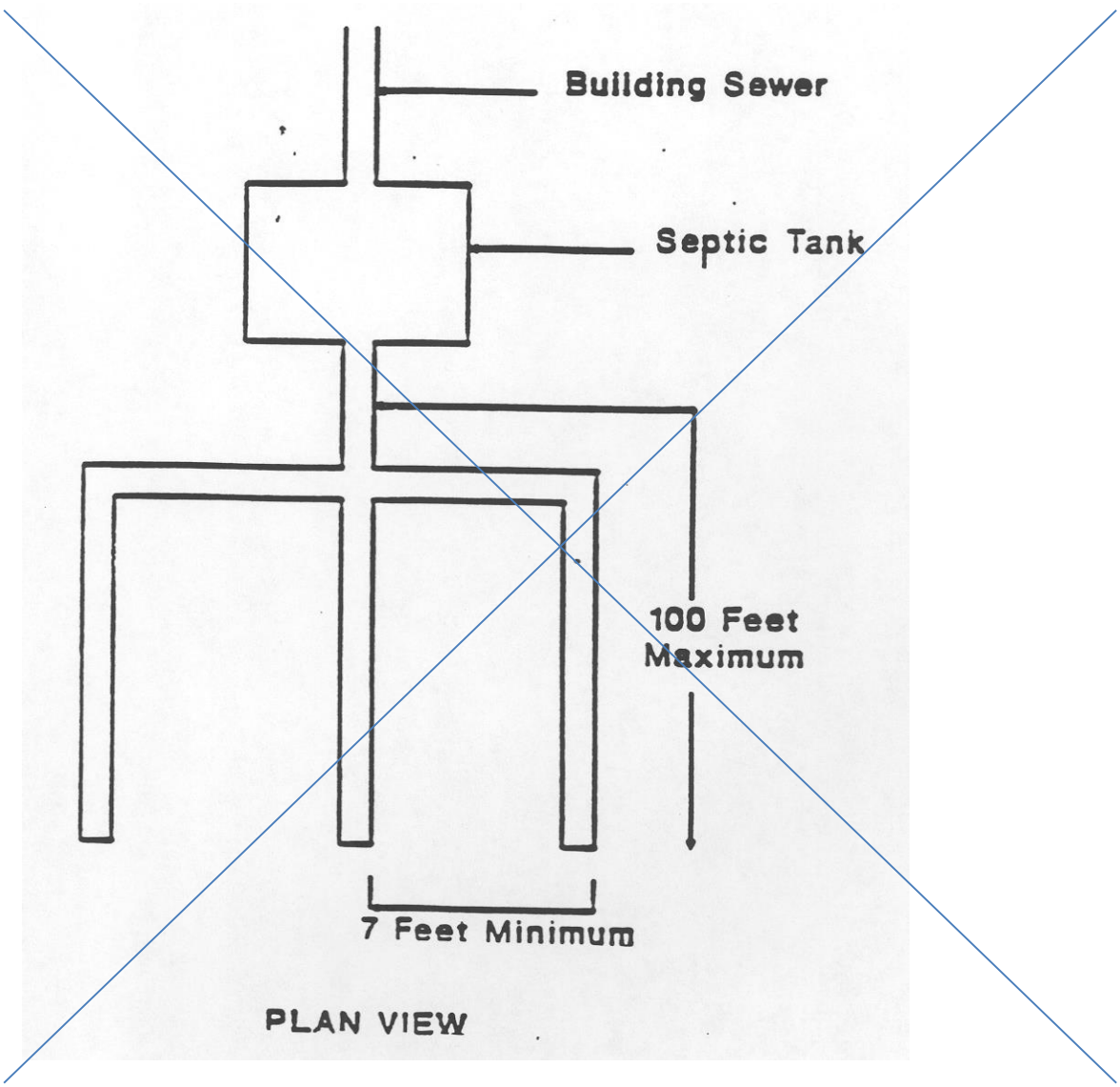
Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION J Septic Tank Subsurface Seepage Field

Section 905.EXHIBIT C Plan View – Gravelless and Chamber System


Building foundation
5 feet
Building drain
Building sewer
Septic tank
Point of entry to seepage field
100 feet maximum from point of entry.
Gravelless pipe or Chamber system
7 to 9 Feet minimum separation distance see Appendix A, Illustration I, Exhibit D

Plan view



(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

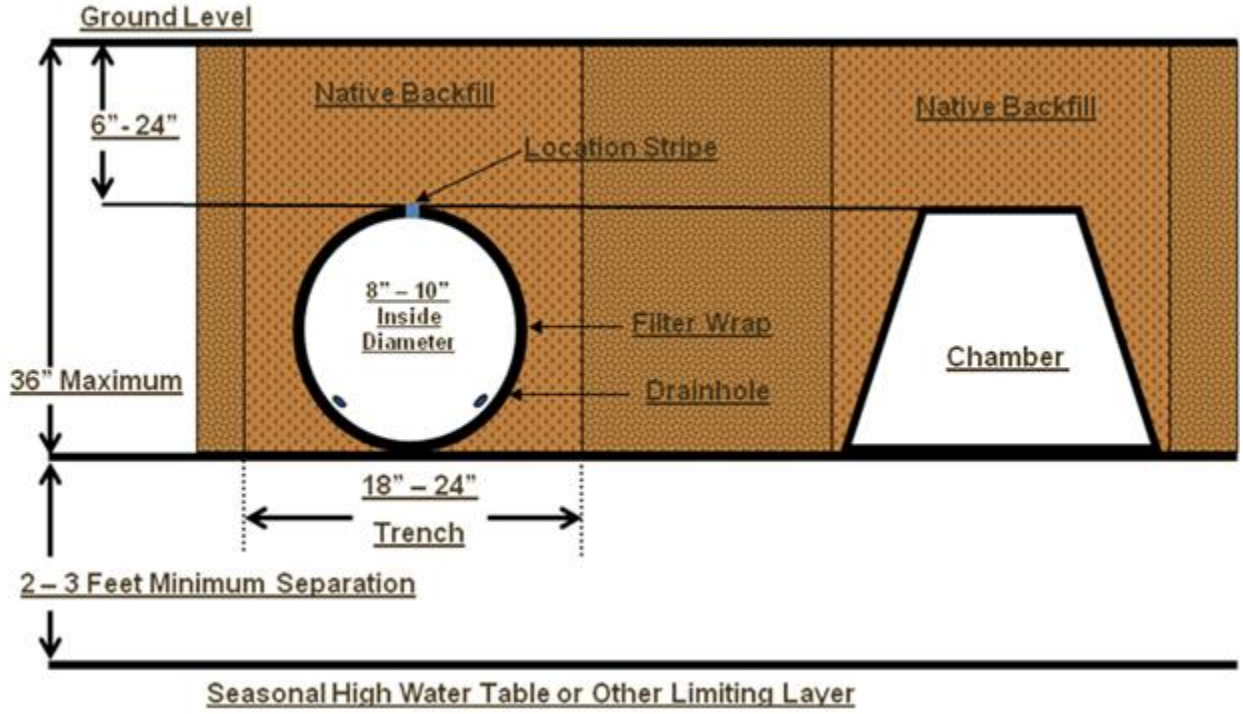
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

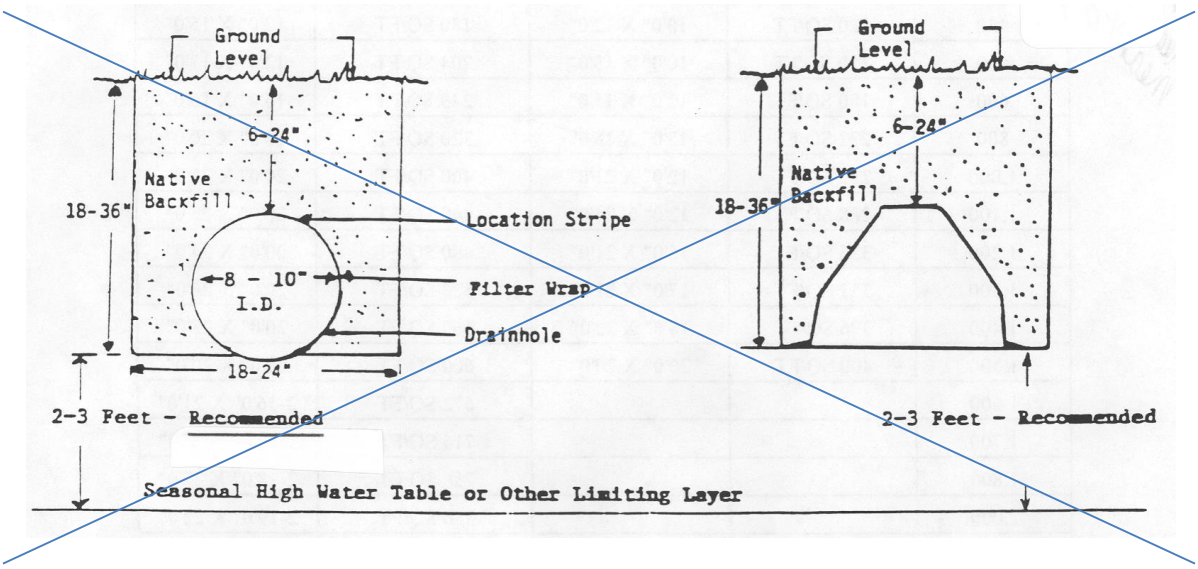
Section 905.ILLUSTRATION J Septic Tank Subsurface Seepage Field

Section 905.EXHIBIT D Section View – Gravelless and Chamber System



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

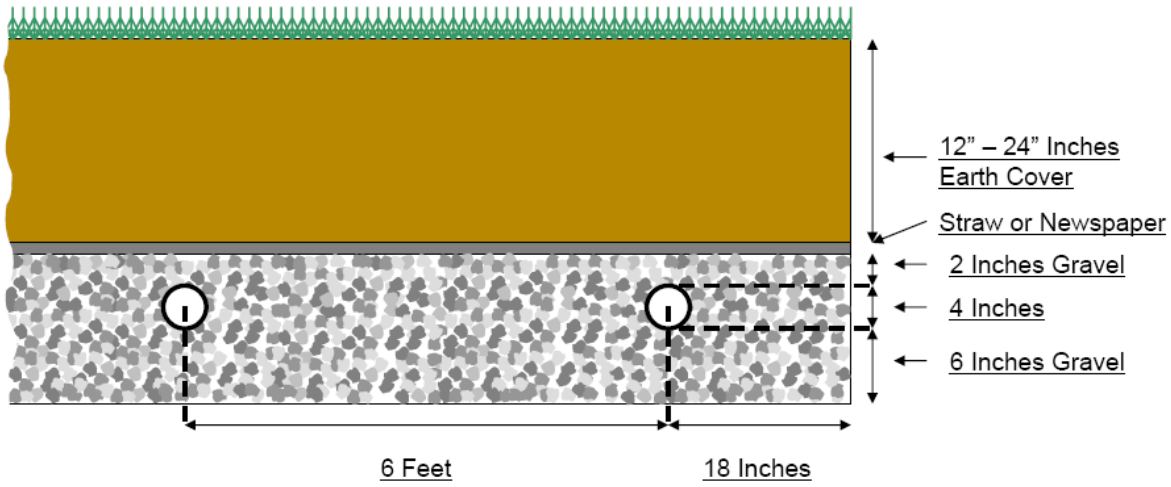
DEPARTMENT OF PUBLIC HEALTH

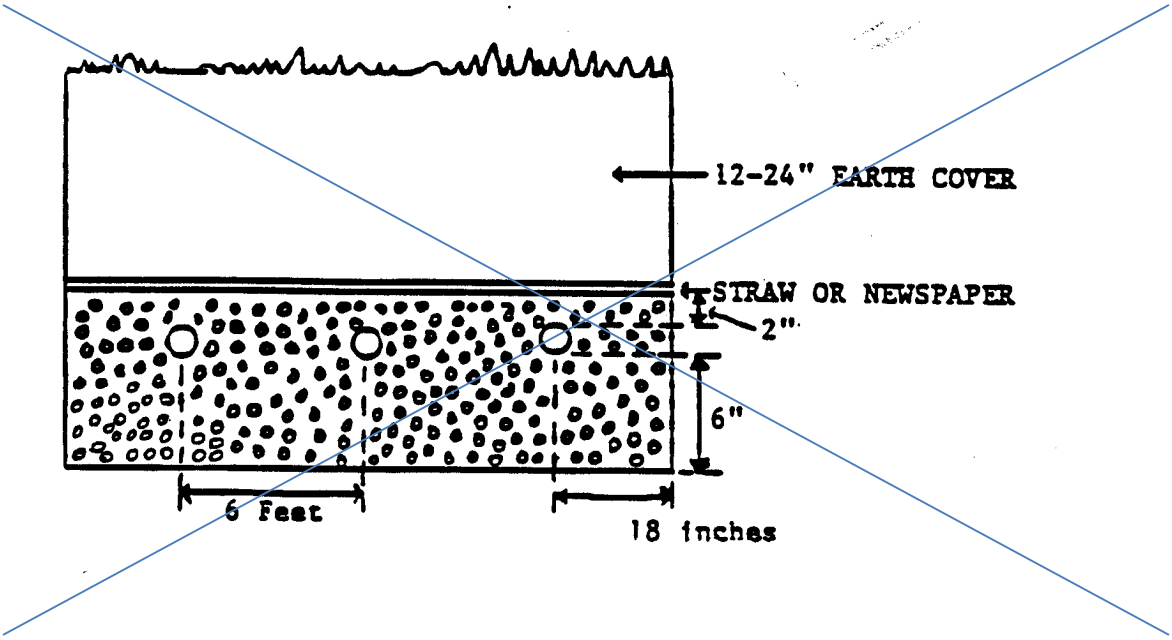
NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION L Seepage Bed

Section 905.EXHIBIT C End View





(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION M Soil Suitability for On-Site Sewage Design

Section 905.EXHIBIT A Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day

Design Group	Soil Group (Most Limiting~~limiting~~ Layer)	Minimum Separation To Limiting Layer~~(1)~~	Permeability Range	Size of System	
				Residential Reg. Absorption (ft^2/bedroom)	Institutional/Commercial Allowable Application Rate (GPD/ft^2)
I	1A	NR[3]~~N/A~~	Very Rapid	NR[3]~~N/A~~	NR[3]~~N/A~~
II	2A; 2B; 2K	3 feet	Rapid	200	1.0
III	3B; 3K	3 feet	High Moderately Rapid	220	0.91
IV	3A; ~~3C;~~ 3L; 4D~~B~~; 4K	3 feet	Low Moderately Rapid	240	0.84
V	4A; ~~4C~~; 4B~~D~~; 4H; 4L; ~~4M; 5B;~~ 5D	3 feet	Very High Moderate	265	0.75
VI	4F; 4M; 5B~~5C; 5E; 5K; 6F~~	3 feet	High Moderate	290	0.69
VII	4N; 5A; 5C; 5H; 5K; 6D	2 feet	Moderate	325	0.62
VIII	4O~~N~~; 5E; 5I; 5L; 6A; 6B; 6E; 6H~~G~~; 6K	2 feet	Low Moderate	385	0.52
IX~~(2)~~	5F~~J~~; 5M; 6C; ~~6H;~~ 6L; ~~7A;~~ 7D; 7F	2 feet	High Moderately Slow	445	0.45
X~~(2)~~	5G; 6F; 6I; 7E; 7C~~G~~; 7H~~8A~~	2 feet	Low Moderately Slow	500	0.40
XI~~(2)~~	5N; 6G; 6J; 6M; 7F; 7I~~; 7K~~	2 feet	Slow	740	0.27
XII~~(2)~~	7G; 7J; 7L; 8E; 8I	2 feet	Very Slow	1000	0.20

XII~~(2)~~	5O; 6N; 6O; 7M; 7N; 7O; 8J; 8M; 8O~~8N~~	NR[3]~~N/A~~	NR[3]~~N/A~~	NR[3]~~N/A~~	0.00
XIII	9	**SUBSURFACE DISPOSAL NOT RECOMMENDED**			

NOTES:

~~(1)~~ Limiting layers include fragipans; bedrock; compact glacial tills; seasonal high water table or other soil profile features that will materially affect the absorption of liquid from the disposal field.

~~(2)~~ Soils in this group are less than the minimum percolation rate established in Appendix A, ~~Section 905.~~Illustration H ~~of this Part~~ as suitable for subsurface seepage systems.

[3] NR = Subsurface disposal system not recommended.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION M Soil Suitability for On-Site Sewage Design

Section 905.EXHIBIT B Key for Determining Sewage Loading Rates (Gallons/Square Foot~~Feet~~/Day)

Structure and Parent Material	Single grain; Weak ~~Granular~~; Platy~~(2)~~	Granular, Angular and Subangular Blocky; Prismatic									Structureless or Massive				
		Loess: Outwash; Alluvium; Lacustrine[8]						Till[3]; ~~Lacustrine~~			Loess; Outwash; Alluvium; Lacustrine[8]			Till[3]; ~~Lacustrine~~	
		Week		Moderate; Strong		Strong		Moderate; Strong							
Moist Consistence	lo vfr fr	~~lo~~ vfr fr	~~fr~~ fi	vfr	fi	vfr fr	fi	fr	fi	vfi	vfr	fr	fi	vfr fr	fi vfi
Texture	A	B	C	D	E	F	G	H	I	J	K	L	M	NM	ON
1. Fragmental; Ext. or Very gravelly sand; ~~Gravelly sand; Coarse sand; Gravelly loamy sand~~	> 1.00[4]	N/A[5]	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. ~~Medium sand;~~ Sand; Loamy course sand; Loamy sand; Gravelly sand; Coarse sand; Gravelly loamy sand~~Coarse sandy loam~~	1.00	1.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.00	N/A	N/A	N/A	N/A
3. Fine sand; Loamy fine sand; Coarse sandy loam	0.84	0.91	N/A ~~0.84~~	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.91	0.84	N/A	N/A	N/A
4. Sandy loam; Fine sandy loam; Gravelly sandy loam; Gravelly loam; Gravelly silt loam	0.75	0.75 ~~0.84~~	N.A ~~0.75~~	0.84 ~~0.75~~	N/A	0.69 ~~N/A~~	N/A	N/A	0.75 ~~N/A~~	N/A	0.84	0.75	0.69	0.62 ~~0.75~~	0.52
5. Loam; Silt loam; Very fine sandy loam; Sandy clay loam; Silt; Very fine sand;	0.62	0.69 ~~0.75~~	0.62 ~~0.69~~	0.75	0.52 ~~0.69~~	0.45[6] ~~N/A~~	0.40[6] ~~N/A~~	0.62	0.52	N/A ~~0.45[6]~~	0.62 ~~0.69~~	0.52	0.45[6]	0.27[6] ~~0.45[6]~~	N/R[7] ~~0.27[6]~~

Loamy very fine sand; Gravelly clay loam															
6. Silty clay loam (<35% c); Clay loam (< 35% c)	.052	0.52 ~~N/A~~	0.45[6]	0.62	0.52	0.40[8] ~~0.69~~	0.27[6] ~~0.52~~	0.52 ~~0.45[6]~~	0.40[6]	0.27[6]	0.52	0.45[6]	0.27[6]	N/R ~~0.27[6]~~	N/R ~~0.00[6]~~
7. Silty clay loam (>35% c); Clay loam (>35% c)~~; Sandy clay (<40% c)~~	N/A~~0.45[6]~~	N/A	0.40[6] ~~N/A~~	0.45[6]	0.40[6]	0.27[6] ~~0.45[6]~~	0.20[6] ~~0.40[6]~~	0.40[6] ~~N/A~~	0.27[6]	0.20[6]	N/A ~~0.27[6]~~	0.20[6]	N/R	N/R ~~0.00[6]~~	N/R ~~0.00[6]~~
8. Sandy clay; Clay ~~(>40% c) Silty clay~~	N/A~~0.40[6]~~	N/A	N/A	N/A	0.20[6,9] ~~N/A~~	N/A	N/A	N/A	0.20[6,9]	N/R ~~0.00[6]~~	N/A	N/A	N/R	N/A	N/R ~~0.0[6]~~
9. ~~Clay;~~ Organics; Fragic; ~~Fragipan;~~ Lithic; Paralithic	——SOIL PROPERTIES HAVE VERY SEVERE LIMITATIONS; SUBSURFACE DISPOSAL NOT RECOMMENDED———														

FOOTNOTES:

1 Disturbed soils are highly variable and require special on-site investigations.

2 Moderate or strong platy structure for the soil textures in Groups 4,~~Group~~ 5 and 6 have a loading rate of 0.40 g/sq.ft/d~~/ft~~. Platy structure having firm or very firm consistency ~~and/~~or caused by mechanical compaction has a loading rate of 0.0 g/sq.ft~~d~~/d~~sq. ft~~.

3 Basal ~~Weakly structured BC horizons and basal~~ glacial tills structured by geogenic processes have the same loading rates as structureless glacial till.

4 This soil group is estimated to have very rapid permeability and exceeds the maximum established rate in ~~Section 905.~~Illustration H, Exhibit A ~~of this Part~~.

5 N/A means not applicable.

6 These soil groups are estimated to have moderately slow to very slow permeability and are less than the minimum established rate in ~~Section 905.~~Illustration H, Exhibit A ~~of this Part~~.

7 N/R means not recommended. These soils have loading rates considered too low for conventional subsurface disposal.

8 In some areas, lacustrine material may have physical properties similar to glacial till and should be placed in the glacial till columns.

9 Non-swelling (1:1 lattice) clays formed in bedrock residuum have a loading rate of 0.27 g/sq.ft/d. Swelling (2:1 lattice) clays are not recommended for subsurface disposal.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

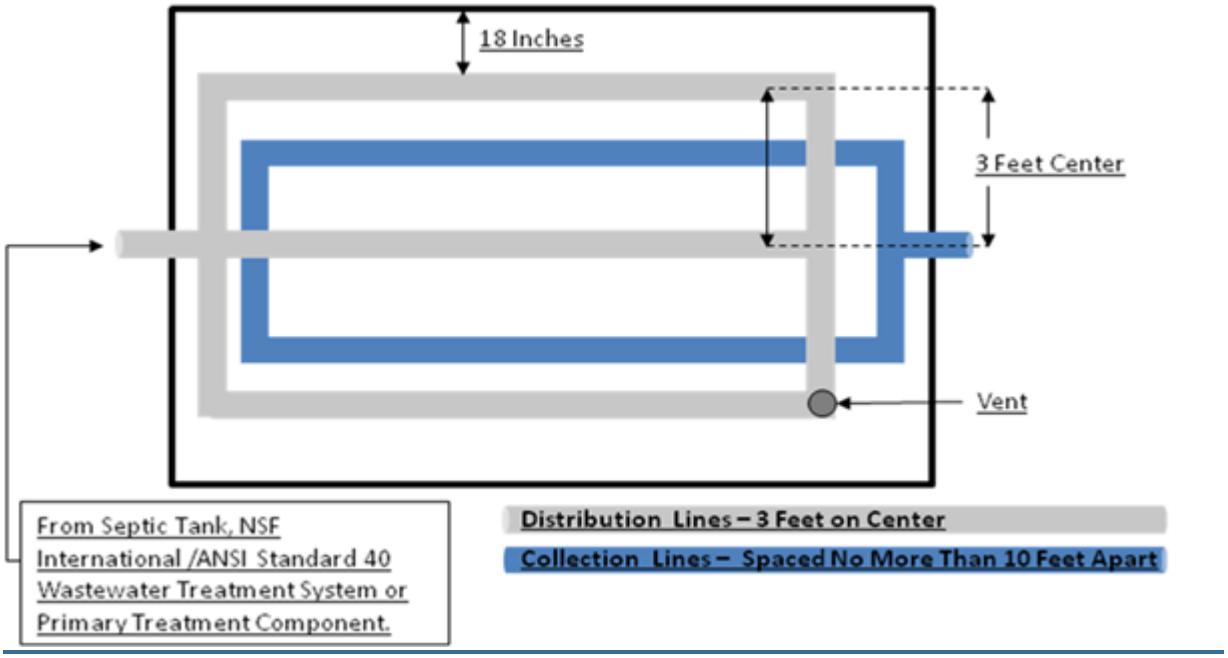
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

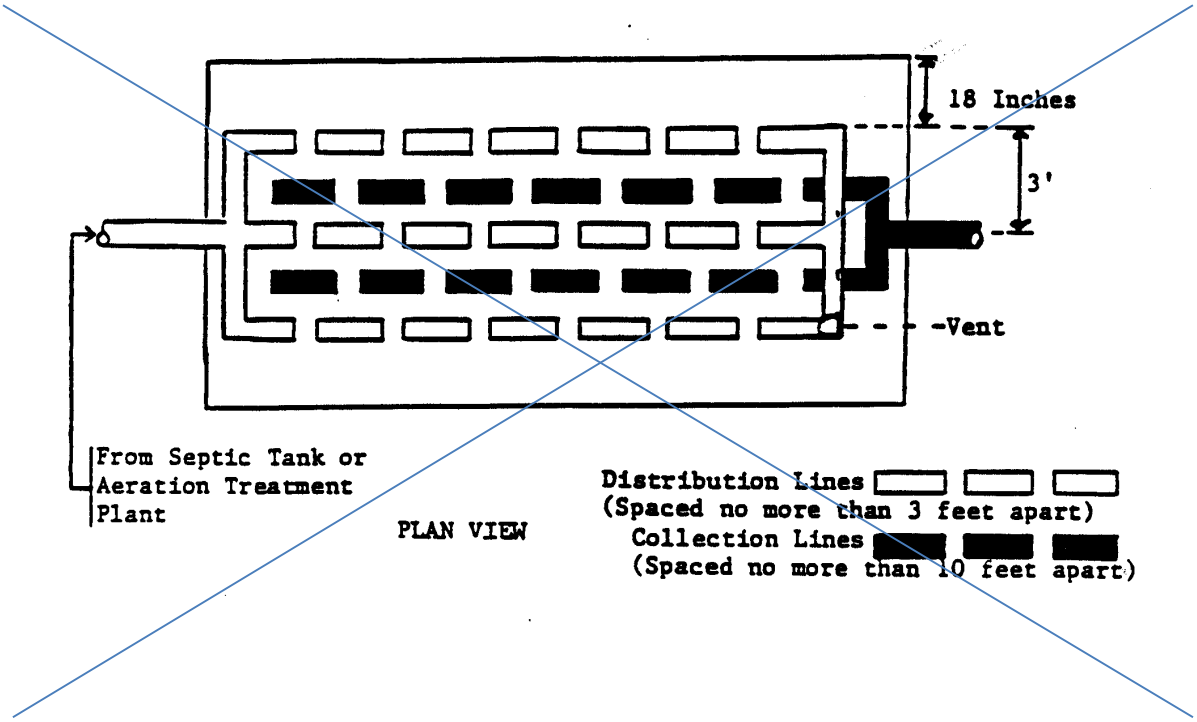
Section 905.ILLUSTRATION N Buried Sand Filter

Section 905.EXHIBIT A Plan View



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

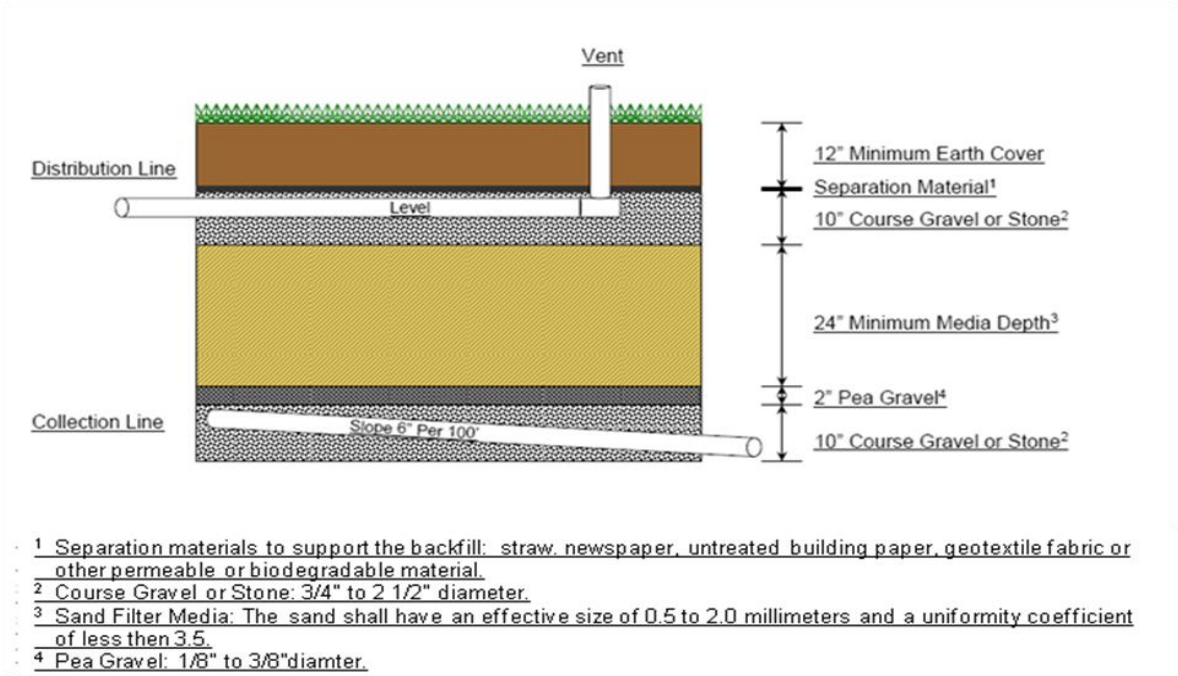
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION N Buried Sand Filter

Section 905.EXHIBIT B Section View



[1] Separation materials to support the backfill: straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material.
[2] Course Gravel or Stone: 3/4" to 2 1/2" diameter.
[3] Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 millimeters and a uniformity coefficient of less then 3.5.
[4] Pea Gravel: 1/8" to 3/8"diamter.

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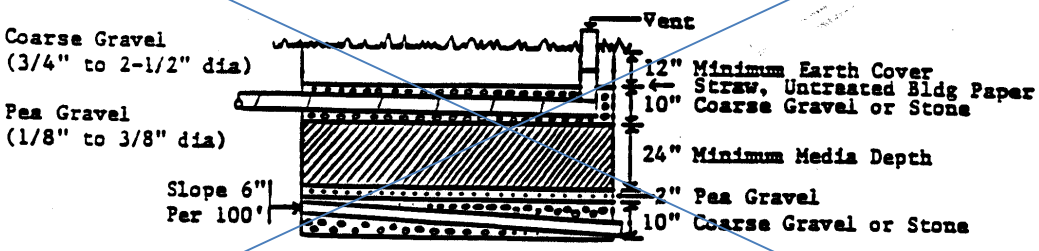
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

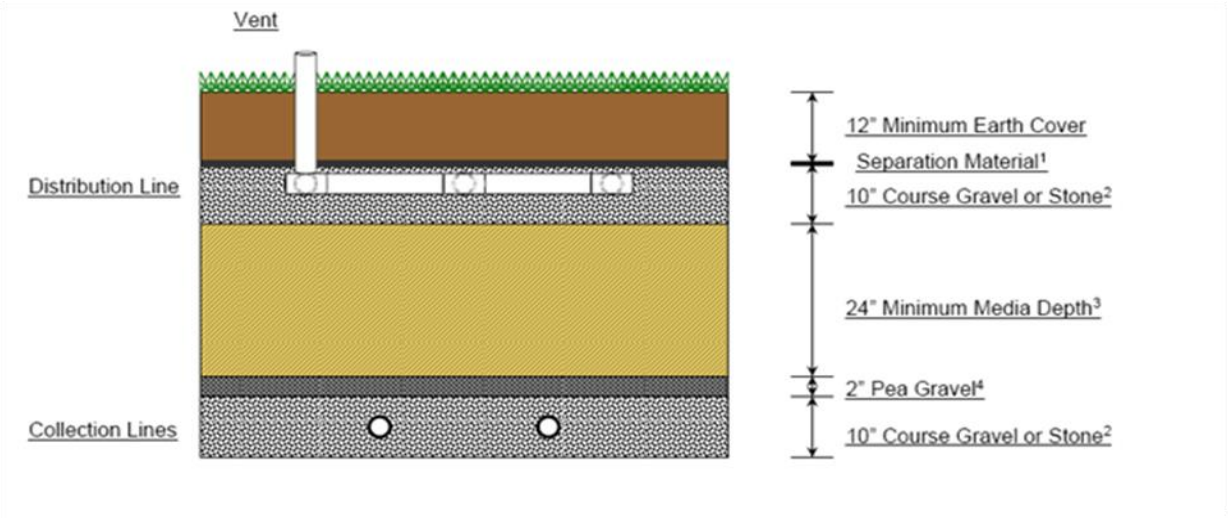
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION N Buried Sand Filter

Section 905.EXHIBIT C End View



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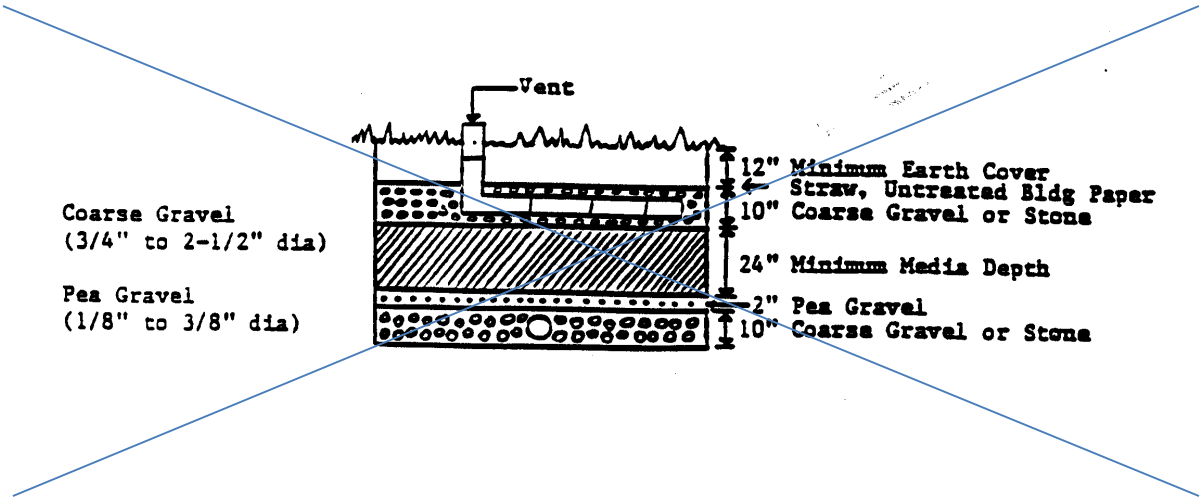
[2] Course Gravel or Stone: 3/4" to 2 1/2" diameter.
[3] Sand Filter Media: The sand shall have an effective size of 0.5 to 2.0 millimeters and a uniformity coefficient of less then 3.5.
[4] Pea Gravel: 1/8" to 3/8"diamter.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

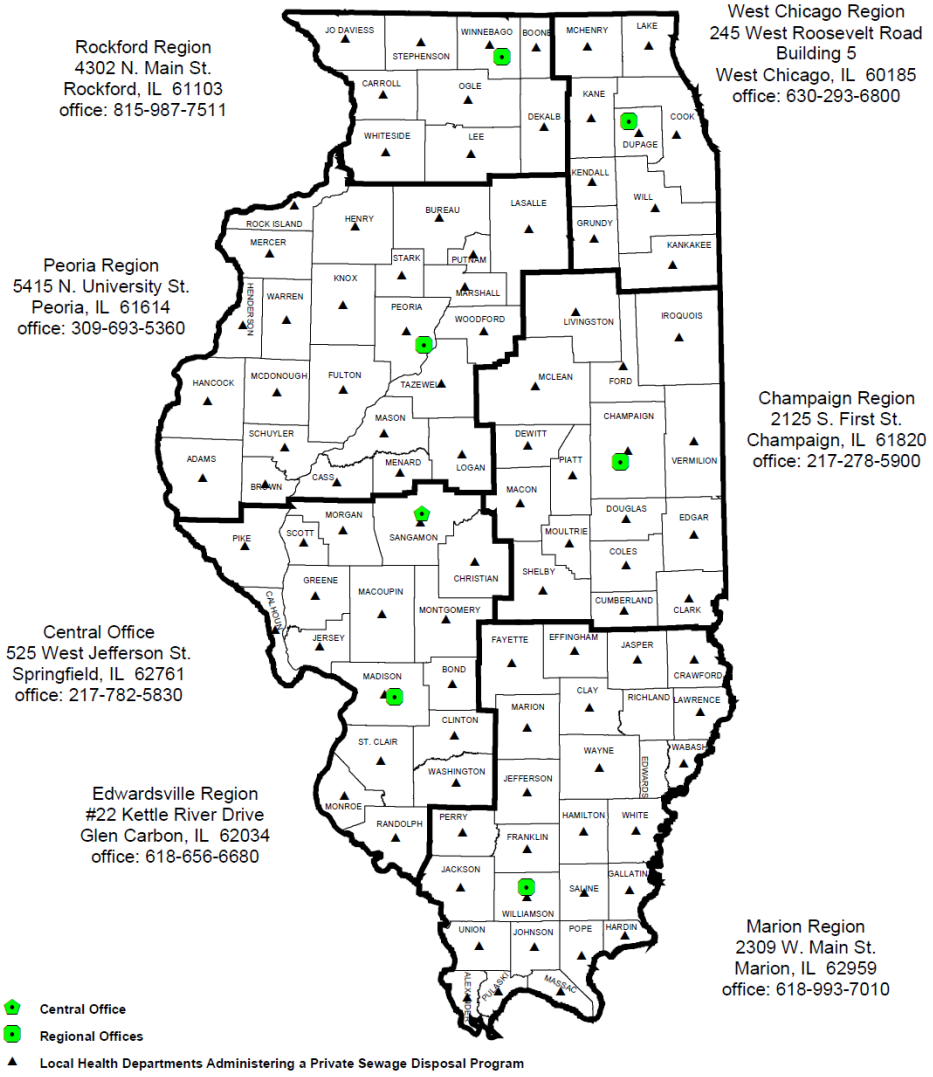


(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905.APPENDIX B Contact Information for the Central and Regional Offices~~Telephone or Address Inquiries to the Regional Office~~



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
Division of Engineering and Sanitation
TELEPHONE OR ADDRESS INQUIRIES TO THE
REGIONAL OFFICE SERVING YOUR AREA

REGION 1 - Rockford
Roger Ruden, R.E.
Ill. Dept. of Public Health
4302 N. Main Street
Rockford, IL 61103
Phone 815/987-7511

REGION 2 - Peoria
Frank F. Alai, R.E.
Ill. Dept. of Public Health
5415 North University
Peoria, IL 61614
Phone 309/691-2200

REGION 3 - Springfield
Merle L. King, R.E.
Ill. Dept. of Public Health
4500 S. Sixth Street Road
Springfield, IL 62706
Phone 217/786-6882

REGION 4 - Edwardsville
Fred L. Crawford, R.E.
Ill. Dept. of Public Health
Cottonwood Road
Edwardsville, IL 62025
Phone 618/288-5761

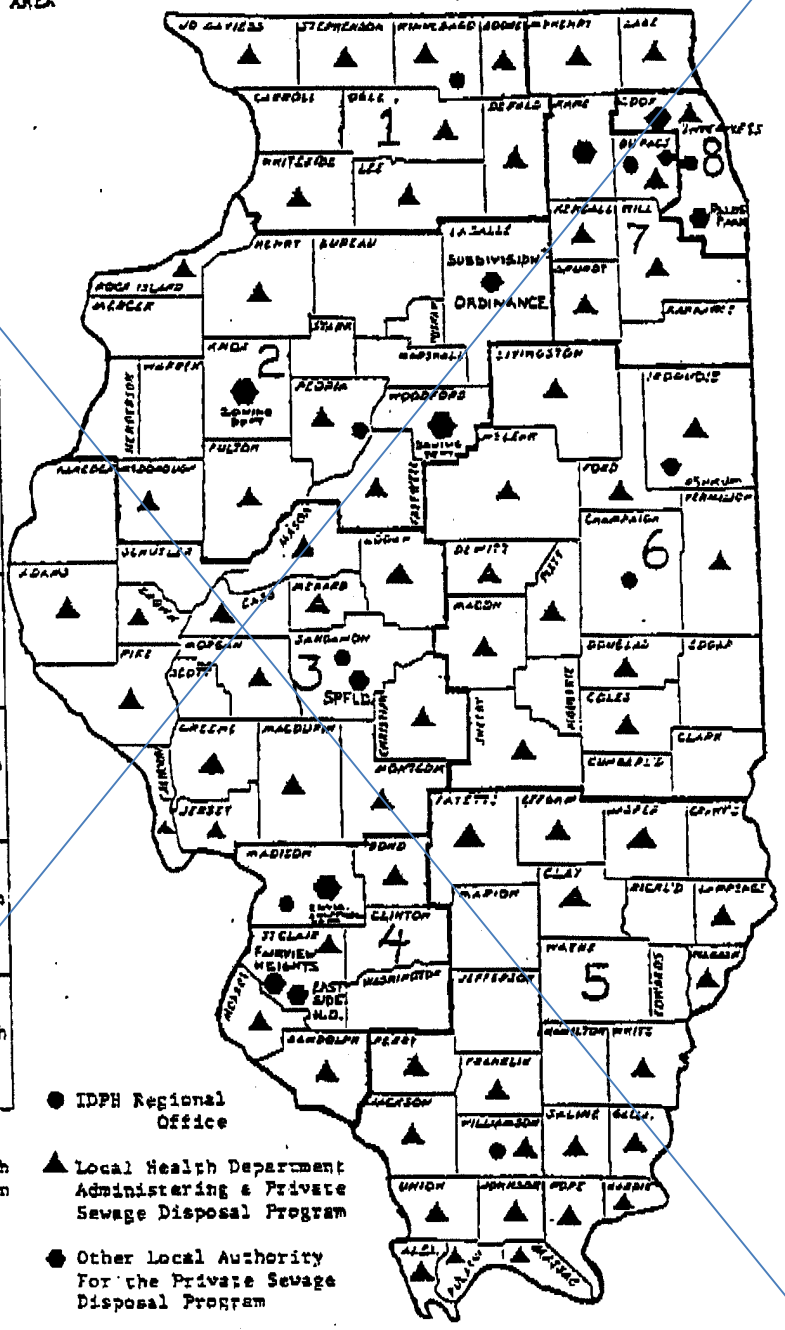
REGION 5 - Marion
Murl Teske, R.E.
Ill. Dept. of Public Health
2209 West Main Street
Marion, IL 62959
Phone 618/997-4371

REGION 6 - Champaign
Mark Kuechler, R.E.
Ill. Dept. of Public Health
2125 South First Street
Champaign, IL 61820
Phone 217/333-6914

REGION 7 - West Chicago
[illegible] Flygare, R.E.
Ill. Dept. of Public Health
245 Roosevelt Rd. Bldg. #5
West Chicago, IL 60185
Phone 312/293-6800

REGION 8 - Berkeley
Paul Levin, R.E.
Ill. Dept. of Public Health
5813 Elm Avenue
Berkeley, IL 60163
Phone 312/449-2777-9, 2870

CENTRAL OFFICE
Ill. Dept. of Public Health
Office of Health Regulation
Division of Eng. & San.
535 West Jefferson Street
Springfield, IL 62761
Phone 217/782-5830



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Aviation Safety

2) Code Citation: 92 Ill. Adm. Code 14

3)

Section Numbers:	Adopted Action:
14.210	Amend
14.220	Amend
14.620	Amend
14.APPENDIX B, TABLE A	Amend
14.APPENDIX H, TABLE B	Amend

4) Statutory Authority: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5]

5) Effective Date of Rulemaking: August 30, 2013

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 rulemakings, including any material incorporated by reference, is on file in DOT's Division of Aeronautics and Office of Chief Counsel and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: June 7, 2013; 37 Ill. Reg. 7724

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

11) Differences between Proposal and Final Version: Several grammatical corrections were made in agreement with JCAR.

At Section 14.620(b)(4)(D), the Department changed “In the event that the Certificate Holder or his designee…” to “In the event that the Certificate Holder or designee…”.

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 rulemakings pending on this Part? No

15) Summary and Purpose of the Rulemaking: Following are summaries of the changes made to this Part.

At Sections 14.210 and 14.220, the Department removed references to the decal requirement for aircraft registration because the decal is no longer needed. In the past, Department personnel conducted ramp inspections at various airports to make certain aircraft owners had registered their aircraft with the State. In light of personnel challenges, the Department has found a more efficient means of confirming aircraft registration. In lieu of ramp inspections, the Division of Aeronautics is using Federal Aviation Administration records to confirm aircraft registration. These records are available via the internet and can be cross referenced to the Department's database to verify that aircraft have been properly registered. Removal of the decal requirement will save the State approximately $5,000 (cost of decal plus mailing costs) for each renewal period.

At Section 14.620, the Department removed references to the accessible telephone requirement. Pay phones are becoming increasingly difficult to obtain and expensive to keep since telephone companies often require a minimum amount of use. A telephone company will remove the pay phone if the usage requirement is not met. Additionally, local airports may be required to pay a significant fee to keep a pay phone in place. Finally, pay phones are prone to vandalism. Since cellular service has expanded to the point of being available at nearly every airport, pay phones, and land line phones that are also prone to vandalism and misuse, are no longer necessary.

At Section 14.Appendix B, Table A and Appendix H, Table B, the Department removed references to the 24-hour telephone access requirement because it has become a financial burden for many airports, heliports and vertiports to provide 24-hour telephone access. Since cellular service has expanded to the point of being available at nearly every airport, pay phones, and land line phones that are also prone to vandalism and misuse, are no longer necessary.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Ms. Linda Schumm, Bureau Chief
Illinois Department of Transportation
Aviation Safety, Division of Aeronautics
1 Langhorne Bond Dr.
Springfield, Illinois 62707

217/785-4215

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 14
AVIATION SAFETY

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14.100 Purpose and Applicability
14.105 Definitions
14.110 Operation Without Certificate of Approval Unlawful
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14.120 Transfer/Modification/Rescission of Certificate of Approval
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SUBPART B: AIRCRAFT REGISTRATION

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14.200 Registration of Aircraft
14.210 Time and Manner of Registration
14.220 Exhibition of Certificates ~~and Decal~~
14.230 Exceptions to Registration Requirements

SUBPART C: AIRMAN REGISTRATION

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SUBPART D: AIR SAFETY

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14.400 Applicability
14.410 Responsibility and Authority of Pilot
14.420 Use of Liquor, Narcotics and Drugs
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SUBPART E: AIRPORTS

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14.500 Airport Classification
14.510 Application for Certificate of Approval
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14.530 Obstructions
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14.550 Facilities
14.560 Responsibility of a Public-Use Airport Certificate Holder
14.570 Responsibility of a Private-Use Airport Certificate Holder
14.580 Restrictions on Use

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

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14.600 Airport Classification
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SUBPART G: RESTRICTED LANDING AREAS

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14.700 Restricted Landing Area Classification
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14.720 Design and Layout Requirements
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14.740 Facilities
14.750 Responsibility of a Restricted Landing Area Certificate Holder
14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas
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SUBPART H: HELIPORTS/VERTIPORTS

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14.800 Heliport/Vertiport Classification
14.810 Application for Certificate of Approval
14.820 Design and Layout Requirements
14.830 Obstructions
14.840 Heliport Marking
14.850 Facilities
14.860 Responsibility of a Public-Use Heliport Certificate Holder
14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder
14.880 Restrictions on Use

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section
14.900 Special Purpose Aircraft Designation
14.910 Registration of Special Purpose Aircraft
14.920 Exemption from Registration
14.930 Compliance with Aircraft Registration
14.940 Liability
14.950 Special Purpose Aircraft Operations
14.960 Saving Clause

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

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14.1020 Ultralight/Ultralight Trainer Operations
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SUBPART K: PRACTICE AND PROCEDURE

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14.1105 Filing of Documents
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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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14.ILLUSTRATION A Airports (Public- or Private-Use) Minimum Dimensional Standards
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14.ILLUSTRATION E Airports (Public- or Private-Use) Line of Sight
14.ILLUSTRATION F Airports (Public- or Private-Use) Visual Runway Markings
14.ILLUSTRATION G Airports (Public- or Private-Use) Numerals Detail
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14.ILLUSTRATION I Airports (Public- or Private-Use) Displaced Threshold Markings
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14.APPENDIX B Airport Facility Requirements and Restrictions on Use
14.TABLE A Facility Requirements
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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

14.ILLUSTRATION A Airports for Non-Conventional Aircraft Minimum Dimensional Standards
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14.TABLE A Heliport Standards
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14.TABLE C Restrictions on Use

AUTHORITY: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].

SOURCE: Part repealed at 28 Ill. Reg. 2298, effective January 26, 2004; new Part adopted at 28 Ill. Reg. 2302, effective January 26, 2004; amended at 37 Ill. Reg. 15127, effective August 30, 2013.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: AIRCRAFT REGISTRATION

Section 14.210 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

a) Except as provided in Section 14.230, all holders of Federal Aircraft Certificates for aircraft engaged in air navigation in Illinois shall complete an Application for Registration of Federal Aircraft Certificate form (Form AER 2048) within 30 days after establishing residency in Illinois or within 30 days after purchasing an aircraft. Each completed application shall contain at least the same information that is shown on the Federal Aircraft Certificate.

b) The fee for the registration or transfer of registration of each Federal Aircraft Certificate is $20~~.00~~ when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay $10~~.00~~. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)

c) The Division will then issue a biennial Certificate of Registration ~~and a Decal~~ that is~~are~~ required to be carried at all times in ~~or on~~ an aircraft engaged in air navigation in Illinois (see Section 14.220) and that will automatically expire upon transfer of ownership of the aircraft or on the date indicated on the Certificate of Registration. The Certificate of Registration ~~and Decal~~ will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even-numbered years and expires December 31 of the following odd-numbered year. Renewal notices are mailed at the beginning of each cycle.

d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

(Source: Amended at 37 Ill. Reg. 15127, effective August 30, 2013)

Section 14.220 Exhibition of Certificates ~~and Decal~~

a) Each Federal Aircraft Certificate and the Certificate of Registration~~ and Decal~~ issued by the Division shall be carried at all times in ~~or on~~ the aircraft engaged in air navigation in Illinois. Each certificate must be posted where it may be readily seen by passengers or inspectors (i.e., on the pocket of the kick panel) and must be presented for inspection upon demand by any passenger, any peace officer of this State~~state~~, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the aircraft lands. ~~The Decal issued by the Division shall be affixed to the aircraft as prescribed in the instructions (above or near the "N" number on the right side of the aircraft) included with the Decal.~~ (See Section 45 of the Act.)

b) In the event of loss, mutilation, correction (i.e., name change) or destruction of a Certificate of Registration~~ or Decal~~, the owner of a registered aircraft may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of $5.00 made payable to the State Treasurer of Illinois.

(Source: Amended at 37 Ill. Reg. 15127, effective August 30, 2013)

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

a) Balloon Port~~.~~

1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in ~~Section 14.~~Appendix C, Illustration A.

2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360º circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.

3) Facilities. Every balloon port shall provide:

A) Wind direction/velocity indicator (must be lighted for night use).

B) Adequate fire protection equipment.

~~C) Accessible telephone.~~

C~~D~~) Potable water during business hours.

D~~E~~) Sanitary restroom facilities.

E~~F~~) First-aid kit.

4) Responsibility of a Public-Use Balloon Port Certificate Holder~~.~~

A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.

B) Have authorized personnel in attendance at the balloon port at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.

C) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or ~~his~~ designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or by e-mail at the address provided for in Section 14.115(a)~~,~~ within 10 days after~~of~~ the change.

D) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.

E) Develop and follow, on the property subject to the Certificate Holder's~~his~~ control, operational maintenance and repair practices~~,~~ that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.

F) Furnish the Division, upon request, ~~with~~ information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.

b) Seaplane Base~~.~~

1) Physical Standards for Water Lane. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in ~~Section 14.~~Appendix C, Illustration A.

2) Water Lane Length and Minimum Clearances. The water lane length for all approaches to and takeoff from the water shall be sufficient to allow for a 100' clearance over all structures on land and water.

3) Facilities. Every seaplane base shall provide:

A) Wind direction/velocity indicator (must be lighted for night use).

B) One 20# fire extinguisher (two with sale of fuel).

~~C) Accessible telephone.~~

C~~D~~) Docking or beaching facility.

D~~E~~) Accessible emergency personal flotation device (life ring or preserver).

E~~F~~) Potable water.

F~~G~~) Sanitary restrooms.

G~~H~~) First-aid kit.

H~~I~~) Segmented circle with arms where a non-standard traffic pattern is used.

I~~J~~) Fuel.

4) Responsibility of a Public-Use Seaplane Base Certificate Holder~~.~~

A) Notify the appropriate FAA-FSS of hazardous conditions.

B) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.

C) Have authorized personnel in attendance at the seaplane base at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his or her agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.

D) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his or her designee. In the event that the Certificate Holder or ~~his~~ designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or ~~his~~ designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or by e-mail at the address provided for in Section 14.115(a)~~,~~ within 10 days after the change.

E) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.

F) Develop and follow, on the property subject to the Certificate Holder's~~his~~ control, operational maintenance and repair practices~~,~~ that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.

G) Furnish the Division, upon request, ~~with~~ information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

(Source: Amended at 37 Ill. Reg. 15127, effective August 30, 2013)

Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use

Section 14.TABLE A Facility Requirements

Item	**Airports Public-Use**	**Airports Private-Use**	**Ultralight/STOL Airports Public-Use**	**Ultralight/STOL Airports Private-Use**
~~24-Hour Phone~~	~~Required~~	~~Recommended~~	~~Required~~	~~Not Required~~
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Not Required (Encouraged)	Recommended Recommended Recommended	Required Required Not Required (Encouraged)	Recommended Recommended Recommended
Segmented Circle Marker where a non-standard traffic pattern is used~~.~~ [1]	Required	Required	Required	Required
Fire Protection	Required − one 20# extinguisher two where fueling is present~~.~~	Recommended	Required	Recommended
First-Aid Kit	Required	Recommended	Required	Recommended
Fuel Sales	Required during normal business hours~~.~~ Available by phone after business hours~~.~~	Not Required	Recommended during normal business hours~~.~~	Not Required
Hangar/Office Access	Required during normal business hours~~.~~	Not Required	Recommended during normal business hours~~.~~	Not Required
Potable Water	Required	Recommended	Required	Recommended
Runway Lights	Required for night use~~.~~	Required for night use~~.~~	Required for night use~~.~~	Required for night use~~.~~

Sanitary Restroom	Required during normal business hours. Available by phone after business hours.	Recommended	Required during normal business hours. Available by phone after business hours.	Recommended

Item	**Airports Public-Use**	**Airports Private-Use**	**Ultralight/STOL Airports Public-Use**	**Ultralight/STOL Airports Private-Use**
Tie-Down Facilities	Required	Recommended	Required	Recommended
Wind Direction/ Velocity Indicator (must be lighted for night use).[2]	Required	Required	Required	Required

[1] Not required where 24-hour tower is in operation.
[2] Lighting required if runway lights are available.

(Source: Amended at 37 Ill. Reg. 15127, effective August 30, 2013)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use

Section 14.TABLE B Facility Requirements

Item	**Heliport/ Helistop Vertiport/ Vertistop Public-Use**	**Heliport/ Helistop Vertiport/ Vertistop Private-Use**	**Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area**	**Hospital Heliport/ Helistop Vertiport/ Vertistop**
~~24-Hour Phone~~	~~Required for heliport only.~~	~~Not Required~~	~~Not Required~~	~~Not Required~~
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Required	Recommended Recommended Recommended	Recommended Recommended Recommended	Required Required Required Security and access may be controlled by hospital~~.~~
Fire Protection	Required for heliports – one 20# extinguisher (two where fueling is present)~~.~~	Required for heliports – one 20# extinguisher (two where fueling is present)~~.~~	Recommended	Required – one 20# extinguisher (two where fueling is present)~~.~~
First-Aid Kit	Required for heliport only~~.~~	Recommended for heliport~~.~~	Not Required	Not Required
Fuel & Oil Sales	Required for heliport during normal business hours~~.~~ Available by phone after business hours~~.~~	Not Required	Not Required	Not Required

Hangar/Office	Required for heliport only.	Not Required	Not Required	Not Required
Identification Beacons	Required for heliports.	Recommended	Not Required	Recommended and required for all Trauma Centers.

Item	**Heliport/ Helistop Vertiport/ Vertistop Public-Use**	**Heliport/ Helistop Vertiport/ Vertistop Private-Use**	**Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area**	**Hospital Heliport/ Helistop Vertiport/ Vertistop**
Lead-in Lights and Arrows	Required for heliports.	Recommended	Not Required	Recommended
Marked FATO and/or TLOF Identifiable from 500' AGL	Required	Required	Required	Required
Paved TLOF	Recommended	Recommended	Not Required	Recommended
Perimeter/Flood Lighting	Required for night use.	Required for night use.	Recommended for night use.	Required for night use.
Potable Water	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Horizontal Safety Fence for Heliports Elevated 30" or Higher	Required	Required	Required	Required
Sanitary Restroom	Required for heliport during	Not Required	Not Required	Not Required

	normal business hours. Available by phone after business hours.			
Wind Direction / Velocity Indicator (must be lighted for night use)	Required	Required	Required	Required

(Source: Amended at 37 Ill. Reg. 15127, effective August 30, 2013)

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Firearm Concealed Carry Act Procedures

2) Code Citation: 20 Ill. Adm. Code 1231

3)

Section Numbers:	Emergency Action:
1231.10	New Section
1231.20	New Section
1231.30	New Section
1231.40	New Section
1231.50	New Section

4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

5) Effective Date of Rules: August 30, 2013

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These rules will not expire before the end of the 150-day period.

7) Date Filed with the Index Department: August 30, 2013

8) A copy of the emergency rule, including any material incorporated by reference, is on file with the agency's principal office and is available for public inspection.

9) Reason for Emergency: The rules are needed in order to comply with the Firearm Concealed Carry Act [430 ILCS 66/95]. In the absence of rules, there will be no regulatory process to provide a framework for instructors regarding how to comply with the Act or guidelines for the Department to objectively protect the public safety interests of the State. The rules will promote public safety by ensuring that only qualified firearms instructors and curriculum consistent with the Act are approved.

10) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide the procedures and requirements for becoming a concealed carry firearms instructor and for approving concealed carry firearms training.

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

12) Statement of Statewide Policy Objectives: This Part 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.

13) Information and questions regarding this rule shall be directed to:

Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

Section
1231.10 Definitions
EMERGENCY
1231.20 Instructor Approval
EMERGENCY
1231.30 Instructor Approval Revocation
EMERGENCY
1231.40 Curriculum Approval
EMERGENCY
1231.50 Training Certification
EMERGENCY

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

SOURCE: Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days.

Section 1231.10 Definitions
EMERGENCY

"Act" means the Firearms Concealed Carry Act [430 ILCS 66].

"All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction" means, at a minimum, instruction on the Act in its entirety, with emphasis on Sections 10(h) and 65 of the Act; the Firearm Owner Identification Card Act [430 ILCS 65]; relevant portions of the Criminal Code of 2012, including but not limited to, use of force in defense of a person [720 ILCS 5/7-1], use of force in defense of dwelling [720 ILCS 5/7-2], use of force in defense of other property [720 ILCS 5/7-3], and unlawful use of a weapon [720 ILCS 5/Art. 24]; and the appropriate and lawful

interaction with law enforcement while transporting or carrying a concealed firearm.

"Application Verification Document" means the documents electronically generated by the Department upon submission of a completed Firearms Instructor Approval Application, which authorizes the Department to verify the answers given and confirm the validity of the information provided.

"B-27 Silhouette Target" means any target that complies with the National Rifle Association of America B-27 50 Yard Target Specifications.

"Basic Principles of Marksmanship Instruction" means, at a minimum, instruction on stance, grip, sight alignment, sight picture and trigger control.

"Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction" means, at a minimum, instruction on gun identification, ammunition identification and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"Firearms Safety Instruction" means, at a minimum, instruction on the four basic firearms handling safety rules, home storage, vehicle storage and public storage.

"In Person" means during a live, face-to-face interaction and not via video conference, webinar or any other electronic media.

"Valid Firearms Instructor Certification" means certification as:

a Law Enforcement Firearms Instructor; or

a Firearms Instructor qualified to teach either handgun safety or a handgun training course that requires in-person classroom or lecture sessions totaling at least 3 hours and a live handgun firing component that was issued by:

a law enforcement entity;

a State or federal government entity (e.g., Military, Coast Guard, etc.);

the Illinois Law Enforcement Training Standards Board;

the National Rifle Association of America (NRA); or

any other entity recognized by at least 3 state or federal government agencies as being qualified to provide education and training in the safe and proper use of firearms that maintains a program or process to certify instructors.

"Weapons Handling Instruction" means, at a minimum:

dry fire practice drills –

handgun fundamentals;

dry fire practice drills from concealment; and

live fire practice drills –

handgun fundamentals;

live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.

Section 1285.20 Instructor Approval
EMERGENCY

a) Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation. Manual fingerprints will not be accepted.

b) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor, the applicant shall electronically complete and submit the Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website.

c) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed.

d) Applicants must have read the Act in its entirety, understand the rules and requirements of this Part, apply for an Illinois Firearms Concealed Carry License (FCCL) when that application is available and:

1) If an Illinois resident:

A) possesses a valid Firearm Owner's Identification (FOID) Card (20 Ill. Adm. Code 1230); or

B) is eligible for and has applied for a FOID Card; or

2) If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.

e) Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to the address specified in the Concealed Carry section of the ISP website.

Section 1231.30 Instructor Approval Revocation
EMERGENCY

a) Concealed Carry Firearms Instructors (Instructors) must maintain:

1) A valid FOID Card or, if an out-of-state resident, eligibility to obtain a FOID; and

2) After April 16, 2014, a valid FCCL.

b) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.

c) The Department may revoke an Instructor's approval upon receiving substantiated information that the instructor is not teaching the curriculum in a manner consistent with Section 75 of the Act.

d) Upon revocation of an Instructor's approval, the Instructor's name and information will be removed from the registry of approved Instructors maintained by the Department and available on its website.

e) Once an Instructor's approval is revoked and the Department issues a letter of revocation to the Instructor, the Instructor may appeal the revocation to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. If the Director determines that the revocation of approval was not warranted, or that the issues that resulted in revocation have been remediated, the Instructor's approval shall be reinstated, the instructor shall be notified and the name of the Instructor shall be restored to the registry of approved Instructors.

Section 1231.40 Curriculum Approval
EMERGENCY

a) Application for curriculum approval shall be made by completing and submitting a Request for Approval of a Concealed Carry License Firearms Curriculum form, which is available on the Department's website.

b) The application must be complete, accurate, signed, and notarized. If the application is not completed properly, it will be returned to the applicant and will not be processed.

c) The applicant must verify that the proposed curriculum meets the requirements set forth in the Act and that the course will be taught in person, as described in this Section.

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY RULES

d) Training necessary for issuance of the FCCL shall consist of 16 hours of classroom and firearm training. Pursuant to Section 75(g), (h) and (i) of the Act, fewer hours of training, or no additional training, will be acceptable in certain instances indicating prior firearms training.

1) A 16 hour training course must, at a minimum, cover the following topics:

A) Firearms Safety − a minimum of 2 classroom hours;

B) Basic Principles of Marksmanship − a minimum of 3 classroom and range hours;

C) Care, Cleaning, Loading and Unloading of a Concealable Firearm − a minimum of 3 classroom hours;

D) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm − a minimum of 4 classroom hours; and

E) Weapons Handling − a minimum of 4 range hours.

2) An 8 hour training course must, at a minimum, cover the following topics:

A) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm − a minimum of 4 classroom hours; and

B) Weapons Handling − a minimum of 4 range hours.

e) A 3 hour licensure renewal course must, at a minimum, cover the following topics:

1) Two classroom hours to cover:

A) any updates to Illinois or federal firearms laws governing concealed carry in Illinois;

B) updates in the Criminal Code Sections listed in Section 1231.10; and

C) appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm; and

2) One hour of instruction to include a live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.

f) The Department may request a complete course outline and instructional notes or any additional course related information from the applicant. If the applicant refuses the request, the application will be deemed incomplete and returned to the applicant.

g) Once approved by the Department, the curriculum may only be taught by an Instructor approved by the Department under Section 1231.20 who is listed on the registry of approved Instructors.

h) Upon receiving substantiated information that a curriculum, as taught, is not consistent with Section 75 of the Act, the Department may remove that curriculum from the list of approved curriculums maintained on the Department's website.

i) Once a curriculum is removed from the list of approved curriculums, the decision to remove the curriculum from the list may be appealed to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. If the Director determines that the removal of the curriculum from the list was not warranted, or that the issues that resulted in that removal have been remediated, the curriculum approval shall be reinstated to the list.

Section 1231.50 Training Certification

a) Approved Instructors shall complete the Department's Concealed Carry Firearms Training Certification form, which is available on the Department's website, for FCCL applicants.

b) The Certification form shall only be completed for those applicants who the Instructor trained in person for whom the Instructor can verify:

1) successful completion of the appropriate Department approved curriculum; or

2) that the applicant has previously successfully completed training through a Department approved curriculum.

c) On the Certification form, the Instructor shall:

1) certify that the applicant successfully completed a 16 hour training course, an 8 hour training course, or a 3 hour renewal training course; and

2) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.

d) For those applicants who provided proof of up to 8 hours of training already completed toward the 16 hours training, the Instructor shall:

1) certify the aggregate number of hours for which the applicant provided proof of instruction in Firearms Safety, Basic Principles of Marksmanship, and Care, Cleaning, Loading and Unloading of a Concealable Firearm;

2) certify whether the applicant successfully completed the 8 hours training required by Section 1231.40; and

3) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.

e) The Instructor may certify up to 8 hours of prior training, consistent with Section 75 of the Act. The prior training may be substituted for no more than the following number of hours in any of the topics required by Section 1231.40(d)(2):

1) Firearms Safety − a maximum of 2 classroom hours;

2) Basic Principles of Marksmanship − a maximum of 3 classroom and range hours; and

3) Care, Cleaning, Loading and Unloading of a Concealable Firearm − a maximum of 3 classroom and range hours.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
SEPTEMBER 17, 2013
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254

PROPOSED RULEMAKINGS

Central Management Services

1. Pay Plan (80 Ill. Adm. Code 310)
   -First Notice Published: 37 Ill. Reg. 10740 – 7/19/13
   -Expiration of Second Notice: 10/17/13

Children and Family Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

2. Licensing Standards for Child Welfare Agencies (89 Ill. Adm. Code 401)
-First Notice Published: 37 Ill. Reg. 6927 – 5/24/13
-Expiration of Second Notice: 10/9/13

3. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
-First Notice Published: 37 Ill. Reg. 6939 – 5/24/13
-Expiration of Second Notice: 10/9/13

4. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
-First Notice Published: 37 Ill. Reg. 6962 – 5/24/13
-Expiration of Second Notice: 10/9/13

Education

5. Standards for Endorsements in Elementary Education (23 Ill. Adm. Code 20)
-First Notice Published: 37 Ill. Reg. 4606 – 4/12/13
-Expiration of Second Notice: 9/28/13

6. Standards for Endorsements in the Middle Grades (23 Ill. Adm. Code 21)
-First Notice Published: 37 Ill. Reg. 4633 – 4/12/13
-Expiration of Second Notice: 9/28/13

7. Educator Licensure (23 Ill. Adm. Code 25)
-First Notice Published: 37 Ill. Reg. 4671 – 4/12/13
-Expiration of Second Notice: 9/28/13

8. Standards for Certification in Early Childhood Education and Elementary Education (23 Ill. Adm. Code 26)
-First Notice Published: 37 Ill. Reg. 4705 – 4/12/13
-Expiration of Second Notice: 9/28/13

9. Standards for Certification in Specific Teaching Fields (23 Ill. Adm. Code 27)
-First Notice Published: 37 Ill. Reg. 4710 – 4/12/13
-Expiration of Second Notice: 9/28/13

10. New Teacher Induction and Mentoring (23 Ill. Adm. Code 65)
-First Notice Published: 37 Ill. Reg. 7356 – 5/31/13
-Expiration of Second Notice: 9/28/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

11. Agricultural Education Program (23 Ill. Adm. Code 75)
    -First Notice Published: 37 Ill. Reg. 7363 – 5/31/13
    -Expiration of Second Notice: 9/28/13

12. Calculation of Excess Cost under Section 18-3 of the School Code (23 Ill. Adm. Code 140)
    -First Notice Published: 37 Ill. Reg. 7380 – 5/31/13
    -Expiration of Second Notice: 9/28/13

13. Illinois Hope and Opportunity Pathways through Education Program (23 Ill. Adm. Code 210)
    -First Notice Published: 37 Ill. Reg. 7385 – 5/31/13
    -Expiration of Second Notice: 9/28/13

14. Special Education (23 Ill. Adm. Code 226)
    -First Notice Published: 37 Ill. Reg. 4735 – 4/12/13
    -Expiration of Second Notice: 9/28/13

15. Transitional Bilingual Education (23 Ill. Adm. Code 228)
    -First Notice Published: 37 Ill. Reg. 7400 – 5/31/13
    -Expiration of Second Notice: 9/28/13

Financial and Professional Regulation

16. Interior Design Profession Title Act (68 Ill. Adm. Code 1255)
    -First Notice Published: 37 Ill. Reg. 8089 – 6/21/13
    -Expiration of Second Notice: 9/22/13

17. The Illinois Landscape Architecture Act of 1989 (68 Ill. Adm. Code 1275)
    -First Notice Published: 37 Ill. Reg. 8103 – 6/21/12
    -Expiration of Second Notice: 9/22/13

18. Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)
    -First Notice Published: 37 Ill. Reg. 8171 – 6/28/13
    -Expiration of Second Notice: 10/4/13

Health Facilities and Services Review Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

19. Narrative and Planning Policies (77 Ill. Adm. Code 1100)
-First Notice Published: 37 Ill. Reg. 3934 – 4/5/13
-Expiration of Second Notice: 10/9/13

20. Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
-First Notice Published: 37 Ill. Reg. 3982 – 4/5/13
-Expiration of Second Notice: 10/9/13

Human Services

21. Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 Ill. Adm. Code 750)
-First Notice Published: 37 Ill. Reg. 479 – 1/18/13
-Expiration of Second Notice: 10/12/13

22. Admission Procedures (89 Ill. Adm. Code 755)
-First Notice Published: 37 Ill. Reg. 7860 – 6/14/13
-Expiration of Second Notice: 10/12/13

Natural Resources

23. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
-First Notice Published: 37 Ill. Reg. 7892 – 6/14/13
-Expiration of Second Notice: 9/29/13

24. Grant Review and Processing Fees (17 Ill. Adm. Code 3000)
-First Notice Published: 37 Ill. Reg. 2843 – 3/15/13
-Expiration of Second Notice: 9/25/13

25. Abandoned Mined Lands Reclamation (63 Ill. Adm. Code 2501)
-First Notice Published: 37 Ill. Reg. 7924 – 6/14/13
-Expiration of Second Notice: 9/29/13

Pollution Control Board

26. Groundwater Quality (35 Ill. Adm. Code 620)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

-First Notice Published: 37 Ill. Reg. 6123 – 5/10/13
-Expiration of Second Notice: 10/10/13

Public Health

27. Hearing Instrument Consumer Protection Code (77 Ill. Adm. Code 682)
-First Notice Published: 37 Ill. Reg. 7713 – 6/7/13
-Expiration of Second Notice: 9/22/13

28. Swimming Facility Code (77 Ill. Adm. Code 820)
-First Notice Published: 37 Ill. Reg. 8223 – 6/28/13
-Expiration of Second Notice: 10/3/13

29. Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
-First Notice Published: 36 Ill. Reg. 17308 – 12/14/12
-Expiration of Second Notice: 9/22/13

State Police

30. Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)
-First Notice Published: 37 Ill. Reg. 9462 – 7/5/13
-Expiration of Second Notice: 10/5/13

Transportation

31. Chief Procurement Officer for the Department of Transportation – Contract Procurement (44 Ill. Adm. Code 6)
-First Notice Published: 37 Ill. Reg. 8051 – 6/21/13
-Expiration of Second Notice: 9/20/13

EMERGENCY RULEMAKINGS

Commerce and Economic Opportunity

32. Enterprise Zone and High Impact Business Programs (Emergency Repeal of Emergency Amendments) (14 Ill. Adm. Code 520)
-First Notice Published: 37 Ill. Reg. 13457 – 8/16/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

33. Enterprise Zone and High Impact Business Programs (14 Ill. Adm. Code 520)
-First Notice Published: 37 Ill. Reg. 13502 – 8/16/13

Commerce Commission

34. Qualifying Infrastructure Plant Surcharge (83 Ill. Adm. Code 556)
-First Notice Published: 37 Ill. Reg. 13567 – 8/16/13

Healthcare and Family Services

35. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 37 Ill. Reg. 14196 – 9/6/13

36. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
-First Notice Published: 37 Ill. Reg. 13589 – 8/16/13

PEREMPTORY RULEMAKING

Central Management Services

37. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 37 Ill. Reg. 13762 – 8/23/13

38. Pay Plan (80 Ill. Adm. Code 310)
-First Notice Published: 37 Ill. Reg. 14219 – 9/6/13

EXPEDITED CORRECTIONS

Healthcare and Family Services

39. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-Notice of Correction: 37 Ill. Reg. 14302 – 9/6/13

AGENCY RESPONSES

Central Management Services

40. Business Enterprise Program: Contracting with Businesses Owned and Controlled by

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10)
-First Notice Published: 37 Ill. Reg. 3460 – 3/29/13
-Objection Date: 8/13/13
-Agency Response: Withdraw

Commerce and Economic Opportunity

41. Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528)
-First Notice Published: 36 Ill. Reg. 9823 – 7/13/12
-Recommendation Date: 7/9/13
-Agency Response: Agreement

Public Health

42. Child Health Examination Code (77 Ill. Adm. Code 665)
-First Notice Published: 37 Ill. Reg. 60 – 1/4/13
-Objection Date: 7/9/13
-Agency Response: Agreement

43. Immunization Code (77 Ill. Adm. Code 695)
-First Notice Published: 37 Ill. Reg. 77 – 1/4/13
-Objection Date: 7/9/13
-Agency Response: Agreement

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of $50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.

2. Name of Contributor: Carle Clinic Association, P.C., Health Alliance Medical Plans, Inc.

3. Date of Violation: January 4, 2010

4 Description of Violation: Carle Clinic Association, P.C., an affiliated entity of Health Alliance Medical Plans, Inc. ("Health Alliance") at the time, made a contribution of $250.00 to the "Dillard for Governor" political committee on January 4, 2010. Kirk W. Dillard was a declared candidate for the office of Governor from October 26, 2009 through February 2, 2010. At the time of the contribution, Health Alliance had in place active contracts with the Department of Healthcare and Family Services, the total annual value of which exceeded $50,000.

5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for General Services has notified Health Alliance of the apparent violation, reviewed responsive material provided by Health Alliance, and has considered the value, status, and necessity of the contracts with Health Alliance. In addition, the Chief Procurement Officer has taken into consideration the recognition by Health Alliance of the violation and its understanding of the necessity to prevent such contributions in the future. The Chief Procurement Officer has found that voiding affected contracts, bids or proposals would not be in the best interest of the State.

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

As required by Section 50-37(e) of the Procurement Code, the Dillard for Governor campaign is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the Illinois Register: 5 ILCS 100/5-70(c)

2. Summary of information: In accordance with Public Act 98-104, the Department of Healthcare and Family Services will submit a State plan amendment seeking approval to make Medicaid enhancement payments to qualified academic medical centers meeting specific criteria outlined in 305 ILCS 5/5-5e.2 and 305 ILCS 5/5-32 of the Illinois Public Aid Code. This proposal will be submitted no later than September 20, 2013.

   The payments will be funded solely by donations and grants received from private and public colleges and universities. Total payments in FY14 cannot exceed $28 million. This proposal is not projected to incur any new State costs.

3. Name and address of contact information:

   Bureau of Program and Reimbursement Analysis
   Division of Medical Programs
   Healthcare and Family Services
   201 South Grand Avenue East
   Springfield, IL 62763-0001
   E-mail address: bpra@illinois.gov

   Interested persons may review these proposed changes on the HFS Public Involvement Web page <http://www2.illinois.gov/hfs/PublicInvolvement/>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

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 August 27, 2013 through September 3, 2013. The rulemakings are scheduled for review at the Committee's September 17, 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
10/10/13	Pollution Control Board, Groundwater Quality (35 Ill. Adm. Code 620)	5/10/13 37 Ill. Reg. 6123	9/17/13
10/12/13	Department of Human Services, Role of Residential Educational Facilities Operated by the Illinois Department of Human Services (89 Ill. Adm. Code 750)	1/18/13 37 Ill. Reg. 479	9/17/13
10/12/13	Department of Human Services, Admission Procedures (89 Ill. Adm. Code 755)	6/14/13 37 Ill. Reg. 7860	9/17/13

PROCLAMATIONS

2013-319
Emmett Sefton Day & Farm Progress Days

WHEREAS, the State of Illinois is uniquely suited to produce an abundance of agricultural products and is a national and world leader in the production and export of many of these agricultural goods; and,

WHEREAS, our businesses, producer associations, and universities partner to drive agricultural technology into the future, while our regulatory agencies ensure product and transaction quality; and,

WHEREAS, Illinois is home to a thriving agricultural industry, including staple crops like corn and soybeans; specialty crops like pumpkins and horseradish; livestock such as hogs, cattle, sheep and goats; as well as ancillary agribusiness companies that support local farmers and manufacture their products -so it is no wonder that the Land of Lincoln is home to one of the largest agricultural events in the world, the Bi-Annual Farm Progress Show in Decatur, which is our nation's largest outdoor farm show; and,

WHEREAS, the foundation of the enormous agriculture industry is the farmer, and no one understood this better than Emmett Sefton of Mount Zion, Illinois, who was pivotal in securing Decatur as the host city of the Farm Progress Show through his role on the Richland Agriculture Advisory Committee; and,

WHEREAS, Emmett Sefton, a farmer himself, was one of agriculture's fiercest advocates, serving as President of the Macon County Farm Bureau from 1979-1985, as well as a member of the Corn Growers Board, Heritage Grain Elevator Board, the American Soybean Board, and the County Farm Service Agency Committee; and,

WHEREAS, Emmett was not only an advocate for the agricultural industry, but also a leader in the community, serving on the Richland Community College Board of Trustees, Macon County Board, the Mount Zion Township Board, as well as participating in the Dalton City American Legion Post #475, 4-H Youth Council, and was a Mason, serving in both the Ansar Shrine and Jesters. He was awarded the Mt. Zion Lions Club Citizen of the Year Award in 2000; and,

WHEREAS, Emmett worked tirelessly on several initiatives and programs that positively impacted many, like Ag in the Classroom, which connected schoolchildren with farmers to teach them about agriculture and promoted agriculture education across the state and country. Through his work as an advocate he touched many lives and represented the State of Illinois admirably in all that he did; and,

WHEREAS, Emmett Sefton passed away in June, and although he is no longer with us, his generous spirit, passion for agriculture, and dedication to his community will serve as a foundation for the future of agriculture in Macon County, the State of Illinois, and the country; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 28, 2013 as **EMMETT SEFTON DAY** and August 27-29, 2013 as **FARM PROGRESS DAYS** in Illinois, in memory of Emmett's love for agriculture, and its importance as part of our local, state and national heritage.

Issued by the Governor August 19, 2013
Filed by the Secretary of State September 3, 2013

2013-320
Chamber of Commerce Week

WHEREAS, chambers of commerce work with businesses, merchants, and industry to advance the civic, economic, industrial, professional and cultural life of the State of Illinois; and,

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 175 years since the founding of the Galena Chamber of Commerce in 1838; and,

WHEREAS, this year marks the 94th anniversary of the founding of the Illinois Chamber of Commerce, the state's leading broad-based business organization; and,

WHEREAS, the chamber of commerce and its members provide citizens with a strong business environment that increases employment, retail trade and commerce, and industrial growth in order to make the State of Illinois a better place to live; and,

WHEREAS, the chamber of commerce encourages the growth of existing industries, services, and commercial firms and also encourages new firms and individuals to locate in the State of Illinois; and,

WHEREAS, the State of Illinois is home to international chambers of commerce, the Great Lakes Region Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce and more than 400 local chambers of commerce; and,

WHEREAS, this year marks the 98th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for the chamber of commerce professionals; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, proclaim September 9-13, 2013, as **CHAMBER OF COMMERCE WEEK** in Illinois, and encourage all citizens to recognize the important role that chambers of commerce play in the economic well being of their communities.

Issued by the Governor August 20, 2013
Filed by the Secretary of State September 3, 2013

2013-321
Food Pantry Awareness Day

WHEREAS, over 1.9 million residents of Illinois are considered food insecure, which means that they do not have regular access to nutritious food; and,

WHEREAS, in the United States more than one out of five children lives in a household with food insecurity; and,

WHEREAS, according to the United States Department of Agriculture, 16.7 million children under the age of 18 in the United States are afflicted with food insecurity; and,

WHEREAS, food insecurity is associated with a variety of negative health outcomes including lower scores on physical and mental health exams, cardiovascular risk factors, and increased risk of developing diabetes and other chronic diseases such as hypertension; and,

WHEREAS, food insecurity in adults has been demonstrated to cause mental health issues and human behavior problems; and,

WHEREAS, children growing up in food-insecure families are vulnerable to stunted development, poor health, behavioral issues, social difficulties, and low academic achievement; and,

WHEREAS, as a result of the rising cost of food and housing, many of our neighbors have found themselves turning to food pantries to supply them with the nutritious food that they need to keep themselves and their families healthy; and,

WHEREAS, the goal of Food Pantry Awareness Day is to promote awareness of hunger across Illinois and recognize the critical role of food pantries in providing food to those who are in need; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 24, 2013 as **FOOD PANTRY AWARENESS DAY** in Illinois, are urge all businesses and residents to support their local food pantries with donations.

Issued by the Governor August 20, 2013
Filed by the Secretary of State September 3, 2013

2031-322
National Gymnastics Day

WHEREAS, gymnastics provides a great foundation for building strength, flexibility, and fitness and also for life skills like enhancing self-esteem and developing goal-setting abilities; and,

WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, and its member clubs across the country annually celebrate National Gymnastics Day to showcase the sport of gymnastics and to encourage and promote physical fitness and healthy lifestyles among our nation's youth; and,

WHEREAS, National Gymnastics Day seeks to promote the value of physical fitness and good nutrition for everyone, regardless of age, gender, and ability level; and,

WHEREAS, in support of National Gymnastics Day, gymnastics clubs across the United States partner with USA Gymnastics to heighten the visibility of the sport and encourage participation at the grassroots level; and,

WHEREAS, National Gymnastics Day also aims to serve the greater community good by raising funds for the Children's Miracle Network to provide comfort and assistance to children who are unable to provide for themselves; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 21, 2013 as **NATIONAL GYMNASTICS DAY** in Illinois, and encourage citizens of the state to support the worthy efforts of USA Gymnastics.

Issued by the Governor August 20, 2013
Filed by the Secretary of State September 3, 2013

2013-323
Adult Day Services Week

WHEREAS, adult day centers are structured, comprehensive programs that offer a variety of support services for the purpose of providing personal attention and promoting social, physical and emotional well-being in a supportive setting; and,

WHEREAS, adult day services centers in Illinois provide care with professionalism and compassion; and,

WHEREAS, as a result of adult day centers, functionally and cognitively impaired adults are able to receive needed care and services in a community environment; and,

WHEREAS, adult day centers offer participants an opportunity for enriching educational, therapeutic and social experiences outside the home; and,

WHEREAS, these centers provide much-needed assistance and counseling to caregivers; and,

WHEREAS, the State of Illinois proudly joins the Illinois Adult Day Service Association in designating September 15-21, 2013, as Adult Day Services Week; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 15-21, 2013 as **ADULT DAY SERVICES WEEK** in Illinois, and encourage all citizens to honor and celebrate these noble caregivers and the communities they enrich.

Issued by the Governor August 21, 2013
Filed by the Secretary of State September 3, 2013

2013-324
Mental Health Awareness Day

WHEREAS, mental health disorders and depression effect people from all walks of life without regard for age, gender, race, or socioeconomic status; and,

WHEREAS, The American Foundation for Suicide Prevention, established in 1987, is an organization dedicated to the prevention of suicide through research, education, and advocacy for those with mental disorders. They also reach out to those impacted by suicide; and,

WHEREAS, the American Foundation for Suicide Prevention has reached out to over one million citizens, and provided resources and training in hundreds of high schools on the topics of depression, mental illness, and suicide; and,

WHEREAS, this is made possible by money raised from the "Out of the Darkness Community Walks," five-mile community walks which takes place annually and are designed to bring to light issues surrounding depression and mental illness; and,

WHEREAS, the Illinois "Out of the Darkness Chicagoland Community Walk" will take place on Saturday, October 26, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 26, 2013 as **MENTAL HEALTH AWARENESS DAY** in Illinois in support of the American Foundation for Suicide Prevention "Out of the Darkness Chicagoland Community Walk", and encourage all citizens to remember the importance of mental health and learn to recognize the signs of depression and suicide.

Issued by the Governor August 21, 2013
Filed by the Secretary of State September 3, 2013

2013-325
Johnny B Day

WHEREAS, the State of Illinois is a major staging area for top local radio talent and the best of national radio personalities; and,

WHEREAS, Jonathon Brandmeier, also known as "Johnny B," is a radio superstar whose humor, indomitable spirit, and sharp wit have captivated listeners across Chicago and the nation; and,

WHEREAS, Johnny B's radio career began at age 15 with WFON-FM in his hometown of Fond du Lac, Wisconsin. By 18, his demo tapes helped him obtain a job at WOSH-AM in Oshkosh; and,

WHEREAS, over the past 40 years, Johnny B has taken to the airwaves in Oshkosh, Appleton, Rockford, Milwaukee, Los Angeles, San Jose, Phoenix, and Chicago; and,

WHEREAS, Johnny B's career has stretched from the era of transistor radios to podcasts; and,

WHEREAS, though Johnny B is about to embark on a new adventure at WGN's groundbreaking "virtual FM" station, he has previously manned booths at WLUP-AM/FM, WCKG-FM, and WGN-AM; and,

WHEREAS, Johnny B has consistently led the ratings for both morning and afternoon slots; and,

WHEREAS, Johnny B's band, Johnny and the Leisure Suits, has performed in local bars and concert venues for decades in the Midwest, becoming a top draw and setting attendance records throughout the region; and,

WHEREAS, Johnny and the Leisure Suits have worked with Governor Pat Quinn to send pizzas to soldiers in Iraq and Afghanistan through the "Pizzas for Patriots" project; and,

WHEREAS, Johnny B is a multi-year winner of the Billboard Magazine Radio Personality Award, winner of Gavin Report's Air Personality of the Year, and the Chicago Tribune Reader's Poll voted him the "Best Radio Personality" for six consecutive years. In addition, The National Association of Broadcasters gave him the prestigious Marconi Award for "Major Market Air Personality of the Year"; and,

WHEREAS, Johnny B will always be the North Star that leads us when it comes to Chicago radio; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 23, 2013 as **JOHNNY B DAY** in Illinois, in recognition of his tremendous success and contributions to the entertainment industry as a magnetic radio personality.

Issued by the Governor August 22, 2013
Filed by the Secretary of State September 3, 2013

2013-326
David Diaz Day

WHEREAS, the State of Illinois has a long, rich athletic history, and a number of prominent athletes hail from the Land of Lincoln; and,

WHEREAS, one such athlete is David "Dangerous" Diaz, an American boxer in the lightweight division, who was born on June 7, 1976, in Chicago, Illinois; and,

WHEREAS, David Diaz has been married to his wife, Tanya, since 2003, and the couple have three beautiful sons: David, Elias, and Silas; and,

WHEREAS, the youngest of nine children, David Diaz started boxing at the age of 8 when his father took him to the gym where he sparred. He immediately fell in love with the sport, and has been boxing ever since; and,

WHEREAS, with his dazzling jabs, powerful left hand, and aggressive style, David Diaz accumulated an impressive career record of 36-4-1, with 17 KOs; and,

WHEREAS, some of the highlights of David Diaz's career include being a WBC lightweight world champion, a 1993-1996 National Golden Gloves amateur champion, and the 1992 National Jr. Olympic amateur champion; and,

WHEREAS, though he announced his retirement from the sport of boxing at the age of 35, after 15 years as a professional, David Diaz continues to serve as a role-model for everyone in Chicago, proving that with hard work, determination, and fortitude, anything is possible; and,

WHEREAS, David Diaz's personality was formed in Chicago, and, despite his remarkable accomplishments, he has always remained loyal to his hometown; and,

WHEREAS, on September 8, 2013, David Diaz will be a special guest at the Little Village Chamber of Commerce's VIP Breakfast; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 8, 2013, as **DAVID DIAZ DAY** in Illinois, in recognition of his successes as a boxer and commitment to the Land of Lincoln.

Issued by the Governor August 26, 2013
Filed by the Secretary of State September 3, 2013

2013-327
Maestro Cares Foundation Day

WHEREAS, the Maestro Cares Foundation was launched in January 2012 by international pop icon Marc Anthony and entrepreneur Henry Cardenas; and,

WHEREAS, for almost two years, the Maestro Cares Foundation has been dedicated to its mission of improving the quality of life for needy and orphaned children throughout Latin America by providing housing, classrooms, health clinics, dining, and recreational facilities; and,

WHEREAS, in November 2012, the Maestro Cares Foundation celebrated the groundbreaking of Orfanato Niños de Cristo, an orphanage in La Romana, Dominican Republic, which will consist of a residence and learning center and is set to open in the spring of 2014; and,

WHEREAS, the Maestro Cares Foundation's leadership in the community and its dedication to supporting charitable activities are well recognized and have positively impacted many Latinos; and,

WHEREAS, the successes of the Maestro Cares Foundation are a tribute to its hard working employees, volunteers, and donors who are committed to bettering children's lives and making the world a better place; and,

WHEREAS, the Maestro Cares Foundation is gaining momentum, adapting and developing creative strategies for helping Latin America's children; and,

WHEREAS, it is fitting that Maestro Cares Foundation's office is in Illinois, a state with a thriving Latino population that has made vast contributions to the Land of Lincoln's economic and cultural vitality; and,

WHEREAS, seven-time Emmy Award-winning John Quinones will serve as Master of Ceremonies for the Maestro Cares Foundation's fundraiser on Monday, September 9th, from 7:00 to 11:00 pm at Y-Bar in Chicago's River North area; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 9, 2013 as **MAESTRO CARES FOUNDATION DAY** in Illinois, in support of the Maestro Cares Foundation and in recognition of tonight's event, which I hope will provide an abundance of resources for this worthy organization.

Issued by the Governor August 26, 2013
Filed by the Secretary of State September 3, 2013

2013-328
Helping Citizens with Intellectual Disabilities Days

WHEREAS, an intellectual disability is defined as a disorder caused by cerebral palsy, epilepsy, autism, or any other condition which results in impairment of, or lack of, normal development of intellectual capacities. An intellectual disability originates before the age of 18 and is expected to continue indefinitely; and,

WHEREAS, approximately 1.5 percent of the U.S. population is afflicted with an intellectual disability. Due to the early onset and debilitating nature of these disorders, many more children are affected than adults; and,

WHEREAS, one of the main purposes of the Knights of Columbus, a fraternal order with 1.8 million members around the world, is to support various charitable causes that seek to make our families and communities stronger. It has donated more than $1.3 billion and volunteered over 640 million hours of service in the past decade; and,

WHEREAS, the Illinois State Council of the Knights of Columbus will hold their 44th Annual Fund Drive on September 20-22, 2013 to benefit programs that serve individuals with intellectual disabilities, distributing the funds they raise to more than 1,200 organizations throughout Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 20-22, 2013 as **HELPING CITIZENS WITH INTELLECTUAL DISABILITIES DAYS** in Illinois, in support of the Illinois State Council of the Knights of Columbus' worthy efforts, and encourage all citizens to do what they can to assist those who are affected by intellectual disabilities.

Issued by the Governor August 27, 2013
Filed by the Secretary of State September 3, 2013

2013-329
Illinois Arts & Humanities Month

WHEREAS, the arts and humanities are the embodiment of all things beautiful and entertaining in the world -- the enduring record of human achievement; and,

WHEREAS, the arts and humanities enhance every aspect of life in Illinois -- improving our economy, enriching our civic life, driving tourism, and exerting a profound positive influence on the education of our children; and,

WHEREAS, the nonprofit arts and cultural sector also strengthens our economy by generating $2.75 billion in total economic activity annually and by supporting 78,000 full-time-equivalent jobs; and,

WHEREAS, arts education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, we use the humanities -- history, literature, philosophy -- to explore what it means to be human; and,

WHEREAS, the arts and humanities play a unique and intrinsically valuable role in the lives of our families, our communities, and our state; and,

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **ILLINOIS ARTS & HUMANITIES MONTH** and call upon all citizens to explore, celebrate and participate in the arts and culture in the Land of Lincoln.

Issued by the Governor August 27, 2013
Filed by the Secretary of State September 3, 2013

2013-330
National Preparedness Month

WHEREAS, National Preparedness Month creates an opportunity for every resident of Illinois to prepare their homes, businesses and communities for any type of emergency, including natural disasters and potential terrorist attacks; and,

WHEREAS, investing in the preparedness of ourselves, our families, businesses and communities can reduce fatalities and economic devastation in our communities and state; and,

WHEREAS, the Illinois Emergency Management Agency is joining with the Federal Emergency Management Agency's Ready Campaign and other federal, state, local, private and volunteer

agencies to encourage action towards better preparedness and educate individuals about the importance of preparing for emergencies; and,

WHEREAS, emergency preparedness is the responsibility of every resident of Illinois and all residents are urged to make preparedness a priority and work together to ensure that individuals, families and communities are prepared for disasters and emergencies of any type; and,

WHEREAS, all residents of Illinois are encouraged to visit the Ready Illinois website at www.Ready.Illinois.gov for information that will help them take steps to be more prepared; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim September 2013 as **NATIONAL PREPAREDNESS MONTH** in Illinois, and encourage all residents and businesses to develop emergency preparedness plans and work together towards creating a more prepared community and state.

Issued by the Governor August 27, 2013
Filed by the Secretary of State September 3, 2013

2013-331
SkillUSA Illinois Week

WHEREAS, the proper education of today's youth is a concern of all Americans; and,

WHEREAS, the Illinois Association of SkillsUSA is dedicated to the advancement of proper education, training and development of America's youth; and,

WHEREAS, over the past 50 years, the Illinois Association of SkillsUSA has helped advance awareness of the importance of career and technical education as an integral part of the education curriculum; and,

WHEREAS, the Illinois Association of SkillsUSA's mission is to empower its members to become world class workers, leaders and responsible American citizens, through its program of work for high school and college students in leadership, teamwork, citizenship and character development.

WHEREAS, working closely with business, industry and labor sponsors, SkillsUSA provides local, regional and state activities and competitions to help enhance the technical and employability skills of its members ;and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 30 - April 5, 2013 as **SKILLSUSA ILLINOIS WEEK** in Illinois in recognition of the contributions made by this organization to the education of our youth.

Issued by the Governor August 27, 2013
Filed by the Secretary of State September 3, 2013

2013-332
Bishop Charles E. Davis Day

WHEREAS, Bishop Charles E. Davis serves as Pastor of the Indiana Avenue Pentecostal Church of God; and,

WHEREAS, Bishop Davis is a loving husband who married Ms. Jessie Belle Davis on November 28, 2004; and,

WHEREAS, as the diocesan of the Six Episcopal District of the Pentecostal Assemblies of the World, Bishop Davis has held many important decision making positions for this organization; and,

WHEREAS, Bishop Davis is the recipient of a Bachelor of Liberal Arts, Bachelor of Bible, Master of Theology, and Doctorate of Divinity. In addition, he has received several awards of recognition throughout his lifetime; and,

WHEREAS, Bishop Davis is a man of strong faith, fortitude, and vision who has positively impacted many lives through his service in ministry and dedication to the community; and,

WHEREAS, the Indiana Avenue Pentecostal Church family will honor and celebrate the 90th birthday of its beloved pastor, Bishop Davis, on October 11, 2013; and,

WHEREAS, birthdays are an excellent time to recount the many achievements and memories you have accumulated during your lifetime; and,

WHEREAS, as a long-time loving family member, friend, neighbor, and pastor, Bishop Davis has touched many lives, inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, the citizens of the Land of Lincoln are pleased to extend their best wishes to Bishop Davis for a very happy 90th birthday celebration; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 11, 2013 as **BISHOP CHARLES E. DAVIS DAY** in Illinois, in recognition of his commitment and dedication to making the world a better place, and in celebration of his 90th birthday.

Issued by the Governor August 29, 2013
Filed by the Secretary of State September 3, 2013

2013-333
Lifeline Awareness Week

WHEREAS, in today's highly interconnected world, telephones provide a lifeline to emergency help and a vital link to government services, community resources, friends and family; and,

WHEREAS, not everyone can afford the cost of a home telephone; and,

WHEREAS, a number of our nation's households still do not have telephone service in their homes; and,

WHEREAS, the Federal Communications Commission (FCC) and the Illinois Commerce Commission have joined with UTAC in a collaborative effort to make telephone service more affordable for the nation's low-income consumers by providing a discount on the connection fee and monthly charges for local telephone service; and,

WHEREAS, the Lifeline Assistance programs offer tremendous benefits for eligible consumers in America and make basic telephone service more affordable; and,

WHEREAS, the Lifeline program provides a discount to eligible low-income customers on their monthly phone bill; and,

WHEREAS, the FCC has established Enhanced Lifeline programs for Tribal Lands and recently updated its rules governing Lifeline program eligibility and non-duplication of support; and,

WHEREAS, consumers should not be without local phone service because they cannot afford it, and therefore the promotion of Lifeline is imperative to ensure that all U.S. citizens have access to affordable basic local telephone service; and,

WHEREAS, the FCC, the National Association of Regulatory Utility Commissioners (NARUC), the National Association of State Utility Consumer Advocates (NASUCA), other state and federal

agencies, cities, counties, organizations and telecommunications companies are committed to increasing awareness about the availability of the Lifeline programs and are encouraging eligible citizens to sign up for the programs; and,

WHEREAS, the FCC, NARUC, and NASUCA have joined together to design and implement a comprehensive outreach plan to promote Lifeline subscribership; and,

THEREFORE, I Pat Quinn, Governor of the state of Illinois, do hereby proclaim the week of September 9-15, 2013, **LIFELINE AWARENESS WEEK** in Illinois and urge citizens who may be eligible for this important service to contact local telephone companies about establishing vital telecommunication service with a new telephone.

Issued by the Governor August 29, 2013
Filed by the Secretary of State September 3, 2013

2013-334
Rett Syndrome Awareness Month

WHEREAS, Rett syndrome is a debilitating neurological disorder, caused by mutations in the gene MECP2, located on the X chromosome, that is diagnosed almost exclusively in females; and,

WHEREAS, Rett syndrome, which affects approximately 1 in every 10,000 to 23,000 female births, was originally described by Dr. Andreas Rett of Austria in 1966; and,

WHEREAS, infants with Rett syndrome often avoid detection until 6–18 months due to a relatively normal appearance and some developmental progress, but then this brief period of developmental progress is followed by stagnation and regression of previously acquired skills; and,

WHEREAS, Rett syndrome causes problems in brain function that are responsible for cognitive, sensory, emotional, motor and autonomic function. These can include learning, speech, sensory sensations, mood, movement, breathing, cardiac function, and even chewing, swallowing, and digestion; and,

WHEREAS, currently no cure for exists for Rett syndrome, but many symptoms of the disorder can be managed with medications and occupational, speech, and physical therapy; and,

WHEREAS, Rett syndrome remains little known in the general public, even within the medical community; and,

WHEREAS, Rett syndrome presents many challenges, but with support, therapy and assistance, those with the syndrome can benefit from school and community activities well into middle age and beyond; and,

WHEREAS, the International Rett Syndrome Foundation (IRSF) is a non-profit corporation dedicated to funding research for treatments and a cure for Rett syndrome while enhancing the overall quality of life for those living with Rett syndrome by providing information, programs, and services; and,

WHEREAS, October has been designated by the IRSF as Rett Syndrome Awareness Month. Throughout the month, the organization and its state and local affiliates will hold events designed to raise public awareness of Rett syndrome and provide support for individuals and families coping with the daily challenges of living with the disorder:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 2013 as **RETT SYNDROME AWARENESS MONTH** in Illinois, to raise awareness of this disorder, to recognize the families affected by Rett syndrome, and in support of the important work of the International Rett Syndrome Foundation.

Issued by the Governor August 29, 2013
Filed by the Secretary of State September 3, 2013

2013-335
Illinois Flag Display Act – Corporal Donald MacLean

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of the armed forces who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day these men and women face great risks and put their safety on the line to perform their duties; and,

WHEREAS, in November 1950, Corporal Donald MacLean and elements of the 31st Regimental Combat Team, historically known as Task Force Faith, were deployed along the east side of the Chosin Reservoir near the P'ungnyuri, Inlet, in North Korea, when they were attacked by enemy forces; and,

WHEREAS, on December 1st, 1950, the 31st Regimental Combat Team began a fighting withdrawal to a more defensible position near Hagaru-ri, south of the reservoir; and,

WHEREAS, on December 2, 1950, during the withdrawal, Corporal Donald MacLean was reported missing; and,

WHEREAS, on August 27, 2013, the Department of Defense POW/Missing Personnel Office announced that the remains of Corporal Donald MacLean were positively identified and would be returned to his family for burial with full military honors; and,

WHEREAS, Corporal Donald MacLean was a resident of McHenry County, Illinois, where he was a valuable member of the community; and,

WHEREAS, throughout his career as a proud member of the United States Army, Corporal Donald MacLean represented the State of Illinois admirably; and,

WHEREAS, a burial with full military honors will be held on Saturday, August 31, 2013, at Windridge Memorial Park Cemetery for Corporal Donald MacLean, who is survived by his loving sister, Donna, and other loving family members; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff immediately until sunset on Saturday, August 31, 2013, in honor and remembrance of Corporal Donald MacLean, whose selfless service and sacrifice is an inspiration.

Issued by the Governor August 30, 2013
Filed by the Secretary of State September 3, 2013

ILLINOIS ADMINISTRATIVE CODE
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